7.1.1. The children are the wealth of a Nation and need to be looked after them as a protected property. That they should develop in a free and healthy surrounding and become notable citizens is the responsibility of the Government and towards that object in view the Government of different States passed Children Acts. These acts were replaced by a uniform central enactment known as the "Juvenile Justice Act, 1986" to deal with the problems of Juvenile Delinquency. A statement of the objects and reasons of this legislation which was made before Lokh-Sabha on 22nd August, 1986 (Vide Bill No. 103 of 1986) was as follows:

A review of the working of the existing Children Acts would indicate that much greater attention is required to be given to children who may be found in situations of social maladjustment, delinquency or neglect. The justice system as available for adults is not considered suitable for being applied to juvenile. It is also necessary that a uniform juvenile justice system should be available throughout the country which should make adequate provision for dealing with all aspects in the changing social, cultural and economic situation in the country. There is also need for larger involvement of informal systems and community based welfare agencies in the care, protection, treatment, development and rehabilitation of such juveniles. The proposed legislation aims at achieving the following objectives:

1. to lay down a uniform legal framework for juvenile justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up. This is being ensured by establishing Juvenile Welfare Boards and
Juvenile Courts;

(ii) to provide for a specialised approach towards the prevention and treatment of juvenile delinquency in its full range in keeping with the developmental needs of the child found in any situation of social maladjustment;

(iii) to spell out the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children coming within the purview of the juvenile justice system. This is proposed to be achieved by establishing observation homes, juvenile homes for neglected juveniles and special homes for delinquent juveniles;

(iv) to establish norms and standards for the administration of juvenile justice in terms of investigation and prosecution, adjudication and disposition, and care, treatment and rehabilitation;

(v) to develop appropriate linkages and co-ordination between the formal system of juvenile justice and voluntary agencies engaged in the welfare of neglected or socially maladjusted children and to specifically define the areas of their responsibilities and roles;

(vi) to constitute special offences in relation to juveniles and provide for punishments therefor;

(vii) to bring the operation of the juvenile justice system in the country in conformity with the United Nations Standard Minimum Rule for the Administration of Juvenile Justice.

As its various provisions come into force in different parts of the country they would replace the corresponding laws on the subject such as the Children Act, 1960 and other State enactments.
on the subject. This is an Act to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of delinquent juveniles. This Act repeals the Children Act of 1960 and the State laws and brings all the neglected and delinquent juveniles of the Country (except Jammu and Kashmir) under one statutory umbrella. The Preamble of the Act puts forward high aims and objectives of providing for the care, protection, maintenance, welfare, training, education and rehabilitation of the child. The all-round welfare of the child - neglected or delinquent - is the primary objective of this Act. The preamble of this Act is a preliminary statement of the reasons which have made the passing of the statute desirable and its position is immediately after the title and date of Royal assent. The central idea of this legislation is welfare and not punishment.

7.1.2. The main feature of the Act is that under no circumstances the juvenile delinquent should be kept in a police station or in jail. When any juvenile accused of a bailable or non-bailable offence will be brought before a Juvenile court, such juvenile shall be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral danger or that his release would defeat the ends of justice. If he is not released on bail, then the arrested juvenile delinquent shall be kept in observation home or a place of surety.

7.2.1 Who is a juvenile? : The Juvenile Justice Act, 1986 defines a juvenile in the same way as the Children Act of 1960 does a child in Section 2(e) of that Act. As per Section 2(h) of
the said Act, "Juvenile" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years.

According to the scheme of the Act, the following graphic representation of the profiles of juveniles in different situations may be made -

<table>
<thead>
<tr>
<th>Juveniles</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquents</td>
<td>Non-delinquents</td>
</tr>
<tr>
<td>(coming in conflict with law)</td>
<td></td>
</tr>
<tr>
<td>Destitute</td>
<td>Neglected</td>
</tr>
<tr>
<td>(a) Orphaned</td>
<td></td>
</tr>
<tr>
<td>(b) Abandoned</td>
<td></td>
</tr>
<tr>
<td>(1) due to incapacity of parents or guardians to extend love/care/affection/economic benefits;</td>
<td>(a) Child beggar</td>
</tr>
<tr>
<td>(2) due to physical/mental shortcomings.</td>
<td>(b) Child prostitute</td>
</tr>
<tr>
<td></td>
<td>(c) Child abused/exploited (or likely to be so) for immoral/illegal/unconscionable purpose.</td>
</tr>
<tr>
<td></td>
<td>(d) Vagarant</td>
</tr>
<tr>
<td></td>
<td>(e) Association with person leading immoral/drunken/depraved life.</td>
</tr>
</tbody>
</table>

7.3.1 Delinquent Juvenile and Non-delinquent Juvenile:

The Juvenile Justice Act, 1986, deals with two categories of children like its predecessor law (the Children Act, 1960): delinquent juvenile\(^1\) and non-delinquent juvenile\(^2\). A delinquent juvenile is one who has been found to have committed an offence and the neglected juvenile means a juvenile who -

(i) is found begging, or

(ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and

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\(^1\) Section 2(e), The Juvenile Justice Act, 1986 (53 of 1986).
\(^2\) Ibid, Section 2(1).
is destitute;

(iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;

(v) who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain.

7.4.1. CORRECTIONAL INSTITUTIONS:-

Three types of Home for the juveniles covered by the Act have been contemplated: Juvenile Home, Observation Home and Special Home. The accommodation arrangement is as follows:

Home

Juvenile Home  Observation  Special Home  After-care Organisations
(The State Government can establish juveniles for the reception of neglected juveniles (Section 9).
(The State Government may establish special homes for the reception of delinquent juveniles (Section 10).

7.4.2 (1) Juvenile Home

Juvenile homes are meant for the reception of neglected children only, where accommodation,

Ibid, Section 9.
maintenance and facilities for education, vocational training and rehabilitation and development of character and training for protection against moral danger and exploitation will be provided.

7.4.3. (2) Observation Homes⁴: The observation homes are centres for the temporary reception of juveniles during the pendency of enquiry. An observation home (i) may be established and maintained by the State Government, or (ii) may also be recognised as one, the latter being an institution established and maintained by some voluntary organisation. Both the categories of Homes must be run according to rules framed by the State Government. Functions of such homes are to provide (a) accommodation, (b) maintenance and facilities for medical examination and treatment and (c) facilities for useful occupation.

7.4.4. (3) Special Homes⁵: The Special homes are for the reception of delinquent children only. Every special home to which a delinquent juvenile is sent shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

7.4.5. (4) After Care Organisations⁶: After care organisations are being designed as long-term treatment centres. Previously, these were known as Certified Schools, Industrial Schools or Children’s Homes. They are comparable to sanitaria,

⁴ Ibid, Section 11.
⁵ Ibid, Section 10.
⁶ Ibid, Section 12.
convalescence - care homes, child guidance or behaviour clinics, juvenile service bureaux etc. The spirit of the Juvenile Justice Act is that the treatment approach should be more individualised than regimented. These after care Organisations are meant for the care of the child on release from a juvenile home or special home with a view to enabling him to lead an honest, industrious and useful life.

7.4.6. Section 12 of the Juvenile Justice Act, 1986, is analogous to Section 12 of the Children Act, 1960. The scheme of Section 12 of the Juvenile Justice Act, 1986, is that the Probation Officer prepares and submits a report in respect of each neglected/delinquent juvenile prior to his or her discharge from a Juvenile Home or Special Home. This report usually contains particulars about necessity and nature of after-care for such juvenile; the period of such after-care and supervision thereof. The object of such after-care is to enable the juvenile concerned to prepare himself or herself to lead a normal life as an honest, industrious and useful member of the society. Such preparation and acquisition of these qualities would guard him or her against becoming a prey of a neglected or delinquent life. The Probation Officer has to watch the progress of each such juvenile and submit a report thereon from time of time before finally closing the case on satisfactory rehabilitation of the juvenile concerned in the society.

7.5.1. Correctional Agencies: Juvenile Welfare Board and Juvenile Court

The Juvenile Justice Act provides for two agencies viz (1) the Juvenile Welfare Board to deal with neglected juvenile and (2) the Juvenile Court for the delinquent juveniles.
7.5.2. Juvenile Welfare Board⁷:

The Juvenile Welfare Board is primarily concerned with the neglected juveniles. The State Government, by notification in the official Gazette, may constitute one or more such Juvenile Welfare Boards for any area specified therein.

The composition of this Board will be as follows:

- Chairman - One
- Members - As will be appointed by the State Government, but at least one of them will be a Woman.

All of them must have special knowledge of child psychology and child welfare (Section 6(3)).

- Quorum - Absence of any member by itself will not vitiate any order passed by the Board (Section 6(2)).

Procedure :- In the event of difference of opinion, the opinion of the majority, but where there is no majority, the opinion of the Chairman shall prevail (Section 6(1)).

The members of the Board have been vested with the powers of a Metropolitan Magistrate or Judicial Magistrate of the first class. These bodies act as a bench of magistrates. The members must possess special knowledge of child psychology. No other magistrate shall try the cases of neglected and delinquent children but shall transfer the same to the above authorities.

7.5.3. Juvenile Court⁸ :- The Juvenile Court is primarily concerned with the delinquent juveniles. The State Government, by notification in the Official Gazette, may constitute one or more juvenile courts for area specified therein. The composition will be as follows:

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⁷ Ibid, Section 4.
⁸ Ibid, Section 5.
Principal Magistrate - One. He will be a Metropolitan Magistrate or Judicial Magistrate, first class.

Members - Number will be determined by the State Government. They will be Metropolitan Magistrates or Judicial Magistrates, first class.

Panel of Social Workers: Two. Their qualification will be as prescribed. At least one of them will be a woman. All of them must have special knowledge of child psychology and child welfare.

Quorum - Absence of any Magistrate by itself will not vitiate any order passed by the Juvenile Court (Section 6(2)).

Procedure - In the event of difference of opinion, the opinion of majority, but where there is no majority, the opinion of the Principal Magistrate shall prevail (Section 6(1)).

7.6.1. Legal procedures pertaining to neglected Children and delinquent juveniles -

The basic principle involved in legal procedure pertaining to juvenile delinquents and non-delinquent juveniles in India under the above Act, as elsewhere in the advanced countries of the World, is that it should not smack of criminal proceedings. The procedure should be in conformity with the principles that the child should not have the stigma of criminality attached to his behaviour. The Juvenile Court procedure should have no semblance with the procedure of a criminal court but the social atmosphere should be that of a child guidance clinic or a parent counselling service.

7.6.2. The legal procedure as prescribed in the above Act in

* Ibid, Section 6.*
regard to the Juvenile Welfare Board and the Juvenile Court may be summarised as follows:

1. A Board or Court should sit in a building or room different from the usual court or on different days and times and no legal practitioner is allowed to appear before the Court except with special permission.

2. The proceedings will be attended by competent authority, parties to the inquiry, the guardian or parent of the delinquent juvenile or such other persons as the Juvenile Court may permit. The Court may remove any person from attending the proceedings including the police officers, legal practitioners, the guardian or the child himself. No juvenile shall be charged with or tried for, any offence together with a person who is not a juvenile. In Sunil Batra v. Delhi Administration (A.I.R. 1980 Sc 1579 : 1980 Cr.L.J. 1099), V.R. Krishna Iyer, J., observed, The young inmates must be separated and freed from exploitation by adults. It is inhuman and unreasonable to throw young boys to the sex-starved adult prisoners or to run menial jobs for the affluent or tough prisoners. A juvenile who has committed an offence and has been dealt with under the provisions of the Juvenile Justice Act, 1986, shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

3. The Court has the power to compel any parent or guardian to be present in the Court.

4. The personal presence of the juvenile is not mandatory in the Court. The Court has the power to proceed without the actual attendance of the juvenile in the Court.

5. All reports during the course of the enquiry shall...
be deemed as confidential.\textsuperscript{10}

(6) No magazine or newspaper shall disclose the name and address or identity of the juvenile.\textsuperscript{11} They cannot publish any picture of a delinquent juvenile without the permission of the Court. Sometimes, the Court allows if it is in the interest of delinquent juvenile. Anybody contravening such legal prohibition runs the risk of being prosecuted for an offence punishable with fine upto rupees one hundred. Under the English law publication of matters on similar proceedings is regulated by the Judicial Proceedings (Regulation of Reports) Act, 1926.

(7) 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 Juvenile Court, such person shall be released on bail with or without surety but he shall be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral danger or that his release would defeat the ends of justice. If the juvenile is not released on bail, he should be sent to an observation Home or a place of safety during pendency of enquiry or for shorter period. Before production in court, the officer-in-charge of the police station shall also cause him to be kept in an ‘Observation Home’ or place of safety. In no case, he would be detained in a police station or jail. The Court has the power to send a child to a relative or a fit person, living outside the jurisdiction of the Court. In such a situation the child shall be under the jurisdiction of the competent authority at the place of

\textsuperscript{10} Ibid, Section 35.
\textsuperscript{11} Ibid, Section 36.
his residence.

(8) Any person aggrieved by an order made by a competent authority may, within thirty days from the date of such order, prefer an appeal to the Court of Session. In case a child has been acquitted by the Court, no appeal against the order shall be entertained. The same rule applies in the case of a decision that a child is not a neglected child. No second appeal shall lie from an order of the Court of Session passed in appeal.\(^1\)

(9) The High Court can summon any record to examine the validity of an order. No order shall be passed without giving a reasonable opportunity to a person of being heard.

(10) The Juvenile Welfare Board or the Juvenile Court may amend any order as to the institution to which a juvenile is to be sent or as to the person under whose care or supervision a juvenile is to be placed.\(^2\)

(11) The State Government may constitute an Advisory Board to advise it on matters relating to the establishment and maintenance of homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of neglected and delinquent juveniles and co-ordination among the various official and non-official agencies concerned.\(^3\)

7.7.1. Rules Regarding Institutionalisation:

The Juvenile Justice Act, 1986 provides elaborate rules for matters connected with the institutionalisation of neglected and delinquent juveniles. It may be of interest to take note of such matters as follows:\(^4\)

\(^1\) Ibid, Section 37.
\(^2\) Ibid, Section 40.
\(^3\) Ibid, Section 53.
\(^4\) Ibid, Section 46.
(1) The State Government may order a neglected or a
delinquent juvenile to be discharged from the Juvenile Home
or Special Home, either absolutely or on condition. The
Government may order to transfer a delinquent juvenile from
any Home (Juvenile/Special) to any Home or to a Borstal
School as also to a 'fit person' or 'fit institution'.
Similarly, a neglected juvenile may be transferred from one
Juvenile Home to another Juvenile Home (but not to any
Special Home/Borstal school) or to a 'fit person' or 'fit
institution'. In the Children Act, the places for keeping
the neglected/delinquent child were only Children's Home,
Special School and Borstal School. The Special Home
(replacing Special School), 'fit person' and 'fit
institution' are the creation of this Act. The State
Government cannot order transfer of a juvenile from a 'fit
person' or 'fit institution' to any of those Homes/School
nor can order transfer of a neglected juvenile to a Special
Home/Borstal School, but otherwise may order change of place
of their residence. But in doing so, the total period of
stay as ordered by the Competent Authority cannot be
increased. Rather, the State Government may discharge a
juvenile earlier with or without condition from the care of
any person under whom he was placed.

(2) The State Government may direct any neglected
juvenile or delinquent juvenile to be transferred from any
juvenile home or special home within the State to any other
juvenile home, special home or institution of a like nature
in any other State with the consent of the Government of
that State.\(^{14}\)

\(^{14}\) Ibid, Section 47.
(3) A child released on licence may be sent to any institution as provided in the Act. His total period of stay in the institution will not be increased.

(4) Children bearing unsound mind or suffering from leprosy may be transferred to a mental hospital or leper asylum respectively. They may remain there for the remainder of their term or up to the time the medical officer deems it necessary for the treatment of such children. On recovery he may be reverted back to the institution from which he has been received for treatment.\(^\text{17}\)

(5) A child may be released from the correctional institution on licence for a specified period and on conditions and may be permitted to live with any responsible person who is willing to take charge of the child with a view to educate him. The licence may be revoked and the child sent back to the institution. The period spent by the child on licence shall be deemed to be the part of the period he is required to be in the institution.\(^\text{18}\)

(6) Escaped Children - Any police officer may take charge without warrant of a juvenile who has escaped from the Homes or from the care of a person under whom he was placed under this Act and shall send the juvenile back to the special home or the juvenile home or that person, as the case may be; but no penal proceeding would be instituted against him for such escape.\(^\text{19}\)

(7) Contribution by parents - If the parent of a neglected or delinquent juvenile is able to defray his expenses the Court may order such parents to contribute

\(^\text{17}\) Ibid, Section 48.
\(^\text{18}\) Ibid, Section 49.
\(^\text{19}\) Ibid, Section 50.
towards the maintenance of the child in the Home or the School. In the case of an illegitimate child the putative father may be called upon to pay whole or any part of the sum accruing for the maintenance of the juvenile.

(8) A juvenile may be placed under the care of a custodian who shall bring up the juvenile as if he was the parent. But such a custodian is not permitted to get the juvenile married without the previous permission of the competent authority.20

(9) The State Government may nominate not more than three non-officials to be visitors for each of the Homes. Their function will be to periodically visit such Home and to report thereon to the State Government. The State Government would be in a position to keep constant vigil on the Homes with the help of unbiased persons. Such checks and balances are conducive for smooth functioning of any establishment especially of one working in the field of highly sensitive social problem. Provision for visitors is another new concept of this statute.21

(10) The State Government may make rules to carry out the purposes of this Act.22 Such rules may provide for all or any of the following matters, namely:

a) the places at which, the days on which, the time at which, and the manner in which, a competent authority may hold its sittings;

b) the procedure to be followed by a competent authority in holding inquiries and the mode of dealing with juveniles suffering from dangerous diseases or mental

20 Ibid, Section 51.
21 Ibid, Section 54.
22 Ibid, Section 62.
c) the circumstances in which, and the conditions subject to which, an institution may be certified as a special home or a juvenile's home or recognised as an observation home, and the certification or recognition withdrawn;

d) the internal management of special homes, juvenile homes and observation homes and the standards and the nature of services to be maintained by them;

e) the functions and responsibilities of special homes, juvenile homes, and observation homes;

f) the inspection of special homes, juvenile homes, observation homes and after-care organisation;

g) the establishment, management, and functions of after-care organisations; the circumstances in which, and the conditions subject to which an institution may be recognised as an after-care organisation and such other matters as are referred to in section 12;

h) the qualifications and duties of probation officers;

i) the recruitment and training of persons appointed to carry out the purposes of this Act and the terms and conditions of their service;

j) the conditions subject to which a girl who is a neglected or delinquent juvenile may be escorted from one place to another, and the manner in which a juvenile may be sent outside the jurisdiction of a competent authority;

k) the manner in which contribution for the maintenance of a juvenile may be ordered to be paid by a parent or guardian;
1) the officers or authorities by whom, the manner in which and the purpose for which the fund created shall be administered;

m) the conditions under which a juvenile may be placed out on licence and the form and conditions of such licence;

n) the conditions subject to which juveniles may be placed under the care of any parent, guardian or other fit person or fit institution and the obligations of such persons or institutions towards the juveniles so placed;

o) any other matter which has to be, or may be prescribed.

7.8.1.Juvenile Probation:

Juvenile Probation is an integral part of juvenile correction. The Probation Officer is not merely an instrument of juvenile correction but the pivot on which the successful functioning of the system rests. The role of the Probation Officer as prescribed in the Act is as follows:

(1) The Juvenile Homes, Observation Homes, Special Homes, and After-care Organisations are to be periodically inspected by the Probation Officer.

(2) The Probation Officer will undertake an inquiry into the antecedents and family history of the juvenile accused of an offence. The case study so compiled by the Probation Officer facilitates further inquiry by the Juvenile Welfare Board or the Juvenile Court in the case of a neglected or a delinquent juvenile who is the subject of inquiry.

(3) The Probation Officer is called upon to visit neglected and delinquent juveniles at such intervals as he thinks fit in the correction of the juvenile. How much
supervision should go into the correction of the behaviour of his subjects is determined by him.

(4) The Probation Officer shall submit periodical reports to the Board or the Court pertaining to the behaviour of the juvenile.

(5) The Probation Officer shall advise and assist delinquent and neglected juveniles. He is the counsellor and his task is counselling. It is here that the Probation Officer is a case worker and has to effect transference and inter-actions in reshaping the behaviour of his charges.

(6) The Probation Officer is to examine at regular intervals as to whether the conditions on which the juvenile has been released under the care of the guardian, the parent or a fit person are being properly complied with. This is an important function because if probation is a promise it has to be objectively evaluated in the interest of juvenile correction.

(7) In addition to the above mentioned functions and duties the Probation Officer may be called upon to perform such other duties as may be prescribed in the interest of the care and correction of the neglected and delinquent juveniles.

(8) A Probation Officer is a public servant within the meaning of Section 21 of the Indian Penal Code.

7.9.1. In fact, the Juvenile Justice Act, 1986 marks a change of great significance in the measures, methods, procedures and institutions for the correction and rehabilitation of juveniles and youthful offenders in India. It is unfortunate that now most of the States donot have adequate number of Juvenile Home, Observation Home, Special Homes or even Juvenile Court so
much so that children's cases are still tried at adult Courts. -
Until such infrastructure is provided with, the Juvenile Justice
Act would at most remove only those difficulties which might have
arisen due to lack of uniformity in definitions and set of rules.

7.10.1. The Juvenile Justice (West Bengal) Rule, 1983:

Like other States of India mainly Assam, Gujarat etc, the
State Government of West Bengal, in exercise of the powers
conferred by Section 62 of the Act, makes the following rules,
namely :-

Place of sitting, etc., of the competent authority -

1. (a) The competent authority shall hold its sittings on the
premises of an observation home on such days and at such time as
may be fixed by the authority concerned from time to time.
Provided that an observation home does not provide adequate
arrangement for such sittings, the competent authority may hold
such sittings as its own location till adequate arrangements are
made in such observation home.

2. Qualifications, etc., of honorary social workers -

A person to be appointed as an honorary social worker on the
panel appointed by the State Government shall be- (i) a
respectable educated citizen with the background of special
knowledge of child psychology, sociology, social Work, education
or home sciences, or

(b) a teacher, a doctor, a retired public servant or a
professional who is involved in work concerning juveniles;
or

(c) a social worker who has been directly engaged in
child welfare.

3. Procedure to be followed by a competent authority in

23 The Juvenile Justice (West Bengal) Rules, 1983 vide order no.
holding inquiries — The proceedings shall be conducted in as simple a manner as possible and no unnecessary formality shall be observed. Care shall be taken to ensure that the juvenile concerning whom the proceedings have been instituted feels home like atmosphere during the proceedings.

4. The competent authority shall see that the juvenile brought before it is not kept under the close guard of a police officer but sits or stands by himself or in the company of a relative or friend or a probation officer at some convenient place as near to it as possible.

5. Placement under the care of parent or guardian or fit person:

The competent authority making an order placing a juvenile under the care of a parent, guardian or fit person, as the case may be, may direct such parent, guardian or fit person to enter into bond with or without sureties and in such sum of money as the competent authority may think fit to keep juvenile under proper care and control and to be responsible for his good behaviour. Where a juvenile has been placed under the supervision of a probation officer, the competent authority shall impose a condition that all necessary assistance shall be rendered by the parent, guardian or fit person to the probation officer to enable him to carry out the duties of supervision. The parent, guardian or fit person under whose care a juvenile has been placed by a competent authority shall — (a) make arrangements for proper care and nurture; (b) arrange for the proper medical care of the juvenile whenever necessary; (c) ensure that the juvenile is not wilfully neglected in a manner likely to cause the juvenile unnecessary mental or physical suffering; (d) protect the juvenile against moral danger or exploitation; (e) be
responsible for the good behaviour and conduct of the juvenile;
(f) prevent the juvenile from being associated with undesirable persons; and (g) protect the juvenile from all types of social vices and ensure the general welfare of the juvenile.

6. Contribution of parent or other persons - The competent authority may direct the parent or other person liable to maintain the juvenile to pay to the competent authority in advance in the beginning of each month such sum of money as the competent authority may think fit as contribution towards the maintenance of such juvenile.

7. Procedure for sending a juvenile outside the jurisdiction of the competent authority - (1) In the case of a juvenile whose ordinary place of residence lies outside the jurisdiction of the competent authority and if the competent authority deems it necessary to take action, it shall direct a probation officer to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile at his ordinary place of residence and whether such relative or other fit person can exercise proper care and control over the juvenile.

(2) On being satisfied on the report of the probation officer, the competent authority may send the neglected or delinquent juvenile, as the case may be, if necessary on execution of a bond by the juvenile to the said relative or fit person on giving an undertaking by the said relative or fit person.

(3) A copy of the orders passed by the competent authority under section 34 shall be sent to -
   (a) the probation officer who was directed to submit a report;
   (b) the probation officer, if any, having jurisdiction
over the place where the juvenile is to be sent.

(c) the competent authority having jurisdiction over
the place where the juvenile is to be sent, and

(d) the relative or the person who is to receive the
juvenile.

(4) Any breach of the bond or undertaking or of both given
under sub-rule (2) shall render the juvenile liable to be brought
before the competent authority who may make an order directing
the juvenile to be sent to an institution.

(5) During the pendency of the orders, the juvenile shall be
sent by the competent authority to an observation home.

(6) In the case of a juvenile where the competent authority
deems it expedient to send the juvenile back to his ordinary
place of residence, the competent authority shall inform the
relative or the fit person who is to receive the juvenile
accordingly and shall invite the said relative or fit person to
come to the observation home to take charge of the juvenile on
such date as may be specified by the competent authority.

(7) The competent authority inviting the said relative or
fit person, may also direct, if necessary, the payment to be made
to him by the Superintendent of the observation home of the
actual expenses of the relative or fit person’s journey both ways
by the lowest class and of the juvenile’s journey from the
observation home to his ordinary place of residence at the time
of sending the juvenile.

(8) If the relative or the fit person fails to come to take
charge of the juvenile on the specified date the juvenile shall
be taken to his ordinary place of residence by the escort of the
observation home. In the case of a girl the escort of the
observation home shall be a female.
8. Escorting of a girl from one place to another - When a girl who is a neglected or delinquent juvenile has to be transferred from one place to another outside the jurisdiction of competent authority or from one institution to another institution, or for treatment to a hospital, mental asylum, de-addiction centre etc, the following conditions shall be observed:-

(a) she is escorted by a female,
(b) she is properly dressed.
(c) she is made to travel only during the day-time unless she is taken by rail,
(d) in case she is required to travel by road on a long journey which cannot be completed during the day-time, arrangements are made for her stay during the night in an institution and in the absence of any institution in any other safe place nearby,
(e) in case she is taken to a hospital; necessary facilities exist for the treatment of female patients, and
(f) before taking her from one place to another it is ascertained that she would be properly received at the other end.

9. Mode of dealing with juveniles suffering from dangerous diseases of mental complaints - (1) When a juvenile detained in an institution under the provisions of the Act or placed under the care of a fit person or a fit institution is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment or is found addicted to a narcotic drug or psychotropic substance, the juvenile may be removed by an order of the authority empowered in this behalf to an approved place set up for such purpose for the
remainder of the term for which he has to be kept in custody under the order of the competent authority or for such period as may be certified by a medical officer to be necessary for the proper treatment of the juvenile.

(2) Where it appears to the authority ordering the removal of the juvenile under sub-rule (1) that the juvenile is cured of the disease or physical or mental complaint he may, if the juvenile is still liable to be kept in custody, order the person having charge of the juvenile to send him to the institution or fit person from which or from whom he was removed or if the juvenile is no longer liable to be kept in custody, order him to be discharged.

(3) Where action has been taken under sub-rule (1) in the case of a juvenile suffering from an infectious or contagious disease the authority empowered under the sub-rule (1) before restoring the said juvenile to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action will be in the interest of the said juvenile call upon his partner in marriage or the guardian as the case may be, to satisfy it that such partner or guardian will not reinfect the juvenile.

(4) If there is no institution within the jurisdiction of the competent authority or in the nearby State for sending the juveniles suffering from dangerous diseases as required in sub-section (1) of Section 31, necessary institutions shall be set up by the State Government at such places as may be deemed fit by it.

10. Institutional management - (1) The State Government may, as far as possible, set up separate observation homes for
neglected and delinquent juveniles. Separate homes may be established for juveniles below and above the age of 12 years. In any case boys above 12 years shall be lodged in separate homes.

(2) Each institution shall have a Reception Unit under the charge of a case worker for the admission of new arrivals. Newly admitted juveniles may in suitable cases be kept in the Reception Unit for ten days initially. Where necessary, the Superintendent may suitably extend this period to facilitate a detailed study of the juvenile. The juveniles suspected to be suffering from contagious diseases, mental ailments, addiction etc. shall be immediately segregated in specially earmarked dormitories or wards.

(3) The following procedure shall be followed in respect of the newly admitted juvenile:

(a) receiving and search in the receiving unit,
(b) hair-cut (unless prohibited by religion), issue of soap and disinfectant lotion,
(c) disinfection and storing of juvenile’s personal clothing and other personal effects,
(d) bath,
(e) issue of disinfected clothes, bedding and other outfit and equipment (as per rules and scales).
(f) housing,
(g) medical examination and treatment where necessary,
(h) attending to immediate and urgent needs of the juveniles like letters, interviews, family matters, personal problems, etc. and,
(i) verification by the officer-in-charge of order of the competent authority, identification marks register entries, cash, property, etc.
(4) Each institution shall follow a schedule of orientation talk for the newly-admitted juveniles covering the following aspects:

(a) interpretation of rules and regulations,
(b) health, sanitation, hygiene,
(c) institutional discipline and standards of behaviour, respect for elders, teachers, etc.
(d) self-improvement opportunities, and
(e) responsibilities and obligations.

(5) An overall study of the juveniles admitted to an institution shall be undertaken on the basis of their social history, behavioural pattern and attitudes towards other. Information regarding their socio-cultural and economic background shall be collected through all possible and available sources including home, parents or guardians, employer, school, friends and community contacts. The educational level and vocational aptitude shall be assessed on the basis of tests and interviews conducted by the teacher, the workshop supervisor and other technical staff. For this purpose, appropriate linkages shall also be established with outside specialists and community-based welfare agencies.

(6) All inmates in the Reception Unit shall be given work like

(a) self-help in maintaining their own establishment,
(b) cleaning of open spaces, gardening, etc.
(c) preliminary operations for crafts.

11. Daily routine - (1) Each institution shall have a well regulated daily routine for the inmates which should be displayed and should provide, among other aspects, for regulated disciplined life, physical exercise, educational classes,
vocational training, organised recreation and games, moral education, group activities, prayer and community singing.

(2) For Sunday and holiday the daily routine shall include -
(a) washing of clothing and bedding,
(b) library reading,
(c) recreational programmes, games, sports,
(d) radio, television and recorded music,
(e) properly planned excursions, and
(f) scouting activities.

12. Diet scale - The State Government shall prepare diet scale for juvenile in consultation with nutrition experts so that the diet becomes balanced, nutritious and varied. Special diet may be provided on national days and festivals.

13. Issue of clothing, bedding and other articles - (1) Each juvenile shall be provided with clothing and bedding including customary under-garments, towels, jersey for winter, school uniform for juveniles attending outside schools, durry, bed sheets blanket, pillow, chappal or shoes, etc., utensils as required; and toothpowder, soap, oil, comb. etc. as per the scale laid down by the State Government.

14. Sanitation and hygiene - Each institution shall have the following facilities:-
(a) sufficient and treated drinking water,
(b) sufficient water for bathing and washing clothes, maintenance of cleanliness on the premises and for flushing latrines.
(c) proper drainage system,
(d) arrangements for disposal of garbage,
(e) protection from mosquitoes,
(f) sufficient number of latrines in the proportion of
atleast one latrine for seven children.

(g) sufficient number of bath rooms in the proportion of at least one bath room for ten children.
(h) sufficient number of urinals,
(i) sufficient number of washing places,
(j) arrangements for getting the entire premises and buildings of the institution thoroughly cleaned at least once a day,
(k) cleanliness in the kitchen,
(l) fly-proof kitchen,
(m) arrangements for boiling clothes once a week and washing clothes every day,
(n) sunning of bedding and clothing twice a week, and
(o) scrupulous cleanliness in the hospital.

15. Accommodation - The minimum standard of accommodation shall be as follows:

(a) Dormitory - 40 square feet per child;
Classroom - Sufficient accommodation;
Workshop - sufficient work space;
Play ground - Sufficient play ground area should be provided in each institution according to the total number of juveniles in the institution.

(b) The dormitories, class-rooms and workshops shall have sufficient cross ventilation and sufficient light.

16. Medical care - (1) Each institution shall provide for the necessary medical staff and ensure that:

(a) regular facilities are available for the medical treatment of inmates;

(b) arrangements are made for the immunisation coverage; and
(c) a system is evolved for the removal of serious
cases to the nearest civil hospitals or treatment centers.

(2) Immediate action in accordance with the provisions of
section 48 of the Act shall be taken in respect of the juvenile
who is/was suffering from leprosy, is/was of unsound mind or
is/was addicted to a drug.

(3) Each juvenile admitted in an observation home shall be
medically examined by the medical officer of the observation home
as far as possible within forty eight hours after his admission
to his observation home and also in the case of a juvenile known
to be awaiting removal to a juvenile home or special home, within
a similar period before such removal and further at any other
time or times that may be considered necessary by the medical
officer of the Superintendent.

(4) An inmate known or suspected to be suffering from an
infectious disease shall forthwith be removed to a Government
hospital and if this is not practicable shall be isolated from
other inmates. If any infectious disease breaks out in an
institution and subsequently a juvenile is admitted, such
juvenile shall so far as practicable be kept separate from those
who are known or suspected to be suffering from the infectious
disease.

(5) No surgical treatment shall be carried out on an inmate
without the previous consent of his parent or guardian unless
either the parent or guardian cannot be found and the condition
of the inmate is such that any delay would in the opinion of the
medical officer involve unnecessary suffering or injury to the
health of the inmate.

(6) A health chart on each juvenile in the institution shall
be maintained on the basis of his quarterly medical check-up.
17. Institutional Programmes - (1) Each institution shall provide for physical exercise and recreational facilities. The recreational facilities may include the provision of radio, television, library, music, games (indoor and outdoor) etc. with the trained staff available for this purpose.

(2) Each institution shall organise activities and programmes for the socio-cultural uplift of the inmates, such as cultural meets, parents inmates-staff meetings, community contacts, visits to outside institutions, excursions etc.

(3) Case work services shall be provided in all institutions to deal with the individual problems of inmates. The service of psychologist or psychiatrist shall also be availed of preferably by establishing linkages with child guidance clinics, counselling and guidance centres, psychiatric departments or similar agencies in the community or by appointment on part-time or full-time basis as per requirement.

(4) The educational programme shall be developed as an integral part of the educational routine, emphasising on the academic, health, social, moral and ethical aspects. The educational programme shall be organised on the pattern recognised by the education department of the State Government including non-formal adult education techniques. The inmates shall be provided facilities of specialised education in the community on selective basis. The educational programme shall be organised under the supervision of trained staff.

(5) A diversified programme of vocational training shall be organised in all juvenile and special homes with special reference to employment opportunities available in the community.
so as to facilitate their rehabilitation. The courses shall be designed on the lines approved by the technical departments of the State Government. The trained vocational instructor shall be appointed for the purpose. Vocational training facilities in the community shall also be availed for inmates on a selective basis by providing linkages with welfare institutions, placement agencies and industrial and other production units.

(6) A well-rounded programme of pre-release planning and follow up of cases discharged from juvenile and special homes shall be organised in all institutions in close collaboration with voluntary welfare organisations.

18. Classification committee - (1) A juvenile shall be classified on the basis of his age, physical and mental health, length of commitment, degree of delinquency and his character. Besides, factors like sequence of the juvenile's delinquent behaviour, his social processing, type of delinquency, possibilities of functioning as a contamination risk, requirements of custody, his educational and vocational training needs, his total background, possibilities of his social adjustment, his prospects after release and his rehabilitation needs shall be taken into consideration.

(2) For this purpose a classification committee shall be constituted in each juvenile or special home consisting of the following personnel :-

Superintendent - Chairman
Deputy Superintendent - Vice-Chairman
Case Worker/Psychologist - Member
Medical Officer - Member
Workshop supervisor - Member
Instructor in Vocation - Member
(3) The classification committee shall periodically meet to consider and review —

(a) custodial care, housing, place of work, area of activity and type of supervision required;

(b) individual problems of juveniles' family welfare, family contacts and adjustment, economic problems, and institutional adjustment etc.

(c) vocational training and opportunities for employment;

(d) educational such as health education, social education, academic education, vocational education and moral education;

(e) social adjustment, recreation, group work activities, guidance and counselling;

(f) special instructions, collecting moral information and special precautions to be taken etc;

(g) review of progress and adjusting institutional programmes to the needs of inmates;

(h) planning post-release rehabilitation programme in collaboration with after care service;

(i) pre-release preparation;

(j) release; and

(k) any other matter which the Superintendent may like to bring up.

(4) The procedure for classification and review and follow-up of the decisions taken by the Classification Committee, as laid down by the Chief Inspector, shall be followed in each institution.

19. Rewards and earnings — (1) Rewards to the inmates at
such rates as may be fixed by the State Government from time to
time may be granted by the Superintendent as an encouragement to
steady work and good behaviour.

(2) At least half the amount earned by the juvenile shall be
deposited in the manner specified by the concerned authority from
time to time in the name of the inmate and the account book shall
be kept with the Superintendent. The rest may be permitted to be
spent by the inmate as pocket money on purchase of articles such
as sweets, toys, etc. on fixed days of the week.

(3) At the time of premature release of an inmate from the
institution his account book shall be transferred to the
probation officer, whose duty is to supervise him. If the inmate
is released on the expiry of the period of his stay ordered by
the competent authority the money deposited in his name shall be
withdrawn by the Superintendent and handed over personally after
obtaining proper receipt to the parent or guardian who comes to
take charge of the inmate and if he does not come, to the inmate.

20. Visits to and communication with inmates – (1) The
parent and near relations of the inmates shall be allowed to
visit an inmate once a month or in special cases more frequently
at Superintendent's discretion. The visiting hours shall be laid
down by the Superintendent.

(2) The receipt of letter by inmates of the institution
shall not be restricted and they shall have freedom to write as
many letters as they like at all reasonable times. However, the
institution shall ensure that where parents, guardians or
relatives are known, at least one letter is written by the inmate
every week for which the postage be provided.

(3) The Superintendent may pursue any letter written by or
to an inmate and may, for any reasons such as inmate's health,
morality or well-being that he considers sufficient, refuse to deliver or issue the letter and may destroy the same, provided that before such withholding or destruction, the Superintendent shall obtain the order of the competent authority and thereafter record the reasons of such withholding or destruction in a book maintained for the purpose.

21. Transfer of juveniles:- (1) The juvenile in an institution can be transferred to any other institution by the Chief Inspector. The proposal for transfer of juvenile shall be made by the Superintendent with proper justification. The transfer may be proposed only if it is in the interest of the juvenile with specific reasons such as -

(a) the juvenile is to be given further education or special training which is not available in the institution;

(b) the juvenile is in need of change of environment or change of climate on health grounds, for taking treatment which is not available in the institution;

(c) the proposed transfer would bring the juvenile near his family and would help him in his rehabilitation; or

(d) any other reason for which the transfer would be in the interest of the welfare of the juvenile.

(2) No transfer shall ordinarily be proposed on the ground that the juvenile has created problems or is difficult to be managed in the existing institution.

(3) Transfer of a juvenile to any other State may be ordered by the competent authority after obtaining the concurrence of that State. Correspondence and orders in this behalf may be issued by the State Government.

(4) On receipt of transfer orders from the competent authority the Superintendent shall arrange to escort the juvenile.
to the new institution. The juvenile shall be properly dressed and proper arrangements for his food may be made till he reaches the new institution. The juvenile’s case file containing the record of the juvenile shall be sent along with the juvenile. The parents or guardians shall be informed about the juvenile’s transfer and reasons therefor.

22. Release on licence - (1) The release on licence may be granted under sub-section (1) of Section 49 of the Act as far as possible.

(2) After the order of release on license is issued by the State Government, it shall be read out to the licensee and his signature obtained. The conditions on which he has been released on licence shall be explained to him in detail. The copies of the order of release on licence shall be sent to the parent or guardian and the Probation Officer who will supervise the juvenile during the licence period. On the release of any juvenile on licence, information shall be sent by the Superintendent to the competent authority under whose orders the juvenile was kept in the institution.

(3) When a license has been revoked and the juvenile refuses or fails to report to the institution to which he was directed so to return, any police officer may on the advice of the authority revoking the licence arrest the juvenile without warrant and arrange him to be sent to the institution.

23. Release - (1) The Superintendent shall maintain a roster of the cases to be released on the expiry of the period of stay as ordered by the competent authority. Each case shall be placed before the Classification Committee well in advance for review and advice with regard to his or her placement after release and submit the case to the Chief Inspector along with a
detailed report. With regard to cases in which the juveniles are kept for the maximum period, action may be initiated six months before they attain the age of 18 years in case of boys and 20 years in case of girls.

(2) Timely information of the release of an inmate and of the probable date of his release shall be given to his parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the inmate on that date. If necessary, the actual expenses of the parent’s or guardian’s journey both ways and of the juvenile’s journey from the institution shall be paid to the parents or guardian by the Superintendent at the time of the release of the juvenile. If the parent or guardian as the case may be, fails to come to take charge of the juvenile on the appointed date, the juvenile shall be taken to his native place by the escort of the institution. Girls shall be escorted by a female escort.

(3) At the time of release or discharge a juvenile may be provided with a set of government clothing, if the Superintendent deems it necessary.

(4) If the inmate has no parent or guardian he may be sent to an after-care organisation or in the event of employment having been found for him to the person who has undertaken to employ him.

(5) The Superintendent of a girls’ institution subject to the approval of the Chief Inspector, may get suitable girls above the age of 18 years married according to the procedure laid down by the Chief Inspector from time to time.

(6) The Superintendent shall order the discharge of any juvenile the period of whose detention has expired and inform the Chief Inspector within seven days of the action taken by him. If
the date of release falls on a Sunday or any other public holiday, the juvenile may be released on the proceeding day, entry to that effect being made in the register of discharge. The Superintendent shall in appropriate cases, order the payment of subsistence at such rates as may be fixed from time to time and the railway or road or both the fare as the case may be.

(7) In deserving cases, the Superintendent may provide the juvenile with such small tools, as may be necessary, to start a business subject to such maximum cost as may be fixed.

(8) The Superintendent may, subject to the approval of the Chief Inspector, allow at their own request such girls as have no place to go to stay in the institution after the period of their detention has expired till some other suitable arrangements are made.

24. Maintenance of case file - The case file of each inmate shall be maintained in juvenile home or special home, containing the following information :-

(a) commitment papers, court documents and other relevant papers,

(b) probation officer's report,

(c) information from previous institution,

(d) initial interview material information from family members, relatives, friends and miscellaneous information,

(e) sources of further information,

(f) observation reports from staff members in charge of admission on programmes,

(g) reports from Medical Officer, I.Q. testing, aptitude testing, educational tests,

(h) social history,

(i) summary and analysis by officer-in-charge of the
reception unit,

(j) initial classification sheet,
(k) instruction regarding training and treatment programme and about special precautions to be taken,
(l) leave and other privileges granted,
(m) violation of rules, regulations, special achievements,
(n) quarterly progress reports from various sections,
(o) review sheet,
(p) m.c. report (in case of girls),
(q) pre-release programme,
(r) final progress report,
(s) release on licence,
(t) final discharge,
(u) follow-up reports,
(v) central index number,
(w) remarks.

25. Establishment and recognition of after-care homes - (1)

The State Government shall provide a comprehensive scheme of after-care with the following objectives :-

(a) to extend help, guidance, counselling, support and protection to all released juveniles whenever necessary;
(b) to help a released juvenile to overcome his mental, social and economic difficulties;
(c) to impress upon the juvenile the need to adjust his habits, attitudes, approaches and value schemes on a rational appreciation of social responsibilities and obligations and also of requirements of community living;
(d) to help the juvenile to make smooth adjustments to his post-release environment;
(e) to encourage the juvenile in making satisfactory
readjustment with his family, neighbourhood and community;

(f) to assist the juvenile in functioning as a self-dependent and self-reliant socially useful citizen;

(g) to assist in the process of the juvenile's physical, mental, vocational, economic, social and attitudinal post-release re-adjustment and ultimate rehabilitation; and

(h) to complete in all respects the process of the juvenile's final re-adjustment, re-settlement and rehabilitation.

(2) The State Government may establish and maintain as many after care homes as may be necessary for the reception of the juvenile discharged from the juvenile homes and special homes for the purpose of enabling them to lead an honest, industrious and useful life.

(3) Where the State Government is of the opinion that any institution, other than an institution established under sub-rule (2) is fit for the reception of the juveniles to be sent there from the juvenile homes and special homes it may recognise such institution as an after care home for the purposes of the Act.

(4) Every after care home to which a juvenile is sent under these rules shall not only provide the juvenile with accommodation, maintenance and educational and vocational guidance but also provide him with facilities for the development of his character and abilities to ensure all-round development of his personality as well as opportunities to enable him to reintegrate into the community as law-abiding citizen and shall perform such other functions as may be prescribed from time to time.

(5) Before a juvenile is discharged from a Juvenile home or special home as the case may be, and is sent to an after care home, the Probation Officer or the Case Worker shall prepare and
submit a report regarding the necessary and nature of after care assistance required by the juvenile, the period of such after care and the supervision thereof. The Superintendent of the after care home in which the juvenile is placed shall submit periodically a detailed progress report on the juvenile to the Chief Inspector till the juvenile is reintegrated into the community.

(6) The internal management, functions and responsibilities of the after care home and the standards and nature of services to be maintained by it shall be regulated by the instructions issued from time to time.

26. Recognition of fit person or institution - (1) Any individual or a suitable place or institution, the occupier or manager of which is willing temporarily to receive a juvenile in need of care, protection or treatment for so long a period as may be necessary, may be recognised by the State Government as fit person or fit institution.

(2) Any association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of juveniles or the prevention of cruelty to juveniles and which undertakes to bring up or to give facilities for bringing up any juvenile entrusted to its care in conformity with the religion of his birth, may be included within the meaning of fit institution.

(3) A list of names and the addresses of fit persons and fit institutions approved by the State Government shall be kept in the office of the Chief Inspector and shall be made available to the competent authority wherever necessary.

(4) After committal of a juvenile by the competent authority to a fit person or to an institution recognised as a fit
institution with collateral branches, the managers of such institution may send the juvenile to any of the branches of such institution after giving an intimation to the competent authority under whose orders the juvenile was committed and to the Chief Inspector.

27. Duties of Probation Officer - (1) On receipt of information from the Officer-in-Charge of a police station under clause (b) of Section 19, an order from the sanctioning authority under rule 26 of these rules, the probation officer shall enquire into the antecedents and family history of the juvenile and such other material circumstances as may be necessary and submit a preliminary report to the competent authority as early as may be allowed by the competent authority.

(2) Every probation officer shall carry out all directions given to him by a competent authority and the Chief Inspector and shall perform the following duties:

(a) to make inquiries regarding the home and school conditions, conduct, character and health of juveniles under his supervision;

(b) to attend regularly the court of a competent authority and submit reports;

(c) to maintain diary, case files and such registers as may be prescribed from time to time.

(d) to visit regularly juveniles placed under his supervision and also places of employment or school attended by such juveniles, and to submit regularly fortnightly reports;

(e) to take juveniles, wherever possible, from the court of competent authority to observation home, juvenile home, special home or fit person;

(f) to bring before the competent authority immediately
juveniles who have not been of good behaviour during the period of supervision;

(g) follow up of juveniles after their release from the institutions and extending help and guidance to them;

(h) establishing linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow up.

(3) A probation officer shall not employ a juvenile under his supervision for his own private purposes or take any private services from him.

28. Duties of Case Workers - The general duties, functions and responsibilities of Case Workers shall be as follows:

(a) making social study of the juvenile through personal interview and from the family, social agencies and other sources;

(b) clarifying problems of the juvenile and dealing with his difficulties in institutional life;

(c) participating in the orientation, classification and reclassification programme;

(d) establishing co-operation and understanding between the juvenile and the administration;

(e) assisting the juvenile to develop contact with his family and also providing assistance to his family members;

(f) participating in the pre-release programme and helping the juvenile to establish contacts which can provide emotional and social support to juveniles after their release.

29. Duties of Care Takers - (1) The general duties, functions and responsibilities of Care Takers shall be as follows:

(a) handling juveniles with love and affection;

(b) taking proper care and welfare of juveniles;
(c) maintaining discipline in institution;
(d) maintenance of sanitation and hygiene;
(e) implementing daily routine in an effective manner,
(f) looking after the security and safety arrangements of
the institution; and
(g) escorting juveniles whenever they go out of the
institution.

(2) A job chart for Care Takers shall be worked out by the
Chief Inspector to be strictly adhered to in all institutions.

(3) A Care Taker shall be liable for departmental action
for -

(a) willingly or negligently permitting an inmate to
escape;

(b) giving or attempting to give an inmate or taking out or
attempts to take out from the institution any article not
allowed by the Superintendent; and

(c) wilful disobedience or neglect of any rules, regulations
or orders.

30. Training of Personnel - The State Government shall
provide for training for personnel of each category of staff in
keeping with their statutory responsibilities and specific job
requirements. The training programme shall include -

(a) training of newly-recruited staff;

(b) refresher training courses for every staff member at
least once in every five years;

(c) staff conferences, seminars, workshops etc. at various
levels of the personnel organisation.

31. Advisory Board - (1) The State Government may, by
notification, constitute an Advisory Board as required under
Section 53 of the Act consisting of the following persons -
Minister in charge of Relief & Welfare - Chairman
(Welfare) Department
Secretary, Relief & Welfare Department - Member
Secretary, Education Department - Member
Secretary, Health & Family Welfare Department - Member
Secretary, Home Department - Member
Secretary, Judicial Department - Member
Secretary, Labour Department - Member
Secretary, Cottage and Small Scale Industries Department - Member
Secretary, Education (Technical) Department - Member
Secretary, Commerce & Industries Department - Member
Secretary, Finance Department - Member
An Industrialist - Member
A Journalist - Member
A representative of the Bar - Member
Two Social Workers/representatives of voluntary organisations - Member
Director of Social Welfare, West Bengal - Member

(2) The Advisory Board may advise the State Government on the following matters:

(a) development of juvenile justice services through various official and community based welfare agencies;

(b) the ways and means of mobilising human and material resources to ensure social justice to neglected or delinquent juveniles;

(c) the development of facilities for educational, vocational training and rehabilitation of various categories of juveniles coming within the purview of the juvenile justice
system;

(d) the co-ordination between various sectors of child
development in dealing with the problems of juveniles processed
through the law,

(3) The non-official members of the Advisory Board shall be
appointed by the State Government on recommendation of the
Director of Social Welfare, West Bengal. The non-official members
shall hold office for a term of three years from the date of
appointment and shall be eligible for reappointment. The tenure
of the non-official member, may, without assigning any reason, be
terminated by the State Government. Any casual vacancy among non­
official members shall be filled by the appointment of another
non-official who shall hold office so long as the person in whose
place he is appointed would have held it if the vacancy had not
occurred. The procedure for the meetings of the Advisory Board
shall be laid down by the State Government.

32. Visitors - Each visitor nominated under Section 54 shall
visit the institution for which he or she is appointed at least
once in three months and send a quarterly report to the State
Government containing his or her comments or suggestions in
regard to the institutional services, for such action as the
District Magistrate may deem necessary.

33. Juvenile Justice Fund - (1) The State Government (shall)
may create a fund to be called the Juvenile Justice Fund for the
Welfare and rehabilitation of the juveniles.

(2) The fund shall be applied -
(a) to implement programmes for the welfare and
rehabilitation of juveniles;
(b) to pay grant-in-aid to an institution within the meaning
of clause (b) of Section 2 of the Women's and Children's
Institutions (Licensing) Act, 1956 (105 of 1956) registered or deemed to have been registered under the West Bengal Societies Registration Act, 1961 (West Bengal Act, XXVI of 1961); and

(c) to do all other things that are incidental and conducive to the above purpose.

(3) For the management and administration of the Fund, the State Government shall constitute a Board of Management consisting of the following members:

i) Minister-in-charge of Relief & Welfare Department : Chairman

ii) Secretary, Relief & Welfare Department : Member

iii) Secretary, Department of Finance : Member

(iv) Secretary, Judicial Department : Member

(v) Three non-official members to be appointed by the State Government : Member

(vi) Director of Social Welfare, West Bengal : Secretary - Treasurer.

7.11.1. The translation of legislative intentions into actual practice depends on the mechanism and organisations to implement the objectives of the scientifically construed enactments; and more so, on the quality of the personnel called upon to manage and run these agencies, whether private or public, institutional or non-institutional, for the welfare of those for whom these services have been established. Much of the progress in this direction will depend upon these, along with many other equally or even more significant things, in future.