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**കേരള ഗസറ്റ്**  
**KERALA GAZETTE**

**അസാധാരണം**  
**EXTRAORDINARY**

**ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്**  
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**GOVERNMENT OF KERALA**

**Social Justice (E) Department**

**NOTIFICATION**

G. O. (P) No. 12/2017/SJD.

*Dated, Thiruvananthapuram, 18th July, 2017*  
*2nd Karkadakam, 1192.*

**S. R. O. No. 466/2017.**—In exercise of powers conferred by sub-section (1) read with clauses (iii), (iv), (v) and (xiv) of sub-section (2) of section 110 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016), the Government of Kerala hereby make the following rules, namely:—

## RULES

1. *Short title and commencement.*—(1) These rules may be called the Juvenile Justice (Care and Protection of Children) Constitution of Child Welfare Committees and Juvenile Justice Boards (Kerala) Rules, 2017.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016);
- (b) “Board” means a Juvenile Justice Board constituted under section 4 of the Act;
- (c) “Chairperson” means Chairperson of the Child Welfare Committee;
- (d) “Government” means the Government of Kerala;
- (e) “member” means a member of the Committee or a member of the Board, as the case may be;
- (f) “model rules” means the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed by the Central Government under the proviso to sub-section (1) of section 110 of the Act;
- (g) “Selection Committee” means the Selection Committee constituted by the Government under rule 87 of the model rules;

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

3. *Constitution of the Board.*—(1) The Board shall consist of a Judicial Magistrate of the First Class having three years experience to be designated as 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 recommendation of the Selection Committee.

(3) As far as possible, the two social worker members selected for a Board shall be from different fields as provided in sub-section (3) of section 4 of the Act.

(4) All members of the Board including the Principal Magistrate, shall be given induction training and sensitisation on care, protection, rehabilitation, legal provisions and justice for children for a period not less than 15 working days within a period of sixty days from the date of their appointment.

*4. Qualifications for social worker members of the Board.—*(1) The social worker member of the Board shall not be less than thirty-five years and shall not be more than seventy years of age as on the date of notification inviting application for appointment.

(2) The social worker member of the Board shall possess a post-graduate degree in sociology or psychiatry or social work or child psychology or education or a degree in health, child development or correctional services or law and shall have at least seven years experience of active involvement in planning, implementing and administering measures relating to child welfare activities.

(3) No person shall be considered for selection as a social worker member of the Board unless he is eligible under sub-section (4) of section 4 of the Act.

*5. Term of office of social worker members of the Board.—*(1) The term of office of a social worker member of the Board shall not be for a period of more than three years from the date of his 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) A social worker member of the Board may resign at any time by giving one month's notice in writing to the Government, but shall continue to hold office until his resignation is accepted by the Government.

(4) Any vacancy in the Board shall be filled up by appointment of another person from the panel prepared by the Selection Committee, and such member shall continue for a period not exceeding three years.

(5) The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he,—

- (i) has been found guilty of misuse of power vested under this Act; or
- (ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or
- (iii) fails to attend less than three-fourths of the sittings in a year; or
- (iv) becomes ineligible under sub-section (4) of section 4 of the Act.

6. *Sitting and conveyance allowance.*—(1) A member of the Board, other than the Principal Magistrate of the Board, shall be paid such travelling and sitting allowance, as the Government may determine from time to time, but it shall not be less than rupees one thousand five hundred per sitting, which shall include sitting allowance and travel allowance of the day of sitting.

(2) The Principal Magistrate and members of the Board shall be eligible for travel and daily allowance as are admissible to a Class I Officer of the Government for their inspection visits to observation homes or special homes or place of safety and attending official duties.

(3) There shall be no ceiling for claiming amount towards travelling and daily allowance for journeys performed for attending the official duties of the Board other than the sitting as mentioned in sub-rule (1).

**7. Constitution of the Committee.**—(1) The Government shall, by notification in the Gazette, constitute one or more Committees for every District.

(2) The Committee shall consist of a Chairperson and four other members of whom at least one shall be a woman and another shall be an expert on the matters concerning children, appointed by the Government on the recommendation of the Selection Committee.

(3) All members of the Committee shall mandatorily be given training under rule 89 of the model rules for a period not less than 15 working days within a period of sixty days from the date of their appointment.

**8. Qualifications for the Chairperson and members of the Committee.**—(1) The Chairperson and members of the Committee shall be above the age of thirty-five years and shall not be more than seventy years of age as on the date of notification inviting application for appointment.

(2) The Chairperson and members shall have the qualifications specified in sub-section (4) of section 27 of the Act and sub-rule (3) of rule 15 of the model rules and they shall also possess a postgraduate degree in sociology or psychiatry or social work or child psychology or education or a degree in health, child development or correctional services or law and have been actively involved and engaged in planning, implementing and administering measures relating to child welfare for at least seven years.

(3) No person shall be considered for selection as a member of the Committee, if he,—

(a) has any past record of violations of human rights or child rights;

(b) has been convicted under any law involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence;

(c) has been removed or dismissed from service of the Central Government or State Government or an undertaking or Corporation owned or controlled by the Central Government or a State Government;

(d) has been indulged in child abuse or employment of child labour or any other violation of child rights or human rights or immoral act;

(e) is holding such other occupation or profession, including the official position of any of the political parties, that does not allow him to give necessary time and attention to the work of the Committee;

(f) has held a position of control or has been involved directly or indirectly in the management or has been an employee of any of the child care institutions or institutions registered under the Orphanage Control Board or held a position in any of the religious organization or has held such a position during past three years.

9. *Tenure of the Committee.*—(1) The term of office of the Chairperson and members of the Committee shall not be for a period of more than three years from the date of their appointment.

(2) The Chairperson and members of the Committee shall be eligible for appointment for a period not exceeding three years.

(3) The Chairperson and members of the Committee may resign at any time by giving one month's notice in writing to the Government, but shall hold office until his resignation is accepted by the Government.

(4) Any vacancy in the Committee shall be filled up by appointment of another person from the panel prepared by the Selection Committee and shall continue as such for a period not exceeding three years.

10. *Sitting and conveyance allowance.*—(1) The Chairperson and members of the Committee shall be paid such travelling and sitting allowance as the Government may determine from time to time but it shall not be less than rupees one thousand and five hundred per sitting which shall include sitting allowance and travel allowance of the day of sitting.

(2) The Chairperson and members of the Committee shall be eligible for travelling and daily allowance as are admissible to a Class I Officer of the Government for their visits to existing child care institutions.

(3) There shall be no ceiling for claiming amount towards travelling and daily allowance for journeys performed for attending the official duties of the Committee.

11. *Miscellaneous.*—These rules are in addition to the model rules and having overriding effect to it. The provisions in the model rules on sittings, rules and procedures, powers and functions etc. of the Board and Committee including all other existing provisions of the model rules shall apply in the absence of respective provisions in these rules.

By order of the Governor,

MINI ANTONY, IAS,  
*Special Secretary to Government.*

### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

The Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016) came into force with effect from 15th January, 2016 and the Central Government have notified the model rules as provided in proviso to sub-section (1) of section 110 of the Act as Juvenile Justice (Care and Protection of Children) Model Rules, 2016 vide Notification No. G. S. R. 898 dated 21st September, 2016 which shall be applicable to the State till the State frames its own rules which shall conform to the model rules.

The tenure of the Child Welfare Committees and the tenure of social worker members of the Juvenile Justice Boards in the State which were constituted as per Juvenile Justice (Care and Protection of Children) Act, 2000 have already expired and in many Districts sufficient members are not available for proper sitting due to various reasons and it require urgent reconstitution of the Committees and Boards. Since reconstitution of them after framing State rules would delay the process, Government have decided to frame rules for the purpose of appointment and conditions of service of the Chairperson and members of the Child Welfare Committees and social worker members of the Juvenile Justice Boards.

The notification is intended to achieve the above object.