

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(STATE CHILD PROTECTION SOCIETY)

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F. No. 61(836)/JJB/DD(CPU)/DWCD/2015/ 9656-9665

15 JUN 2018
Dated:-

ORDER

In compliance to sub section 2 of section 24 of Juvenile Justice (Care & Protection of Children) Act, 2015 read with rule 14 of Juvenile Justice (Care & Protection of Children) Model Rules, 2016, the Department of Women & Child Development, GNCT of Delhi is pleased to issue an office order on Juvenile Justice Boards (Maintenance and Disposal of Records) Rules as guiding principle for maintenance, supervision & disposal of records for Juvenile Justice Boards (JJBs). These guidelines were framed by the then Ld. District & Session Judge Sh. A.K. Chawla and the same has concurrence of Hon'ble Juvenile Justice Committee.

The Juvenile Justice Boards are requested to comply with the provisions laid down in the office order for maintenance & disposal of records of children in conflict with law. Every Board shall have its own record room, where the records shall be consigned and maintained.

I. GENERAL PROCEDURE TO BE ADOPTED BY THE JJB

- i. **Writing on top and sides forbidden** - The practice of writing orders and other matters across the top and along the sides of a page is forbidden and is to be discontinued forthwith;
- ii. **Margin to be left on either sides** - In all proceedings sufficient margin should be left on each side of the paper, so that writing may not be obliterated by fraying at the edges;
- iii. **Records should be tied and kept between stiff covers** - Records in use in the Board should be placed between stiff wooden or cardboard protectors of the standard size so that the strain of the cloth or other covering, or of the string or tape, does not fall on the papers within, it is not intended that the record of each case should be placed between stiff covers, all that is necessary is to tie each record with broad tape or tag instead of string. But each bundle of records should, until consigned to the Record-room be kept between stiff covers to prevent fraying, folding, etc.
- iv. **English papers** - All English papers should be placed full size, unfolded and tagged together within a cover of stiff cardboard;
- v. **Exhibits** - All exhibits should be folded to as nearly as possible the same size and placed in envelopes of the size of the record, wherever required;
- vi. **Abstracts of the case evidence and judgment** - The abstract of the case, depositions of witnesses and judgments must in every case be written on paper of good quality of uniform foolscap size. Under no circumstances should judgments ever be written on scrap of paper, or on the back of the petition or order;
- vii. **Numbering of pages** - Every page (not sheet) should be consecutively numbered. The earlier numbering, if any, should be clearly scored off;

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- viii. **Type Written Record** - Each typewritten record should be typed with sufficient margins on both sides of the page and appropriate space between the lines;
- ix. **Handwritten records** - One of the essentials of a good record is that the same can be read without difficulty by others. Handwritten record, if any, should not be so illegible as to cause serious inconvenience.

II. **INDEX OF PAPERS, CONSIGNMENT AND CHECKING OF RECORD**

- i. **Index** - Each record should have an index of its contents with appropriate pagination in the prescribed form, prefixed to the file.
- ii. **Directions as to preparation of index** - There shall be separate index for each part of the record. Each paper admitted should be entered into the index on the day on which it is so admitted by the official in charge. The entries in the index should be sufficient in detail to allow the papers described to be readily identified.
- iii. **Index number on record. Withdrawal of a document to be noted on index** - Each paper on being entered in the index should be marked with its index number according to the pagination. Where a paper consists of more than one sheet, each sheet should be so marked. Whenever documents used in evidence are withdrawn, whether before or after the judgment, a note of such withdrawal should be made in the column of remarks, and it should be specified whether a copy has been substituted or not.
- iv. **Separate index for each part. Note about destruction and certificates** - At the conclusion of the case, the official who has the charge of the record should separate the papers as per the rules in the subsequent sections. For each Part there shall be a separate index. Such official should enter in red ink the words "NOT TO BE DESTROYED" in the remarks column of the index against the documents which are to be preserved. The certificate at the foot of the index should be signed and the record kept in the Record-room.
- v. **Consignment of the records to Record-room** - Record of the cases decided by the Board shall be consigned to the Board Record-room under the supervision and control of the Principal Magistrate of the Board.
- vi. **Checking of the record by the record-keeper** - On receipt of the record in the Record-room, the record-keeper shall examine the index and enter the record file in the appropriate register(s).
- vii. **Records to be sealed** - The records shall then be sealed by the record-keeper in a sealed cover under the seal of the Principal Magistrate of the concerned Board and shall not be opened without the specific order of the Board.

III. **TRANSMISSION OF JUDICIAL RECORDS**

- i. **Duplicate Challans** - When records are transmitted from one office to another, a list of the records so transmitted should be prepared in duplicate in the prescribed form and be sent with them. This list will be in addition to the regular index of papers attached to each record. The signature of the Dispatcher in column 9 of Form of Challan (as provided under Delhi High Court Rules, 1967) will, in the absence of a report to the contrary, operate as a certificate that the record is complete according to the index.

- ii. **Checking of record** - On receipt of the record the proper official of the receiving office should check the list referred to in the preceding rule. If the list is correct, he should note the date of receipt of the record in the appropriate column of both copies and sign the entry; if the list is incorrect, he should make a note to that effect thereon, and forthwith report the fact to the Principal Magistrate of the Board or the person so authorized by him/her for orders. One copy of the list will be returned to the dispatching office immediately after examination, with intimation that the papers received are correct, or, if this is not the case, with a note of objection. A similar note of receipts, etc., should be made by each succeeding official into whose hands the records pass. When the records are no longer required, the second copy of the list will be returned with the records to the office from which they were received. Here the list will again be checked; and, if found to be correct, will be returned, attested as such, to the office to which the records went to be kept with the record of the proceedings in connection with which the records were required.
- iii. **Docket to accompany records** - All records transmitted from one office to another should be sent under cover of an English docket in which an indication must be given of the number and date of the requisition and the number of the case in the Court for which the records are being transmitted.
- iv. **Quarterly list of record sent from Record-room to the Board or any other court but not returned** - On the 2nd day of the first month of each quarter of the English Year Calendar, the register of files taken out of the Record-room should be checked by the Record Keeper and a list of the files not returned to the Record Room should be prepared and forwarded to each Court for verification in the form, which is a revenue standard form No.71. The verification from the Board shall be carried out in a similar manner. The compliance thereof shall be mandatory and shall be under the direct supervision of the Principal Magistrate of the concerned Board.

IV. **INSPECTION OF JUDICIAL RECORDS**

- i. The record(s) of the Board shall not be open to the inspection of public except under a specific order of the Board.
- ii. Records of the pending cases shall be open to inspection of the parties or their pleaders alone, on an application addressed to the Board and so allowed by the Board.
- iii. Records of the disposed of cases shall, however be open to inspection of the parties alone, or their specifically authorized counsels, on an application so moved and allowed in similar manner.

Explanation: *The witnesses are not 'parties' for the purposes of this rule. Parties would be the child in conflict with law and the victim (as defined under Section, 372 of Cr.P.C.)*

- iv. The application for inspection of records shall be made in writing and shall distinctly specify the record, desired to be inspected.
- v. Inspection shall not be allowed on the day fixed for the hearing of the case without the special permission of the Board.
- vi. No Court fee shall be charged for the inspection.
- vii. The inspection of records shall be made at such time, place, and in presence of such official as the Board may direct, if the record is not inspected on the date fixed by the

proper official it shall be restored back and a fresh application must be submitted before the record can again be taken out for inspection.

- viii. No mark shall be made on any record or paper inspected. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion thereof may be made by the parties or the counsel. Any person infringing or attempting to infringe this rule shall be liable to be deprived of the right to inspect records for such period as the Board may think fit.
- ix. Any sealed record shall after inspection, be resealed with the seal of the Principal Magistrate of the concerned Board and a noting to this effect shall be made every time by the concerned official in the inspection register.

V. CUSTODY OF JUDICIAL RECORDS

- i. The custody of the record shall be with the Ahlmads till it is consigned to the Record-room and thereafter the Record Keeper(s). The Official in-charge of the records, as the case may be, shall be responsible to ensure that the confidentiality of the records is absolutely maintained. The records of any particular case may also be kept in sealed cover during the pendency of the case, if so directed by the Board.
- ii. When any of the officials, having custody of pending judicial records is transferred to another office permanently, or proceeds on leave for a period of two months or more, he shall make over full and complete charge of the records in his custody to the official relieving him.

In case of a matter pending with the Board or the record not having been consigned to the Record-room, the relieving official shall, in the presence of the official to be relieved, check all the records leaf by leaf with the indices attached thereto, see that no document is missing, and then sign a certificate to the effect that he has carefully checked all the records made over to him, and has received the documents as mentioned in the indices attached to them. If any part of the record or document is found to be missing, the matter shall immediately be informed to the Board.

- iii. If any document or part of the record is subsequently found to be missing, the Principal Magistrate of the concerned Board shall take immediate measures for its recovery or reconstruction. Responsibility shall also be fixed on the custodian if the document was on the index, or on the official whom the custodian relieved, if it was not on the index. The Principal Magistrate of the concerned Board shall also inform the action taken to the District and Sessions Judge (Headquarters), immediately.
- iv. When an official having charge of such records is granted leave for a period of less than two months or is temporarily transferred to another post, those records only which are required for cases which are likely to come up for hearing in the ordinary course during his absence shall be taken over by the relieving official and the procedure prescribed in rules (2) and (3) shall be followed. The remaining records shall be locked up, the keys of the locks being handed over to the Principal Magistrate or a Member of the Board so nominated by the Board by specific order in that regard. If any further records are needed during the absence of the permanent custodian, they shall be taken out and properly checked under the supervision of the Principal Magistrate or the Member so nominated before being taken over by the temporary custodian.
- v. For the purpose of rules ii to iv, both the relieved and relieving official will be regarded as on duty in the same post while charge is being transferred. In cases covered by rule 2, the transfer of charge shall not ordinarily take more than seven

days, but this period may be extended to fifteen days under the written sanction of the Principal Magistrate of the Board, and to twenty days under the written sanction of the District and Sessions Judge (Headquarters) or as designated by the High Court from time to time. In cases covered under rule iv, not more than half a day should be allowed for the transfer of charge.

vi. These rules do not apply to the transfer of charge relating to administrative files.

VI. **MAINTENANCE AND DISPOSAL OF RECORD**

Arrangement of records in three parts - The records of the Boards shall be arranged in three Parts A, B and C. Part A shall have a sub-part, namely Part A-1.

Part A shall contain

- (i) Index of Papers;
- (ii) Order-sheets pertaining to the inquiry under section 14 of the Act, arranged chronologically;
- (iii) Documents pertaining to the preliminary assessment, if any;
- (iv) Order on preliminary assessment, if any;
- (v) Final Police Report, or complaint, as the case may be;
- (vi) Notice of the allegations;
- (vii) Depositions of witnesses in the inquiry under section 14 of the Act;
- (viii) Documentary evidence pertaining to the inquiry of offence;
- (ix) Final order of the Board;
- (x) Judgment of the Appellate Court on the inquiry of the offence, if any; and
- (xi) Judgment of the High Court or the Court of Sessions in revision on the inquiry of the offence, if any.

Part A -1 shall consist of papers not included in Part A relating to the inquiry of the offence including miscellaneous applications, bail bonds, applications under Section 24, 74 of the Act and the order(s) thereupon, if any where the matter is retained by the Board.

Part B shall contain

- (i) Index of Papers;
- (ii) Order-sheets pertaining to the age-inquiry under section 94 of the Act, arranged chronologically;
- (iii) Applications filed pertaining to the claim of juvenility or opposing the same;
- (iv) Depositions of witnesses regarding the age of the child in conflict with law;
- (v) Documentary evidence regarding the age of the child in conflict with law;

- (vi) Order of the Board regarding the age of the child in conflict with law;
- (vii) Judgment of the Appellate Court on the age inquiry, if any; and
- (viii) Judgment of the High Court or the Court of Sessions in revision on the age inquiry, if any.

Part-C shall contain

- (i) Index of Papers ;
- (ii) Order-sheets pertaining to the rehabilitation of the child in conflict with law passed under section 18 of the Act or under any other provision and the Juvenile Justice (Care & Protection of Children) Model Rules, 2016 arranged in chronological order;
- (iii) Social investigation Report filed by the Probation Officer or the Welfare Officer;
- (iv) Individual Care Plan prepared by the Probation Officer or the Welfare Officer;
- (v) Compliance reports(s) filed by the authorities or the parents of the child himself, including the report of the Probation Officer, Counselor, Social Worker, School Authorities or Employers; and
- (vi) Applications incidental to the process of rehabilitation.

VII. Destruction and Disposal of Records

- i. Timely destruction of records - All records and registers which become matured for destruction, under these rules, shall be destroyed as soon as the period for their retention has expired :

Provided that the Board may by order, for reasons to be recorded in writing, direct that any particular paper or record of any particular case be preserved beyond such time period.
- ii. Manner of destruction and disposal of waste paper - It shall be the duty of the Record-Keeper to ensure that the identity of the child in conflict with law is erased on every document before it is sent for destruction. The destruction of the record then shall be carried out under the supervision of the Record-Keeper and shall be effected by shredding of the papers. The shredded material shall then be sent to the nearest jail or to such place or person as specified by the District and Sessions Judge (Headquarters).
- iii. Period of Preservation of Records
 - i. **Record to be preserved for 5 years** - Part B of the Record shall be preserved for a period of five years from the date of attainment of majority by the child in

conflict with law and shall then be destroyed unless their preservation for a longer period is necessary on special grounds to be recorded in writing by the Board.

Provided that the ORDER ON AGE shall also be STORED in digitized form for twelve years in all cases, irrespective of the age of the child in conflict with law and shall then be destroyed unless its preservation for a longer period is necessary on special grounds to be recorded in writing by the Board.

Provided further that the digitized record shall be so secured as to maintain its absolute confidentiality.

- ii. **Record to be preserved for 1 year** - Part A and A1 of the Record shall be preserved for one year and shall then be destroyed.
- iii. **Record to be preserved conditionally** - Part C of the Record shall be preserved for one year from the date of attainment of majority by the child in conflict with law or till the period of conclusive compliance of the order of rehabilitation as passed by the Board, whichever is later.
- iv. **Mode of reckoning the period** - The period prescribed above shall be taken to run from the date of the final order passed by the Board or, in the event of an appeal or revision, from that of the date of decision in appeal or revision, as the case may be.
- v. **Notes of destruction** - When under the above rules any of the records contained in Part A, A1, B or C are destroyed, a note to that effect shall be made at the time of destruction, against the entry of the case in the Goshwara Register, When the above record is destroyed partially, entry to that effect shall be made accordingly. All notes made above shall be attested by the Record- keeper.
- vi. **Preservation of original documents** - The original documents which have not been impounded in the case in which they were produced, shall be separated or removed from the record. These documents shall be preserved and kept in a separate parcel, and notice shall, wherever practicable, be given to the persons who produced them in court, requiring them to take them back into their own keeping within six months from the date of such notice, and warning them that they will be kept at their risk, and that the Board shall not have any responsibility for them thereafter.
- vii. The rules relating to maintenance and disposal of Registers shall be the same as provided in Chapter XVI of the Delhi High Court Rules. The In-charge of records shall maintain the confidentiality of registers similar to that of the records.
- viii. These Registers shall not be accessible to the general public unless allowed by the Board.


Shilpa Shinde
Director (WCD)

15 JUN 2016

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Copy to

- 1. The Joint Registrar, Hon'ble Juvenile Justice Committee, Delhi High Court, New Delhi-110003
- 2. The Special Secretary, Delhi State Legal Service Authority, 1st Floor, Pre-Fab Building, Patiala House Courts, New Delhi, Delhi 110001

3. PS to Secretary, Department of WCD & SW, GLNS Complex, Delhi Gate, Delhi-110002
4. The Pr. Magistrate, JJB-I, Sewa Kutir Complex, King sway Camp, Delhi-110^09
5. The Pr. Magistrate, JJB-II, Prayas Observation Home for Boys-I, Delhi Gate Delhi- 110002
6. The Pr. Magistrate, JJB-III, Sewa Kutir Complex, Kingsway Camp, Delhi-110009
7. The DDO, JJB-I, Sewa Kutir Complex, Kingsway Camp, Delhi-110009
8. The DDO, JJB-II, GLNS Complex, Delhi Gate, Delhi-110002
9. The DDO, JJB-III, Sewa Kutir Complex, Kingsway Camp, Delhi-110009
10. Asstt. Computer Programmer, DWCD, GNCTD, K.G. Marg, New Delhi for uploading on the department website


Shilpa Shinde
Director (WCD)