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BILL NO. 9 OF 1978

THE MANIPUR CHILDREN ^{Act} BILL, 1978

(As passed by the Legislative Assembly, Manipur on 30-6-78)

AN
~~BILL~~ Act

to modify the law for the care, protection, treatment, maintenance, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the State of Manipur.

BE it enacted by the Legislative Assembly of Manipur in the Twenty seventh year of the Republic of India as follows :

1. (1) This Act may be called the Manipur Children Act, 1978.
- (2) It extends to the whole of the State of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas of the State.

Short title,
extend and
commence-
ment.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context:—

(a) "Begging" means

- (i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;
 - (ii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;
 - (iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;
- (b) "Brothel", "prostitute" "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);
- (c) "Child" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years;
- (d) "Children's Home" means an institution established as such by the state Government under section 26;
- (e) "Court" means a Juvenile court established under section 54 of this Act;
- (f) "Dangerous drug" shall have the meaning assigned to it in the Dangerous Drugs Act 1930 (2 of 1930);
- (g) "Institution" means a Children's home, Special School or a remand home;
- (h) "Delinquent child" means any child who has been found to have committed an offence;
- (i) "Fit person" means a person considered fit and appointed as such by the juvenile court for custody of a child or a delinquent child, who undertakes to bring up or to give facilities for bringing up any child or delinquent child entrusted to his care in conformity with the religion of his birth;

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- (j) "Guardian" in relation to a child or delinquent child includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the child or delinquent child or in which the child or delinquent child is concerned, has for the time being the actual charge of or control over the child or delinquent child;
- (k) "Neglected child" means a child who—
- (i) is found begging or
 - (ii) is found without having any home, settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or
 - (iii) has a parent or guardian who is unfit to exercise or does not exercise proper care and control over the child; or
 - (iv) lives in 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) frequents the company of any reputed thief or criminal or is otherwise likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime;
- (l) "Place of safety" includes a remand home or children's home or any other suitable place or institution, or any orphanage, the occupier or manager of which is willing temporarily to receive a child.
- (m) "Prescribed" means prescribed by rules made under this Act;
- (n) "Probation Officer" means an officer appointed as a probation officer under section 30 of this Act or under the Probation of Offenders Act, 1958 (20 of 1958);
- (o) "Remand home" means any institution or place established or recognised by the State Government under this Act for the temporary reception of Children during the pendency of any inquiry under this Act;
- (p) "Society" means a body or association of individuals, whether incorporated or not;

- (q) "Special School" means an institution established by the State Government under section 25;
- (r) "Street" includes any highway, public bridge, road, lane, foot-path, square, court alley or passage, whether a thoroughfare or not;
- (s) "Supervision" means the placing of a child under the control of a probation officer or other person for the purpose of securing proper care and protection of the child by his parent, guardian, relation or any other fit person to whose care the child has been committed. The expression "supervision order" shall be construed accordingly;
- (t) "State Government" means the Government of the State of Manipur;
- (u) "Visitor" means a person appointed by the State Government for a specified period for periodical inspection of the institutions and submission of report.
- (v) All words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974) shall have the meanings assigned to them in that Code.

PART II

NEGLECTED CHILDREN

Production
of neglected
children
before juvenile
courts.

3. (1) If any police officer or any other person authorised by the State Government in this behalf, by general or special order, is of opinion that a person is apparently a neglected child, such police officer, or other person, may take charge of that person for bringing him before a juvenile court.

(2) When information is given to an officer in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose; the substance of such information and take such action thereon as he deems

fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the juvenile court.

(3) Every child taken charge of under sub-section (1) shall be brought before the juvenile court within a period of twenty four hours of such charge taken excluding the time necessary for the journey from the place where the child had been taken charge of to the juvenile court.

(4) Every child taken charge of under sub-section (1) shall, unless he is kept with his parent or guardian, be sent to a remand home (but not a police station or jail) until he can be brought before a juvenile court.

4. (1) If a person, who in the opinion of the police officer or the authorised person is a neglected child, has a parent or guardian who has the actual charge of, or control over, the child, the police officer or the authorised person may, instead of taking charge of the child, make a report to the juvenile court for initiating an inquiry regarding that child.

Special procedure to be followed when neglected child has parent.

(2) On receipt of a report under sub-section (1), the juvenile court may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of the Act and if it appears to the juvenile court that the child is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the child) to a remand home.

5. (1) When a person alleged to be a neglected of child is produced before a juvenile court, it shall examine the police officer or the authorised person who brought the child or made the report and record the substance of such examination and hold the inquiry in the prescribed manner and may make such orders in relation to the child as it deems fit.

Inquiry by juvenile court regarding neglected children.

(2) Where a juvenile court is satisfied on inquiry that a child is a neglected child and that it is expedient so to deal with him, the juvenile court, may make an order directing the child to be sent to a children's home for the period until he ceases to be a child;

Provided that the juvenile court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of twenty years ;

Provided that the juvenile court may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(3) During the pendency of any inquiry regarding a child, the child shall, unless he is kept with his parent or guardian, be sent to a remand home for such period as may be specified in the order of the juvenile court.

Provided that no child shall be kept with his parent or guardian if, in the opinion of the juvenile court, such parent or guardian is unfit to exercise or does not exercise proper care and control over the child.

Power to
commit
neglected
child to
suitable
custody.

6. (1) If the juvenile court so thinks fit, it may, instead of making an order under sub-section (2) of section 5 for sending the child to a children's home, make an order placing the child under the care of a parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond with or without surety to be responsible for the good behaviour and well being of the child and for the observance of such conditions as the juvenile court may think fit to impose.

(2) At the time of making an order under sub-section (1) or at any time subsequently, the juvenile court may, in addition, make an order that the child be placed under supervision for any period not exceeding three years in the first instance.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the juvenile court, on receiving a report from the Probation Officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the child, it may, after making such inquiry as it deems fit, order the child to be sent to a children's home.

Uncontrol-
lable
children.

7. Where a parent or guardian of a child complains to the juvenile court that he is not able to exercise proper care and control over the child and the juvenile court is satisfied on inquiry that proceedings under this Act should be initiated regarding the child, it may send the child to a remand home and make such further inquiry as it may deem fit and the provisions of sections 5 and 6 shall, as far as may be apply to such proceedings.

Sending of
child having
place of
residence
outside the
Jurisdiction
of Court.

8. In the case of child whose original place of residence lies outside the jurisdiction of the court before which it is brought, the court may, if satisfied after due inquiry that it is expedient so to do, send the child back to a relative or a fit person willing to receive him and exercise proper care and control over him.

Interim
order by
court.

9. Where at any stage of a proceeding under this part the court so considers it expedient in the interest of the child, it may make such interim order as it thinks fit for the detention or continued detention of the child in a place of safety, or for his committal to the care of a fit person who is willing to take care of him.

PART III

SPECIAL OFFENCES IN RESPECT OF CHILDREN

Punishment
for cruelty
to children.

10. (1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects, or ill-treats or assaults such child in a manner likely to cause such child unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child.

(3) A person may be convicted of an offence under this section notwithstanding that actual suffering injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or effect the right of any parent, teacher or other persons having the lawful control or charge of a child to administer punishment to such child.

11. (1) Whoever for his own profit causes any child having the actual charge of or control over a child allows that child to be in any street, premises or place for the purpose of begging or receiving alms, shall be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

Causing or allowing child to beg.

(2) The State Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

12. If any person is found drunk in any public street or other public place whether a building or not while having the charge of a child apparently under the age of seven years and if such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall, if the child is under that age be punishable with fine which may extend to fifty rupees.

Penalty for being drunk while in-charge of a child.

13. Whoever in any public street or other public place, whether a building or not causes to be given to any child any intoxicating drug or liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine, which may extend to fifty rupees.

Penalty for giving intoxicating drug or liquor to a child.

14. It shall be the duty of a police officer to seize any bidies, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidies, cigarettes, tobacco or smoking mixture so seized shall be forfeited to the State Government and every such police officer shall be authorised search any child so found smoking but no girl shall be so searched except by a female officer.

Seizure by police officer of any bidies, cigarettes, tobacco or smoking mixture in possession of child.

15. Whoever takes an article on pawn from a child whether offered by that child on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child.

Allowing
child to re-
side in fre-
quent to
brothel.

16. Whoever having the actual charge of or control over, child between the age of four and eighteen allows or permits that child to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or
encoura-
ging seduc-
tion, etc.

17. (1) Whoever having the actual charge of, or control over, a girl, under the age of eighteen years causes or encourages the seduction (which shall include inducement to indulge in immoral behaviour) or prostitution of that girl or causes or encourage any one other than her husband provided his wife has attained the age of fourteen years to have sexual intercourse with her shall, on conviction be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction of a girl or to have induced her to behave immorally if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of, any prostitute, or person of known immoral character.

Girls expo-
sed to risk
of seduction
etc. or cru-
elty treated.

18. If it appears to a court on the complaint of any person that a girl under the age of eighteen is being treated with cruelty by her parent or guardian or that such girl with or without the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution or of living a life of prostitution the Court may direct the parent or guardian to enter for a specific period into a recognizance to exercise due care and supervision in respect of such girl.

Seduction
or outrage
of modesty.

19. Whoever seduces or indulges in immoral behaviour with a girl under the age of eighteen years shall, on conviction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Exploitation
of child em-
ployees.

20. (1) Whoever secures a child extensively for the purpose of menial employment or for labour in a factory or other establishment, but in fact exploits the child for his own ends, withholds or lives on his savings, shall on conviction, be punished with fine which may extend to one thousand rupees.

(2) Whoever secure a child for any of the purposes mentioned in sub-section (1), and exposes such child to the risk of seduction, be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(3) Any person who knowingly avails himself of the labour of a child exploited in the manner referred to in sub-section (1) or (2) or for whose immoral gratification such child is used shall be liable as an abettor.

Detention of
child in place
of safety.

21. (1) Any Police Officer, not below the rank of Sub-Inspector or a person authorised in the manner prescribed may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or there is reason to believe has been or is likely to be committed.

(2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may be detained there until he can be brought before the Court, but such detention shall not, in the absence of a special order of the court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court and the court may make such order as mentioned in sub-section (3) or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the court that an offence as aforesaid has been or is likely to be committed in respect of any child who is brought before the court and that it is expedient in the interests of the child that an order should be made under this sub-section, the court may make such order as may be deemed necessary for the care and detention of the child for a reasonable time under this Act during the pendency of the enquiry.

22. (1) Where any person having the actual charge of or control over a child has been:—

- (a) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, or
- (b) committed for trial for any such offence, or
- (c) bound over to keep the peace towards such child by any court, that court may either at the time when the person is so convicted or committed for trial or bound over or at any other time, order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period and that court or any court of like jurisdiction may, of its own motion or on the application of any person from time to time by order amend, vary and revoke any such order.

(2) The court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life and in addition order that the child be placed under the supervision of person named by the court.

(3) If the child has a parent or legal guardian no order shall be made under this section unless.

- (i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found, or,

Disposal of
child by or-
der of Court.

- (ii) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any act or omission facilitated the offence or is otherwise unfit to have the care of the child.

Provided that if the court thinks fit, it may, or where such parent or guardian gives an undertaking with or without sureties in a prescribed form to the court allow such child to remain in the custody of such parent or guardian subject to the supervision of a person named by the court.

- (4) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

- (5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

- (6) The court, instead of ordering the child to be committed to the care of a relative or other person, may order that the child shall be sent to a special school or children's home.

Warrant to
search for
child ill-trea-
ted.

23. (1) If it appears to a magistrate duly empowered under this Act from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interest of a child that there is reasonable cause to suspect that—

- (a) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health; or
- (b) an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or is being committed in respect of the child ;

the Magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in court, or may issue a warrant authorizing any Police Officer named therein to search for such child and if it is found that he has been or is being wilfully ill-treated or neglected in the manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any Police Officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person, in like manner, as if the person in whose charge or control he was, committed for trial for an offence punishable under this Act ;

Provided that if the said child is in the custody or control of a parent or guardian who being a female does not according to the custom and manner of the country appear in public, the magistrate shall ordinarily issue a summon and the person to whom such summon is issued shall be deemed to have complied with the summons if instead of personally attending in court the causes the said child to be produced in court.

(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of any child be apprehended and brought before him, or direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The Police Officer executing the warrant shall be accompanied by the person laying the information if such person so desires, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child shall be given if known.

24. (1) If in any case in which a complaint has been made by any person under section 23 the magistrate after such inquiry as he deems necessary is of opinion that such information was false and either frivolous or vexatious, may for reasons to be recorded in writing direct that compensation to such an amount not exceeding five hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

Compensation for false and frivolous or vexatious information.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of thirty days.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall, so far as may be, apply.

(5) No person who has been directed to pay compensation under this section shall by virtue of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suit relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as of such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is a subject to appeal under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV

CHILDREN'S HOME REMAND HOMES, SPECIAL SCHOOLS AND OTHER INSTITUTIONS

Special
School.

25. (1) The State Government may establish and maintain as many special schools as may be necessary for the reception of delinquent children under this Act.

(2) Every special school to which a delinquent child is sent under this Act shall provide the child with accommodation, maintenance and facilities for education 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.

(3) The State Government may, by rules made under this Act, provide for the management of special schools.

Children's
home.

26. (1) The State Government may establish and maintain as many children's homes as may be necessary for the reception of neglected children under this Act.

(2) Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance, and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed.

(3) The State Government may, by rules made under this Act, provide for the management of children's homes.

Remand
Homes.

27. (1) The State Government may establish and maintain as many remand homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act.

(2) Every remand home to which a child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation.

(3) The State Government may, by rules made under this Act, provide for the management of remand homes.

28. (1) A committee shall be appointed by the State Government for the control and management of every special or children's Home established under sub-section (1) of section 25 and sub-section (1) of section 26. Management of Schools.

(2) A superintendent shall be appointed by the State Government for each special school or children's home who shall be the manager of the special school or children's home for the purposes of this Act, under the control and supervision of the Committee.

29. (1) The State Government shall appoint a registered medical practitioner as a Medical Inspector for the purposes of this Act. Medical Inspector.

(2) The Medical Inspector may visit any Children's Home, Special School, or any other institution established under this Act at any time with or without notice to its manager in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school or home.

Provided that where any such school or home is for the reception exclusively of girls, a male registered medical practitioner shall not visit such home or school without giving previous notice to the manager thereof.

30. The State Government may for the purposes of this Act appoint the following officers :— Appointment of Officers.

- (a) The Chief Inspector of institutions.
- (b) Inspectors and Assistant Inspectors of institutions.
- (c) The Probation Officer.
- (d) Such other officers as may be necessary.

31. It shall be the duty of Probation Officer :

- (a) to inquire, in accordance with the direction of a juvenile court, into the antecedents and family history of child accused of an offence, with a view to assist the court in making the inquiry ;
 - (b) to visit neglected and delinquent children at such intervals as the probation officer may think fit ;
 - (c) to report to the juvenile court as to the behaviour of any neglected or delinquent child ;
 - (d) to advise and assist neglected or delinquent children and, if necessary, endeavour, to find them suitable employment ;
 - (e) where a neglected or delinquent child is placed under the care of any person on certain conditions, to see whether such conditions are being complied with ; and
 - (f) to perform such other duties as may be prescribed.
- Duties of probation Officer.

Powers and
duties of
Chief inspec-
tors and ins-
pectors.

32. (1) Powers and duties of the Chief-Inspectors, Inspectors and Assistant Inspectors of institutions shall be as those provided under the provisions of this Act and the rules made thereunder and in accordance with general or special order which the state government or any officer authorised in this behalf may make for the purpose of carrying out the provisions of this Act.

(2) Every institution under the Act shall be liable to inspection at all times and in all its departments by the Chief Inspector, Inspector or Assistant Inspector and shall be so inspected at least once in every year.

(3) The Chief-Inspector, Inspector or Assistant Inspector shall also have a right to visit any institution at any time.

PART V DELINQUENT CHILDREN

Bail of Chil-
dren arrested.

33. (1) When a person apparently under the age of eighteen years is arrested for a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought may, in any case and shall unless the offence is one of culpable homicide or is an offence punishable with death or transportation, release him on bail if sufficient security is forthcoming unless, for reasons to be recorded in writing, the officer believes that such release would bring him into association with any reputed criminal or expose him to moral danger or that his release would defeat the ends of justice:

Provided that where a girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is brought shall release her at once if any person who is a relative of the girl or a society or institution of the same religious persuasion as the girl, who in his opinion is a sufficient and suitable surety, enters into a bond for such sum of money as the officer considers sufficient to produce her before the court or to appear in her stead if required at the Police Station.

Explanation.

(2) For the purpose of this section the expression "relative" means parents, grand parents, brothers, sisters, uncles, aunts and first cousins.

Custody of
children not
released on
bail.

34. (1) Where a person apparently under the age of eighteen years having been arrested is not released under section 33 or otherwise, the officer-in-charge of the police station or such other officer who has arrested him shall cause him to be kept in a remand home in the prescribed manner (but not in a police station or jail) until he can be brought before a Juvenile court.

(2) When such person is not released on bail under section 33(1) by the Juvenile court, it shall, instead of committing him to prison, make an order sending him to a remand home for such period during the pendency of the inquiry regarding him as may be specified in the order.

35. A court, on remanding or committing for trial a child who is not released on bail, shall order him to be detained in the prescribed manner.

Remand or
committal to
custody.

36. Where a child is arrested, the officer in charge of the police station to which the child is brought shall, as soon as may be after the arrest, inform :

Information
to parent or
guardian or
probation
officer.

(a) the parent or guardian of the child, if he can be found, of such arrest and direct him to be present at the Juvenile court before which the child will appear ; and

(b) the probation officer of such arrest in order to enable him to obtain information regarding the antecedents and family history of the child and other material circumstances likely to be of assistance to the Juvenile court for making the inquiry.

37. (1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to an special school, his parent or guardian may, in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard during all the stages of the proceedings unless the court is satisfied that it would be unreasonable to require his attendance ;

Attendance
in court of
parent of
child.

(2) Where a child is arrested, the officer in-charge of the police station to which he is brought shall require the parent or guardian of the child if he can be found, to attend the court before which the child shall be produced ;

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the charge of or control over the child ;

(4) The attendance of the parent of a child shall not be required under this section in any case where the child was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child if such mother or female guardian does not according to custom, appear in public, but any such mother or female guardian may be represented by an advocate or a duly authorised agent.

38. (1) Notwithstanding anything to the contrary contained in any law, no court shall sentence a child to death or transportation or imprisonment for any term or commit him to prison in default of payment of fine :

Sentence that
may not be
passed on
child.

Provided that where a child who has attained the age of fourteen years has committed an offence and the Juvenile court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other children in a special school to send him to such special school and that none of the other measures provided under this Act is suitable or sufficient, the children's court may order the delinquent child to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the State Government.

(2) On receipt of a report from a children's court under sub-section (1), the State Government may make such arrangement in

respect of the child as he deems proper and may order such delinquent child to be detained at such place and on such conditions as it thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

No proceeding under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) against a child.

39. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Orders that may not be passed against delinquent children.

40. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no delinquent child shall be sentenced to death or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that where a child who has attained the age of fourteen years has committed an offence and the juvenile court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other children in a special school to send him to such special school and that none of the measures provided under this Act is suitable or sufficient, the juvenile court may order the delinquent child to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the State Government.

(2) On receipt of the report from a juvenile court under subsection (1), the State Government may make such arrangement in respect of the child as he deems proper and may order such delinquent child to be detained at such place and on such conditions as it thinks fit.

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

Orders that may not be passed regarding delinquent children.

41. (1) Where a juvenile court is satisfied on inquiry that a child has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the juvenile court may, if it so thinks fit.

- (a) allow the child to go home after advice or admonition;
- (b) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person on such parent, guardian or other fit person executing a bond, with or without surety as that court may require for the good behaviour and well being of the child for any period not exceeding three years;
- (c) make an order directing the child to be sent to a special school—
 - (i) in the case of a child over fourteen years of age, for a period of not less than three years;
 - (ii) in the case of any other child, for a period until he ceases to be a child;

Provided that the juvenile court may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

Provided further that the juvenile court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of nineteen years ;

(d) order the child to pay a fine if he is over fourteen years of age and earns money.

(2) Where an order under clause (b) or (d) of sub-section (1) is made, the juvenile court may, if it is of opinion that in the interest of the child and of the public it is expedient so to do, in addition, make an order that the delinquent child shall remain under the supervision of a probation officer named in the order during such period not exceeding three years, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the delinquent child :

Provided that if at any time afterwards it appears to the juvenile court on receiving a report from the probation officer, or otherwise that the delinquent child has not been of good behaviour during the period of supervision, it may, after making such inquiry as it deems fit, order the delinquent child to be sent to a special school.

(3) The juvenile court making a supervision order under sub-section (2) shall explain to the child and the parent, guardian or other fit person, as the case may be, under whose care the child has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the child, the parent, guardian or other fit person, as the case may be, the sureties, if any, and the probation officer.

(4) In determining the special school, or any person to whose custody a child is to be committed or entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imparted to him.

42. Notwithstanding anything contained in any other law, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

Removal of disqualification attaching to conviction.

43. Notwithstanding anything contained in this Act, all proceedings in respect of a child pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the child has committed an offence, it shall record such finding and, instead of passing any sentence in respect of the child, forward the child to the juvenile court which shall pass orders in respect of that child in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that the child has committed the offence.

Forwarding of child to juvenile court without passing any sentence.

44. Any person under whose supervision a child or delinquent child has been placed by an order of a court under the provisions of Part II and III of this Act shall, subject to rules made in this behalf, have so far as it may be possible, the same duties as Probation Officer under the proceeding section.

Special provision in respect of pending cases.

Death or
incapacity
of probation
officer or
other person.

45. Where the Probation Officer or other person named in an order of a court under the provisions of Part II and Part III of this Act placing a child or delinquent child under supervision, has died or is unable for any reason to carry out his duties, or where it is made to appear that it is desirable that another person should be appointed in the place of that officer or person, the court may appoint another Probation Officer or person to act in his place.

PART VI

MAINTENANCE AND TREATMENT OF PERSONS SENT TO INSTITUTIONS UNDER THE ACT

Period of
detention.

46. The period for which a child or delinquent child is to be detained in an institution shall be specified in the order in pursuance of which he is sent there and such period shall not be less than two years in the case of a delinquent child who at the time of the order is over fifteen years and three years in the case of any other delinquent children as the court may deem proper for his teaching and training but not in any case extending beyond the time when he will in the opinion of the court attain the age of twenty years.

Contribution
of parent.

47. The court which makes an order for the detention of a child or delinquent child in an institution under this Act or for the committal of a child or delinquent child to the care of a relative or other fit person, may make an order to the parent or such other person liable to maintain the child or delinquent child for making or giving contribution to his maintenance if able to do so in the prescribed manner.

(2) The court before making any order under sub-section (1) shall enquire into the circumstances of the parent or other person liable to maintain the child or delinquent child and shall record the evidence, if any, in the presence of the parent or such other person, as the case may be, or when his personal attendance is dispensed with in the presence of his counsel.

(3) An order made under this section may be varied by the court from time to time.

(4) The persons liable to maintain a child or delinquent child shall for the purposes of sub-section (1) include any person in whose keeping the mother of the child or delinquent child is at the time when any order as aforesaid is made whether he is his putative father or not and in the case of illegitimate child his putative father :

Provided that where the child or delinquent child is illegitimate and an order for his maintenance has been made under sections 125 and 126 of the Code of Criminal Procedure, 1973 (2 of 1974) the court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the said order for maintenance to be paid to such person or persons as may be named by the court and such sum shall be paid by him, towards the maintenance of the child or the delinquent child.

(5) Where a parent or other person has been ordered under this section to contribute to the maintenance of a child or delinquent child he shall give notice of any change of address to the court which passed the order and if he fails to do so without reasonable excuse he shall be punishable with a fine which may extend to twentyfive rupees.

(6) An order under this section may be enforced in the same manner as an order under sections 125 and 126 of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A child including delinquent child in remuneration or possessing property yielding income shall pay such proportion of his earnings as may be ordered by the State Government towards his maintenance.

48. (1) When a child is kept in a children's home or special school, the State Government may, if it so thinks fit, release the child from the children's home or special school and grant him a written licence for such period and on such conditions as may be specified in the licence permitting him to live with, or under the supervision of, any responsible person named in the licence willing to receive and take charge of him with a view to educate him and train him for some useful trade or calling.

Placing out
on licence.

(2) Any licence so granted under sub-section (1) shall be in force for the period specified in the licence or until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The State Government may, at any time, by order in writing revoke any such licence and order the child to return to the children's home or special school from which he was released or to any children's home or special school, and shall do so at the desire of the person with whom or under supervision the child has been permitted to live in accordance with a licence granted under sub-section (1).

(4) When a licence has been revoked or forfeited and the child refuses or fails to return to the special school or children's home to which he was directed so to return, the State Government may, if necessary, cause him to be taken charge of and to be taken back to the special school or children's home.

(5) The time during which a child is absent from a special school or children's home in pursuance of a licence granted under this section shall be deemed to be part of the time for which he is liable to be kept in custody in the special school or children's home :

Provided that when a child has failed to return to the special school or children's home on the licence being revoked or forfeited, the time which elapse after his failure so to return shall be excluded in computing the time during which he is liable to be kept in custody.

Penalty abetting escape of child or delinquent child.

49. (a) Whoever knowingly assist or induces, directly or indirectly a child or delinquent child detained in or placed out on licence from a special school to escape from the school or of any person with whom he is placed out on licence, or any child or delinquent child to a special escape from the care of the person to whose care he is committed under the provisions of this Act, or

(b) Knowingly harbours, conceal, connives at or prevents from returning to the special school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child or delinquent child, who has so escaped or knowingly assists in or connives at so doing, shall be punishable with imprisonment of either description for a term which may extend to three months or to a fine not exceeding two hundred rupees, or with both.

Action by police in regard to escaped children.

50. Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge, without a warrant a child who has escaped from special school or a children's home or from the care of a person under whom he was placed under this Act, and shall send the child back to the special school or the children's home or that person, as the case may be, and no proceeding shall be instituted in respect of the child by reason of such escape but the special school, children's home or the person may, after giving the information to the court which passed the order in respect of the child, take such steps against the child as may be deemed necessary.

Transfer between children's home, etc., under the Act, and children's home etc., of like nature in different part of India.

51. (1) The State Government may direct any neglected child or delinquent child to be transferred from any children's home or special school within the state to any other children's home, special school or institution of like a nature in any other State with the consent of the Government of that State.

(2) The State Government may, by general or special order, provide for the reception in a children's home or special school within the State of a neglected child or delinquent child detained in a children's home or special school or institution of a like nature in any other state where the Government of that State makes an order for such transfer, and upon such transfer the provisions of this Act shall apply to such child as if he had been originally ordered to be sent to such children's home or special school under this Act.

Discharge and transfer.

52. (1) The State Government may at any time discharge a child or delinquent child from the care of any person to whose care he is committed under this Act, either absolutely or on such condition as the State Government approves.

(2) The State Government may at any time order a child or delinquent child to be discharged from any special school or remand home or children's home either absolutely or on such condition as the State Government approves.

(3) The State Government may order a delinquent child over the age of fifteen years detained in an institution to be transferred to another institution established under this Act in the interest of discipline or for other special reasons:

Provided that the total period of detention of such delinquent child shall not be increased by such transfer.

53. (1) Where it appears to the State Government that any child kept in an institution or in the care of a fit person under any order of a court is a leper or is suffering from a disease which is declared by the State Government in the manner prescribed contagious (hereinafter called contagious disease), the State Government may, by an order setting forth the grounds of belief that the child is a leper or is suffering from a contagious disease, order his removal to a leper asylum or other place of safe custody, to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered to be kept or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of others that he should be further kept under medical care for treatment, then until he is discharged according to law.

Transfer of children of unsound mind or suffering from leprosy and other contagious diseases.

(2) Where it appears to the State Government that the child kept in an institution or in the care of a fit person under any order of court is of unsound mind, the State Government may, by an order setting forth the grounds of belief that the child is of unsound mind, order his removal to a mental hospital or other place of safety to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered to be kept or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of other reasons that he should be further kept under medical care or treatment, then until he is discharged according to law.

(3) Where it appears to the State Government that the child has become of sound mind, or is cured of leprosy, or of the contagious disease, the State Government shall, by an order, direct the person having charge of the child if still liable to be kept in custody to send him to the institution or fit person from where he was removed, or if the child is no longer liable to be kept in custody, order him to be discharged.

(4) The provision of section 31 of the Indian Lunacy Act, 1912, and section 14 of the Lepers Act, 1898 as the case may be, shall apply to every child confined in a mental hospital or a leper asylum under sub-section (1) or (2), and the time during which a child is confined in a mental hospital or a leper asylum under that sub-section shall be recorded as part of the period for which he may have been ordered by the court to be kept;

Provided that where the removal of a child due to unsoundness of mind or leprosy is immediately necessary it shall be opened to the authorities of the institution in which the child is kept to apply to a court having jurisdiction under the Indian Lunacy Act, 1912, or the Lepers Act, 1898, as the case may be, for an immediate order of committal to mental hospital or a leper asylum as the case may be until such times the orders of the State Government can be obtained in the matter.

PART VII

POWERS AND FUNCTIONS OF COURTS HAVING JURISDICTION UNDER THIS ACT

Juvenile
Courts.

54. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more juvenile courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to children under this Act.

(2) Every juvenile court shall consist :—

(i) a Judicial Magistrate of the 1st Class to be appointed by the Government as Presiding Officer ; and

(ii) two social workers one of whom may be a woman.

NOTE : For the purpose of clause (ii) above a penal of social workers is to be maintained by State Government.

Powers of
Juvenile
Court and
other Courts.

55. Save as otherwise provided in this Act.

(1) Where a juvenile court has been established for any local area such court shall deal with all cases in which a child is charged with the infringement of law and shall deal with and dispose of all other proceedings under this Act, but shall not have power to try any case in which an adult is charged with an offence under Part III, and

(2) Where a Juvenile court has not been established for any local area, no court other than courts empowered under section 54 to exercise the powers of the juvenile court shall have power to deal with any case in which a child is charged with an infringement of law or to deal with or dispose of any other proceedings under this Act.

Procedure
when a magi-
strate is not
empowered
to pass an
order under
this Act.

56. (1) When a magistrate not empowered to exercise the powers of a court under this Act is of the opinion that a child brought before him is a proper person to be sent to a special school or to be and the dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and forward the child record of the proceeding to the nearest juvenile court having jurisdiction in the case or to the nearest magistrate empowered to exercise the powers of a court under this Act.

(2) The court or the Magistrate to whom the proceedings are so submitted may make such further inquiry, if any, as the court of magistrate may think fit and may pass such orders as the court or magistrate might have passed if the child had originally been brought before or tried by him.

No joint
trial of child
and adult in
areas where
juvenile court
exists.

57. (1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, no child shall be charged with or tried for any offence together with an adult, if a juvenile court has been established for the area where the trial of such case is to take place.

(2) If a child is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force, such child and the adult could, but for the provision of sub-section (1), have been tried together the court taking cognizance of the offence shall direct separate trials of the child and the adult.

58. Save as provided in this Act, no person shall be present at any sitting of a juvenile court except.

Presence of persons in juvenile courts.

- (a) the members and the officers of the court ;
- (b) the parties to the case before the court and other persons directly concerned in the case including the police officers in plain uniform ; and
- (c) such other persons as the court specially authorises to be present.

59. If at any stage during the course of a trial of a case or proceedings, a juvenile court considers it expedient in the interest of the child to direct any person including the parent, guardian or the spouse of the child himself to withdraw, the court shall be entitled to give such direction and thereupon such person shall withdraw. If any person refuses to withdraw the court may take steps to remove him.

Withdrawal of persons from juvenile courts.

60. If at any stage during the course of the trial of a case or proceeding, the court is satisfied that the attendance of a child is not essential for the purposes of the hearing of the case or proceeding the court may dispense with his attendance and proceed with the trial of the case in the absence of the child.

Dispensing with attendance of child.

61. Notwithstanding anything contained in any law for the time being in force, a legal practitioner shall not be entitled to appear in any case or proceeding before a juvenile court, in cases of neglected children. Legal practitioner may however appear before the juvenile court in cases of delinquent children in view of the provision under Article 21 of the Constitution of India.

Appearance of legal practitioners before juvenile courts.

62. For the purposes of any order which a court has to pass under this Act, the court shall have regard to the following factors:--

Factors to be taken into consideration in passing orders by courts.

- (a) the age of the child;
- (b) the circumstances in which the child is living ;
- (c) the reports made by the Probation Officer ;
- (d) the religious persuasion of the child ; and
- (e) such other matters as may, in the opinion of the court require to be taken into consideration in the interest of the child.

Provided that where a delinquent child is found to have infringed the law, the above factors shall be taken into consideration after the court has recorded a finding that he has infringed the law.

PART VIII
GENERAL AND MISCELLANEOUS

Minimum
age for com-
mittal to
institutions.

63. A court shall not order the child or delinquent child under the age of ten years to be sent to an institution unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, is satisfied that he cannot be dealt with otherwise.

Principles to
be observed
by courts in
dealing with
children and
delinquent.

64. Every court in dealing with a child who is brought before it, either as needing care or as a delinquent or otherwise shall have regard to the welfare of the child and shall in a proper case take steps for removing him from undesirable surroundings and for securing that proper provision is made for his education and training.

Prohibition
of publica-
tion of
names etc.,
of children
involved in
any Proceed-
ing under
this act.

65. (1) No report in any newspaper, magazine or news sheet of any enquiry regarding a child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the child, nor shall any picture of any such child be published:

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

Reports of
Probation
Officers and
other reports
to be treated
confidential.

66. The report of Probation Officers or any other reports considered by the court under section 63 shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the child or parent or guardian and an opportunity of producing such evidence as may be relevant to the matter stated in the report shall be given.

Presumption
and determi-
nation of age.

67. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child, the court may make due inquiry as to the age of that person and for that purpose may take such evidence as may be forthcoming, and may record a finding thereon, stating his age as nearly as may be.

(2) A declaration by the court under the proceeding sub-section as to the person brought before it being under the age of eighteen years shall, for the purposes of this Act, be final and no court shall in appeal or revision interfere with any such declaration.

Provision as
to religion.

68. (1). In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and when a fit person of the religious denomination of the child is willing to

undertake the care of the child, make an order committing him to the care of such fit person and such fit person shall give an undertaking as aforesaid.

(5) Where a child is boarded out, or where a child or delinquent child is permitted by licence to live with any other person, the State Government shall select for this purpose a person of the same religion as the child or delinquent child, as the case may be, if such person is available and if no such person is available a person who gives a satisfactory undertaking that the child or delinquent child shall be brought up in accordance with religion of such child or delinquent child, and if no such person is available then another person shall be selected within the provisions of section 48.

(3) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed the child shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (2) of this section.

(4) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tampering with his religion he may apply to the court for an enquiry and the court on being satisfied may issue an order removing the said child from the custody of such institution or person and hand over the custody of the child to another fit person or institution.

69. For the purpose of this Act, a person shall be deemed to be a child, if at the time of the initiation of any proceedings against him under this Act or at the time of his arrest in connection with which any proceedings are initiated against him under this Act, such person has not attained the age specified in clause (c) of section 2 :

Constitution of proceedings against child on his attaining specified age.

Provided that if during the course of the proceedings under this Act such person attains the age specified in the said clause, the proceedings already commenced shall be continued and orders may be passed in respect of such person under this Act as if such person was a child notwithstanding to the contrary in this Act.

70. The provisions of sections 445, 446, 447, 448, 449 and 450 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to bonds under this Act.

Bond taken under this Act.

71. (1) Subject to the provisions of this section any person aggrieved by an order made by a court under this Act may, within thirty days from the date of such order, prefer an appeal to the court of session :

Appeals.

Provided that the court of session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from :—

(a) any order of acquittal made by the juvenile court in respect of a child alleged to have committed an offence; or

(b) any order made by a Court in respect of a finding that a person is not a neglected child.

(3) No second appeal shall lie from any order of the Court of session passed in appeal under this section.

Revision.

72. The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any Court or court of session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit.

Procedure in inquiries, appeals and revision proceedings.

73. (1) Save as otherwise expressly provided by this Act, a Court while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974), for trial in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

Power to amend orders.

74. (1) Without prejudice to the provisions for appeal and revision under this Act, any juvenile court may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under the Act.

(2) Clerical mistakes in orders passed by a juvenile court or errors arising therein from any accidental slip or omission may, at any time, be corrected by the juvenile court either on its own motion or on an application received in this behalf.

Control over custodian of child.

75. Any person in whose care a child is placed under the provisions of this Act, shall, while the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his maintenance and the child shall continue in his care for the period stated by the court notwithstanding that he is claimed by his parent or any other person.

Probation Officer and persons authorised to be deemed to be public servants.

76. The Probation Officer and all other persons authorised or entitled to act under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of action taken under this Act.

77. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, save with the permission of the State Government.

Delegation of Powers.

78. All or any of the powers conferred by this Act on the State Government may be exercised or performed by such other officer and subject to such conditions as the State Government may by notification specify in that behalf.

79. (1) The State Government may subject to the condition **Rules.** of previous publication make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

- (a) the place at which, the days on which, the time at which, and the manner in which, a Juvenile court may hold its sittings ;
- (b) content of order committing children or delinquent children to special schools or to the care of fit persons ;
- (c) the appointment of visitors and their tenure of office ;
- (d) the inspection of special schools or any other institution established under this Act or after care organisations ;
- (e) the maintenance, educational and industrial, religion or moral or other training of the inmates of special schools ;
- (f) the internal management of special schools and children's home ;
- (g) the functions and responsibilities of special schools and children's homes ;
- (h) matters incidental to the appointment, resignation and removal of Probation Officers and the remuneration and expenses payable to them ;
- (i) duties of the Probation Officer and his qualification ;
- (j) visit to and communication with inmates of special schools ;
- (k) the punishment for offences committed by inmates of special schools, or any other institution established under this Act ;
- (l) the recruitment and training of persons appointed to carry out the purposes of this Act and the terms and conditions of their service ;
- (m) the manner of detention of children under arrest or remanded or committed for trial ;
- (n) the procedure to be adopted in juvenile courts ;
- (o) the procedure to be adopted in any case or inquiry under this Act before any court other than a Juvenile court ;
- (p) the manner in which a child may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children ;
- (q) the contribution by parents and other persons liable to maintain children and delinquent children ;
- (r) the boarding out of children and the licensing and supervision of children and delinquent children and the submission of reports regarding them ;