

Andhra Pradesh Children Act, 1979

26 of 1979

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Andhra Pradesh Children Act, 1979

26 of 1979

[09 October 1979]

An Act to consolidate and amend the law for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected children and juvenile offenders and for the trial of juvenile offenders in the State of Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirtieth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Andhra Pradesh Children Act, 1979.
- (2) It extends to the whole of the State of Andhra Pradesh.
- 1[(3) It shall come into force on such date as the State Government may, by notification published in the Andhra Pradesh Gazette, appoint.]
- 1. Came into force from 1-9-1986 (Vide G.O.Ms. No. 502 (Home), dated 22-8-1986.

2. Saving :-

The Government may, by notification, direct that all or any of the provisions of this Act shall not apply to any class of children or juvenile offenders in the whole of the State or in any particular area.

3. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) adult means a person who is not a child;
- (b) begging shall have the same meaning as assigned to it in the Andhra Pradesh Prevention of Begging Act, 1977;
- (c) Board means a Child Welfare Board constituted under Section 6;
- (d) brothel prostitute, prostitution and public place shall have the meanings respectively assigned to them in the 1[Suppression of Immoral Traffic in Women and Girls Act, 1956.]
- (e) certified school means a certified school established by the Government or any other school or institution declared by the Government as a certified school, under Section 24;
- (f) Chief Inspector means the Chief Inspector of certified schools and childrens home appointed under Section 36;
- (g) child means a boy who has not completed the age of sixteen years or a girl who has not completed the age of eighteen years;
- (h) childrens home means a childrens home established by the Government or any institution declared by the Government as a childrens home, under Section 24;
- (i) competent authority means in relation to neglected child, a Board constituted under Section 6 and in relation to juvenile offender a juvenile court constituted under Section 7 and where no such Board or juvenile court has been constituted includes any court empowered under sub-section (2) of Section 9 to exercise the powers conferred on a Board or a juvenile court.
- (j) competent court means a juvenile court constituted under Section 7 and where no such court has been constituted, includes a court empowered under sub-section (2) of Section 9 to exercise the powers conferred on a juvenile court;
- (k) dangerous drug means any article defined as dangerous drug in the Dangerous Drugs Act, 19302;
- (l) District Magistrate means the person exercising the powers of a District Magistrate under the Code of Criminal Procedure, 1973;
- (m) fit person institution in relation to the care of any child, means any association or body of individuals, whether incorporated or not, established for or having for its object, the reception or protection of children or the prevention of cruelty to children and which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of childs birth;
- (n) Government means the State Government;
- (o) guardian in relation to a child or juvenile offender includes any person who, in the opinion of the court having cognizance
- (p) juvenile court means a court constituted under Section 7;
- (q) juvenile offender means any child who has been found to have

committed an offence;

(r) neglected child means a child who-

(i) is found without having any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or

(ii) has a parent or guardian who is unable or unfit to exercise or does not exercise proper care and control over the child; or

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

(iv) is otherwise likely to fall into bad association or to be exposed to moral dangers or to enter upon a life of crime; or

(v) is found begging;

(s) notification means a notification published in the Andhra Pradesh Gazette, and the word notified shall be construed accordingly;

(t) observation home means any institution established, recognised as such under Section 26/19;

(u) place of safety includes an observation home or any other suitable place or institution (not being a police station or jail) the occupier or manager of which is willing temporarily to receive a child, and take care of child and which in the opinion of the competent authority may be a place of safety for child;

(v) prescribed means prescribed by rules made by the Government under this Act

(w) probation officer means an officer appointed as a probation officer under Section 39 or under the Probation of Offenders Act, 1958;

(x) supervision in relation to a child placed under the care of any parent, guardian or other fit person institution under this Act means the supervision of that child by a probation officer for the purpose of ensuring that the child is properly looked after and that the conditions imposed by the competent authority are complied with;

(y) voluntary home means any place for the reception of children maintained wholly or partly by voluntary contributions.

1. The Short title of this Act, Subs. as "Immoral Traffic (Prevention) Act, 1956" by Act 44 of 1986.

2. See Narcotic Drugs & Psychotropic Substances Act, 1985 (Central Act 61 of 1985) of any proceeding in relation to the child or juvenile offender, has for the time being the actual charge of, or

control over, the said child or juvenile offender;

4. Continuance Of Proceedings Against Child On Attaining Specified Age :-

For the purposes of this Act, a person shall be deemed to be a child if at the time of 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 completed the age of sixteen years in the case of a boy or eighteen years in the case of a girl:

Provided that, if during the course of the proceedings under this Act, such person completes the age of sixteen years in the case of a boy or eighteen years in the case of a girl, 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 anything to the contrary in this Act.

5. Certain Provisions Of The Code Of Criminal Procedure, 1963, Etc. Not To Apply :-

Section 27 of the Code of Criminal Procedure, 1973 and the provisions of the Reformatory Schools Act, 1897, shall upon the commencement of this Act, cease to apply to this State.

CHAPTER 2 POWERS AND FUNCTIONS OF BOARD AND COURTS HAVING JURISDICTION UNDER THE ACT

6. Constitution Of Child Welfare Boards :-

(1) The Government may, by notification, constitute for any area specified in the notification one or more Child Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relating to neglected children under this Act.

(2) The Board shall consist of a Chairman and such other members as the Government may think fit to appoint of whom not less than one shall be a woman and every such member shall be vested with the powers of a Magistrate under the Code of Criminal Procedure, 1973.

(3) No person shall be appointed as a member of the Board unless he has, in the opinion of the Government, special knowledge of child psychology and child welfare.

(4) The Board shall function as Bench of Magistrates and shall have

the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or as the case may be, a Judicial Magistrate of First Class.

7. Constitution Of Juvenile Courts :-

(1) The Government may, by notification, constitute one or more juvenile courts, for any area specified in the notification.

(2) A juvenile court shall be presided over by a single Magistrate or by such bench of Magistrates consisting of two or more Magistrates as the Government may, after consultation with the High Court, think fit to appoint, and where a bench is constituted one of the Magistrates shall be designated as the principal Magistrate and one at least of them shall be a woman.

(3) a juvenile court, where it is presided over by a bench of Magistrates, may function even if one Magistrate is present and no order made by the bench shall be invalid by reason only of the absence of any Magistrate during any stage of the hearing of the proceeding.

(4) Every juvenile court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman and such panel shall be appointed by the Government.

(5) No person shall be appointed to preside over a juvenile court unless he is a Magistrate of First Class.

8. Procedure Etc. In Relation To Boards And Juvenile Court :-

In the event of any difference of opinion among the members of a Board or among the Magistrates constituting a bench, the opinion of the majority shall prevail but where there is no such majority, the opinion of the Chairman or of the principal Magistrate, as the case may be, shall prevail.

9. Powers Of Juvenile Courts And Other Courts :-

(1) Where a Board or juvenile court has been constituted for any area, such Board or court shall, notwithstanding anything in any other law for the time being in force, but save as otherwise provided in this Act, have power to deal exclusively with all proceedings or to try all cases under this Act but shall not have power to try any case in which an adult is charged with an offence

under Chapter VI of this Act:

Provided that a Board or a juvenile court may, if it is of opinion that it is necessary so to do having regard to the circumstances of the case, transfer any proceedings to any juvenile court or Board, as the case may be:

Provided further that where there is any difference of opinion between a Board and a juvenile court regarding the transfer of any proceedings under the first proviso, it shall be referred to the Chief Metropolitan Magistrate or, as the case may be, the Chief Judicial Magistrate for decision and in a case where the District Magistrate is functioning as a Board or a juvenile Court, such difference of opinion shall be referred to the court of Session, and the decision of the Chief Metropolitan Magistrate or Chief Judicial Magistrate or, as the case may be, the Court of Session on such reference shall be final.

(2) Where no Board or juvenile court has been constituted for any area, the powers conferred on the Board or the juvenile court by or under this Act shall be exercised in that area. only by the following, namely;

(a) the court of the District Magistrate ; or

(b) the court of any Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be.

(3) The powers conferred on the Board or the juvenile court by or under this Act, may also be exercised by the High Court and the court of Session, when the proceeding comes before it in appeal revision or otherwise.

10. Procedure To Be Followed By The Court Of A Magistrate Not Empowered Under This Act :-

(1) When any court of a Magistrate not empowered to exercise the powers of a juvenile court under this Act, is of opinion that a person brought before it is a child, it shall record such opinion and forward the child and the record of the proceeding to the court having jurisdiction under this Act, to deal with and dispose of the proceeding.

(2) The court to which the proceeding is forwarded under subsection (1) shall hold the inquiry as if the child has originally been brought before it.

11. No Joint Trial Of Child And Adult :-

(1) Notwithstanding anything in Section 223 of the Code of

Criminal Procedure, 1973, or any other law for the time being in force, no child shall be charged with or tried for any offence other than an offence punishable either under Section 302 or Section 304 or Section 392 or Section 395 or Section 396 of the Indian Penal Code, 1860 together with an adult,

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

12. Procedure In Inquiries And Trial :-

Save as otherwise expressly provided by or under this Act, a competent court, while holding an inquiry into and in the trial of cases and the conduct of proceedings under this Act, shall subject to such procedure as may be prescribed follow as far as may be the procedure laid down for trial in summons cases in the Code of Criminal Procedure, 1973.

13. Sittings, Etc. Of Juvenile Courts Or Boards :-

(1) a Board or juvenile court shall hold its sittings at such place on such days and in such manner as may be prescribed.

(2) In the inquiry into or trial of a case in which a child is charged with an offence, the court of a Magistrate empowered to exercise the powers of a Board or, as the case may be, a juvenile court under Section 9, shall, as far as practicable, sit in a different building or room from that in which the ordinary sittings of the Court or held or on different days or at different times from those at which the ordinary sittings of the court are held.

14. Special Provision In Respect Of Pending Cases :-

Notwithstanding anything in this Act, all proceedings in respect of a child pending in a court on the date on which this Act comes into force shall be continued in that court, as if this Act had not been passed and if such 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 competent court under this Act, which shall pass orders in respect of that child in accordance with the provisions of this Act, as if it has been

satisfied on inquiry under this Act that the child has committed the offence.

15. Presence Of Persons In Competent Authority :-

(1) Save as otherwise provided in this Act, no person shall be present in any sitting of a competent authority, except--

- (a) the members and officers of competent authority,
- (b) the parties to the case before competent authority, the parent or guardian of the child and other persons directly concerned in the case, including the police officer and legal practitioner, and
- (c) such other persons as competent authority may permit to be present.

(2) No legal practitioner shall be entitled to appear before a Board in any case or proceeding before it, except with the special permission of that Board.

16. Withdrawal Of Persons :-

If, at any stage, during the course of a trial of a case or proceeding, a competent authority considers it expedient in the interests of the child or on grounds of decency or morality, to direct any person including the police officers, the parent, guardian or the child himself to withdraw, the competent authority shall be entitled to give such direction and thereupon such persons shall withdraw. If any person refuses to withdraw, the competent authority may have him removed and may for this purpose, cause to be used such force as may be necessary.

17. Dispensing With Attendance Of Child :-

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

18. Withdrawal Of Persons From Competent Authority When Child Is Examined As Witness :-

If, at any stage during the course of a trial of a case or proceeding in relation to an offence against, or any conduct contrary to, decency, or morality, a child is examined as a witness, the

competent authority trying the case or holding the proceeding may direct such persons as it thinks fit, not being parties to the case proceeding, the legal practitioners and the officers concerned with the case or proceeding, to withdraw. Such persons shall then withdraw. If any person refuses to withdraw, the competent authority may have him removed, and may for this purpose, cause to be used such force as may be necessary.

19. Attendance Of Parent Or Guardian Of The Child Charged With Offence :-

(1) Where a child brought before a competent authority under this Act has a parent or guardian such parent or guardian, may, in any case, and shall, if he can be found and if he resides within a reasonable distance from the competent authority, be required to attend the court unless the competent authority is satisfied that it will be unreasonable to require his attendance.

(2) The parent or guardian whose attendance is required under this section shall be the parent or guardian having the actual charge of or control over the child:

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(3) The attendance of the parent of the 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.

20. Child Suffering From Dangerous Disease To Be Committee To Approved Place :-

(1) When a child brought before a competent authority under any of the provisions of this Act, is found to be suffering, from a disease requiring prolonged medical treatment or from a physical or mental disease that will respond to the treatment, the competent authority may send the child to an observation home or to any other place recognised in the manner prescribed, to be an approved place, for such period as it may think necessary for the required treatment.

(2) Where a child is found to be suffering from leprosy or is of unsound mind, he shall be dealt with under the provisions of the Andhra Pradesh Leprosy Act, 1953, or the Indian Lunacy Act, 1912, as the case may be.

21. Factors To Be Taken Into Consideration In Making

Orders Under This Act :-

For the purposes of any order, which a competent authority has to pass under this Act, the competent authority shall have regard to the following factors--

- (a) the character, religious persuasion and age of the child;
- (b) the circumstances in which the child is living;
- (c) the reports, if any, made by the probation officer, under Section 63; and
- (d) such other matters as may, in the opinion of the competent authority required to be taken into consideration in the interest of the child;

Provided that in the case of a juvenile offender the above factor shall be taken into consideration after the competent authority has recorded a finding against such offender that he has committed the offenses:

Provided further that if no report of the probation officer is received within three months of his being informed under Section 63, it shall be open to the competent authority to proceed without it.

22. Reports Of Probation Officers And Other Reports To Be Treat As Confidential :-

The report of the probation officer or any other matter considered by the competent authority under Section 21 shall be treated as confidential:

Provided that, if such report or matter relates to the character, health or conduct of, or the circumstances in which the child, the parent or the guardian is living, the competent court may, if it thinks expedient, communicate the substance thereof to the child and the parent or guardian concerned as the case may be.

23. Prohibition Of Publication Of Names, Etc. Of Children Involved In The Cases Of Proceedings Under The Act :-

No report in any newspaper, magazine, or news sheet of any inquiry or investigation of any case or proceeding before any competent authority in which a child is involved shall disclose the name, address or school or any other particulars calculated to lead to the identification of any such child, nor shall any picture of any such child be published:

Provided that for reasons to be recorded in writing, the authority trying the case or holding the proceeding may permit the disclosure

of any such report if in its opinion, such disclosure is in the interests of child's welfare and it is not likely to effect adversely the interests of the child concerned.

CHAPTER 3 CHILDREN'S HOMES, CERTIFIED SCHOOLS, OBSERVATION HOMES AND OTHER INSTITUTIONS

24. Establishment And Certification Of Childrens Homes And Certified Schools :-

(1) The Government may establish and maintain as many childrens homes as may be necessary for the reception of neglected children and as many certified schools as may be necessary for the reception of juvenile offenders.

(2) Where the Government are of opinion that any institution not established under sub-section (1) is fit for the reception of the neglected children or juvenile offenders to be sent there under this Act, it may declare such institution as childrens home or as the case may be a certified school for the purposes of this Act and issue a certificate to that effect.

25. Functions Of Childrens Home And Certified Schools :-

Every childrens home to which a neglected child, and every certified school to which a juvenile offender is sent under this Act shall not only provide the child with accommodation and maintenance, but also endeavor to provide the child with facilities for education and developing his character and abilities and to give him necessary training for his reformation and shall also perform such other functions as may be prescribed.

26. Observation Homes :-

(1) The Government may establish and maintain as many observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry, trial or other proceeding regarding them under this Act and such observation home shall be maintained in such manner as may be prescribed.

(2) Where the Government are of opinion that any place or institution other than those established under sub-section (1) is fit for the temporary reception of children during the pendency of any inquiry, trial or other proceeding regarding them under this Act, they may recognise such place or institution as observation home

for the purpose of this Act, and may after giving notice withdraw with recognition on such grounds as may be prescribed.

27. Recognition Of Fit Person Institutions :-

(1) Where the Government are of opinion that any institution of association is fit for the reception of children under this Act the Government may recognise such institution or association as fit person institution under this Act and may after giving notice withdraw the recognition on such grounds as may be prescribed.

(2) The Government may prescribe the conditions subject to which institutions or associations shall be recognised as fit person institutions for the purposes of this Act.

28. Management Of Childrens Homes And Certified Schools :-

(1) For the control and management of every childrens home or certified school established under sub section (1) of Section 24 a Superintendent and a Committee of Visitors shall be appointed by the Government and such Superintendent shall be deemed to be the manager of the childrens home or the certified school for the purposes of this Act.

(2) Every institution declared as a childrens home or as certified school under sub-section (2) of Section 24 and every institution recognised as a fit person institution under Section 27 shall be under the management of a governing body, which shall be deemed to be the manager of the home, school or the fit person institution for the purposes of this Act.

29. Liabilities Of Managers :-

(1) The manager of a childrens home, certified school or a fit person institution shall report his opinion when he is consulted by the competent authority before any child is committed to such home, school or institution.

(2) The manager of a childrens home or a certified school declared as such by the Government under sub-section (2) of Section 24 shall, subject to availability of accommodation in such home or school receive any child committed to it under this Act.

Provided that when such home or school has once accepted any child, it shall be bound to teach, train, lodge, clothe and feed him during the whole period for which he is liable to be detained in the

home or school, or until the withdrawal or surrender of the certificate of the home or school.

30. Medical Inspection Of Childrens Homes, Certified Schools And Fit Person Institutions :-

Any registered medical practitioner authorised in this behalf by the Government may visit any childrens home, certified school or fit person institution 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 home, School or institution.

31. Inspection Of Voluntary Homes :-

The Government may cause any voluntary home not liable to be inspected by or under the authority of any Government Department, to be visited and inspected, from time to time, at all reasonable hours by the Chief Inspector, or any person authorised by him, in this behalf.

32. Power Of Government To Withdraw Certificate Or Prohibit Admission :-

(1) Where the Government are not satisfied with the conditions, rules, management, or superintendence of a childrens home or a certified school, they may, at any time, by notice served on the manager of the home or school, declare that the certificate of the home or school is withdrawn as from the date specified in the notice and on such declaration the withdrawal of the certificate shall take effect and the home or school shall cease to be a childrens home or a certified school.

(2) The Government may, instead of withdrawing a certificate under sub-section (1), by notice served on the manager of the home or school, prohibit the admission of neglected children or juvenile offenders to the home or school for such time as may be specified in the notice or until the notice is revoked:

Provided that before the issue of a notice under sub-section (1) or sub-section (2), an opportunity shall be given to the manager of the home or school to show cause why the certificate may not be withdrawn or admission to the home or school may not be prohibited, as the case may be.

33. Surrender Of Certificate By Manager :-

The manager of a childrens home or a certified school recognised under sub-section (2) of Section 24 may, on giving six months notice in writing to the Government through the Chief Inspector, of his intention so to do, surrender the certificate of the home or school at the expiration of six months from the date of notice and thereupon the home or school shall cease to be a childrens home or a certified school.

34. Effect Of Withdrawal Or Surrender Of Certificate :-

A neglected child or a juvenile offender shall not be received into a childrens home, or as the case may be, into a certified school under this Act after the date of receipt by the manager of the home or school of a notice of withdrawal of the certificate under Section 32, or the date of notice of intention to surrender the certificate under Section 33.

Provided that the obligation of the manager to teach, train, lodge, clothe and feed any neglected child detained in the home or juvenile offender detained in the school at the respective dates aforesaid shall, except so far as the Government otherwise direct, continue until the withdrawal or surrender of the certificate takes effect.

35. Disposal Of Inmates On Withdrawal Or Surrender :-

When a home or a school ceases to be a childrens home or a certified school, the neglected children or juvenile offenders as the case may be, detained therein shall be either discharged absolutely or on such conditions as the Government may impose or transferred by order of the Chief Inspector to some other childrens home or certified school or fit person institution in accordance with the provisions of this Act relating to discharge and transfer.

CHAPTER 4 OFFICERS, THEIR POWERS AND DUTIES

36. Appointment Of Chief Inspector, Inspectors Etc. :-

The Government may, for the purposes of this Act appoint the following officers:

- (a) one Chief Inspector of certified schools and one Chief Inspector of childrens homes for the whole of the State;
- (b) such number of Inspectors and Assistant Inspectors of certified schools and childrens homes, as may be necessary; and

(c) such other officers as may be necessary.

37. Powers And Functions Of Inspectors, Etc. :-

The powers and functions of the Chief Inspector, Inspectors and the Assistant Inspectors of certified schools and childrens homes and other officers shall be such as may be provided by or under this Act and in accordance with the general or special orders, which the Government or any officer authorised by the Government in this behalf may make for the purpose of carrying out the provisions of this Act.

38. Delegation Of Powers Of Government :-

The Government may, by notification, delegate to the Chief Inspector such of their powers under this Act, as may be prescribed, except the power to establish Boards, juvenile courts, certified schools, childrens homes, observation homes of After-Care Organisations for reception of children and the power to make rules under this Act.

39. Appointment Of Probation Officers :-

(1) The Government or such other authority as may be empowered by them in this behalf, may appoint probation officers for carrying out the purposes of this Act.

(2) Subject to any rules that may be made in this behalf, it shall be the duty of the probation officer:

(a) to visit children in need of protection and juvenile offenders at such intervals as the probation officer may think fit;

(b) to report to the competent authority on the behavior of any child in need of protection or any juvenile offender;

(c) to advise and assist children in need of protection or juvenile offenders and if necessary endeavour to find them suitable employment;

(d) where a child in need of protection or juvenile offender is placed under the care of any person on certain conditions, to see whether such conditions are being complied with; and

(e) to perform such other functions as may be prescribed.

(3) Notwithstanding anything in sub-section (1), a competent authority may, for the purposes of any particular case or proceeding appoint any other person as a probation officer if in its opinion such appointment is expedient or necessary.

40. Supervision And Control Of Probation Officers :-

(1) A probation officer in the performance of his functions under this Act shall be an officer of competent authority and shall be under the supervision and guidance of such competent authority.

(2) Nothing in this section shall derogate from the powers of supervision of the Chief Inspector over the probation officers.

CHAPTER5 MEASURES FOR THE CARE AND PROTECTION OF NEGLECTED CHILDREN

41. Production Of Neglected Children Before The Board :-

(1) If any police officer, or other person authorised by the Government in this behalf by general or special order, (hereafter in this Chapter referred to as the authorised person) is of opinion that a person is apparently a neglected child, such police officer or authorised person may take charge of that child for bringing him before a Board.

(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 and a report of the action taken to the Board.

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

(4) Every child taken charge of under sub-section (1) shall, unless he is kept with his parent or guardian, be sent to a place of safety, not being a police station, until he can be brought before the Board.

42. Special Procedure In Case The Neglected Child Has Parent :-

(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 the child, but who is unable or unfit to exercise proper control over the child, the police officer or the

authorised person may, instead of taking charge of the child, make a report to the Board for initiating an inquiry regarding the child.

(2) On receipt of a report under sub-section (1) the Board may call upon the parent or guardian to produce the child before it and to show cause why the said child should not be dealt with as a neglected child under the provisions of this Act, and if it appears to the Board that the child is likely to be removed from its jurisdiction or to be concealed, it may immediately issue a warrant authorising any police officer to search for the child and to take him to a place of safety, not being a police station to be detained therein until he can be brought before the Board.

43. Inquiry By Competent Court Regarding Neglected Child

:-

(1) When a person alleged to be a neglected child is produced before a Board 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.

(2) Where on such inquiry the Board is satisfied that a child is a neglected child, the Board may make an order directing the child to be committed to a childrens home or to the care of a fit person institution named by the Board for a period of not less than two years but not, in any case, extending beyond the period when the child will, in the opinion of the Board complete the age of sixteen years in the case of a boy or eighteen years in the case of a girl.

(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 observation home for such period as may be specified in the order of the Board.

44. Power To Commit Neglected Children To Suitable Custody :-

(1) If the Board so thinks fit, it may instead of making an order under sub-section (2) of Section 43 for sending the neglected child to a childrens home or a fit person institution, make an order placing the child under the care of a parent or guardian or other person, executing a bond with or without sureties in such manner as the Board may require, to be responsible for the good behaviour and well-being of the child and for the observance of such other conditions as the Board may impose for securing that the child may

lead an honest and industrious life.

(2) The Board, which makes an order committing a neglected child to the care of a parent, guardian or other person under this section may, in addition, order that he be placed under the supervision of the probation officer for any period not exceeding three years.

(3) Notwithstanding anything in sub-section (1) or sub-section (2) if at anytime it appears to the Board 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 enquiry as it deems fit, order the child to be sent to a childrens home.

45. Sending A Child Having Place Of Residence Out Side Jurisdiction :-

If the case of a neglected child whose ordinary place of residence lies outside the jurisdiction of the Board before which it is brought, the Board may, if satisfied after due inquiry that it is expedient so to do, send such child back to a relative or other person, who is fit and willing to receive him at his place of residence and exercise proper care and control over him.

46. Uncontrollable Children :-

Where the parent or guardian of a child complains to the Board that he is not able to control the child and that he desires the child to be sent to a childrens home or a fit person institution, the Board, if satisfied on inquiry that it is expedient so to deal with the child and the parent or guardian understands the results which will follow may order, the child to be committed to a childrens home or a fit person institution.

CHAPTER 6 SPECIAL OFFENCES IN RESPECT OF CHILDREN

47. Punishment For Cruelty To Children :-

(1) Whoever having the custody, charge, or care of any child willfully assaults, ill-treats, neglects, abandons or exposes the child or causes him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary mental or physical suffering shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(2) The infliction of a reasonable punishment on a child for a

proper reason shall not be deemed to be an offence under this section.

48. Penalty For Being Drunk While In Charge Of Child Etc. :-

If any person while having the physical custody of a child under the age of seven years is found drunk in any public street or other public place, whether a building or not and if such person is incapable, by reason of his drunkenness of taking due care of the child, such person shall on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

49. Penalty For Giving Intoxicating Liquor Or Dangerous Drug To Child :-

Whoever gives or causes to be given to any child any intoxicating liquor or dangerous drug except under a prescription in writing of a Registered Medical Practitioner, or in case of sickness or other urgent cause, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

50. Seizure By Police Officer Of Any Beedies, Cigarettes, Tobacco Or Smoking Mixture In Possession Of Child :-

(1) Any police officer may, seize any beedies, cigarettes, tobacco, or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any beedies, cigarettes, tobacco or smoking mixture so seized be disposed of in such manner as may be prescribed.

(2) Any police officer finding a child smoking or in possession of any beedies, cigarettes, tobacco or smoking mixture in any street or public place shall see that information of the fact is given to the parent or guardian of the child.

51. Penalty For Permitting Child To Enter Place Where Liquor Or Dangerous Drug Is Sold :-

Whoever takes a child to any place where intoxicating liquor or dangerous drug is sold or whoever being the proprietor, owner or a person in charge of such place, permits a child to enter such place or whoever causes or procures a child to go to such place shall, on conviction, be punished with fine which may extend to two hundred

rupees.

52. Inciting Child To Bet Or Borrow :-

Whoever by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child to make any bet or wage or to enter into or taken any share or interest in any betting or wagering transaction or to borrow money, or to enter into any transaction involving the borrowing of money, shall on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

53. Allowing Or Permitting Child To Be In Brothel :-

Whoever allows or permits a child over the age of four years to reside in or to frequent a brothel, shall, on conviction be punished with imprisonment for a term, which may extend to two years or with fine, which may extend to one thousand rupees, or with both.

54. Exploitation Of Child Employees :-

(1) Whoever procures a child without the consent of the parent or guardian ostensible for the purposes of menial or other employment and withholds the earnings of the child or uses such earnings for his own purposes, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both.

(2) Any person who avails himself of the labour of a child exploited in the manner referred to in sub-section (1) shall be liable as an abettor.

55. Prohibition Against Causing Children To Take Part In Performances Endangering Life Or Limb :-

Any person, who causes or procures a child or being his parent or guardian allows him to take part in any public performance in which his life or limbs are endangered, shall on conviction be punished with fine, which may extend to one hundred rupees and in the case of a second or subsequent offence be punished with fine which may extend to three hundred rupees;

Provided that no proceedings shall be taken under this section without the sanction of the Commissioner of Police in the cities of Hyderabad, and of the District Collector elsewhere.

56. Penalty For Abetting Escape Of Child Or Juvenile Offender Whoever :-

(a) Knowingly assists or induces, directly or indirectly a child or juvenile offender detained in a childrens home, certified school or fit person institution to escape from such home, school or institution or any child to escape from the custody of the person to whose care he has been committed under the provisions of this Act; or

(b) Knowingly harbors, conceals or prevents from returning to such home, school or institution 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 juvenile offender who has so escaped or knowingly assists in so doing shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

57. Penalty For Publication Of Report Or Pictures Relating To Children :-

Whoever publishes any report or picture in contravention of the provision of Section 23 shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

58. Detention Of Victimised Child In Place Of Safety :-

(1) Where any police officer not below the rank of a sub-inspector or any other officer authorised in this behalf in the prescribed manner has reasonable ground to believe that an offence under this Act or under the Suppression of Immoral Traffic in Women and Girls Act, 1956 has been committed or is likely to be committed in respect of any child, he may take such child to a place of safety to be detained therein and shall produce such child before a competent authority within a period of twenty-four hours of such detention excluding the time necessary for the journey from the place of detention to the competent authority and no such child shall be detained in a place of safety beyond the said period without the authority of the competent authority.

(2) If it appears to a competent authority from information given by any person on oath or solemn affirmation that an offence as stated in sub-section (1) has been or is being committed or, unless immediate steps are taken, will be committed in respect of any

child, the competent authority may issue a warrant authorising any police officer to search for such child and to take him to a place of safety to be detained therein or until he can be brought before it.

(3) Where any child is brought before a competent authority under sub-section (1) or sub-section (2), if the competent authority is satisfied that an offence as stated in sub-section (1) has been committed or is likely to be committed in respect of such child, the competent authority may by order,--

(a) commit the child to a children's home, or

(b) commit the child to the care of any fit person whether a relative or not, who is willing to undertake the care of him, or

(c) direct his parent or guardian to enter a recognisance to exercise proper care and guardianship for such time as the competent authority deems fit but in no case beyond the time when the child completes the age of sixteen years in the case of a boy or eighteen years in the case of a girl.

(4) The competent authority passing an order under clause (b) or clause (c) of sub-section (3), may, in addition, order the child to be placed under supervision:

Provided that if, on receiving a report from the probation officer or otherwise, it appears to the competent authority that the fit person, parent or guardian to whose care the child has been committed, has failed to exercise proper care or guardianship it may after such enquiry as it deems fit order the child to be detained in a children's home.

59. Victimised Child To Be Sent To Competent Authority :-

Any court, by which a person is convicted of having committed in respect of a child, an offence mentioned in sub-section (1) of Section 58, or before which a person is brought for trial for any such offence or by which a person is bound over to keep peace on account of his committing an offence in respect of a child, may direct that the child be produced before a competent authority for making such order as may be proper under sub-section (3) of Section 58.

60. Employment Of Children For Begging :-

(1) Whoever employs or uses any child for the purposes of begging or causes any child to beg shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) Whoever, having the actual charge of, or control over, a child,

abets the commission of the offence punishable under sub-section (1), shall be punished with imprisonment for a term which may extend to one year or with fine, or with both.

61. Offences Under The Chapter Cognizable :-

All offences under this Chapter shall be cognizable.

CHAPTER 7 JUVENILE OFFENDERS

62. Bail And Custody Of Children Arrested :-

(1) Where a person who is apparently a child, is arrested or detained or appears or is brought before a juvenile court, on a charge of a bailable or non-bailable offence, such person shall notwithstanding in the Code of Criminal Procedure, 1973, or in any other law for the time being in force, be released on bail with or without sureties, but he shall not be so released if there are reasonable grounds for believing that the release is likely to bring him into association with any notorious criminal or expose him to moral danger or where his release would defeat; the ends of justice.

(2) When such person having been arrested is not released on bail; under sub-section (1), the officer incharge of the police station shall keep the child arrested by him in a place of safety, not being a police station, and shall produce him before the juvenile court or the nearest Magistrate within a period of twenty-four hours of his arrest, excluding the time necessary for the journey from the place of arrest to the court or the Magistrate.

(3) Where such person is not released on bail under sub-section (1) by the juvenile court, it shall instead of committing him to prison, make an order sending him to an observation home for such period during the pendency of the enquiry regarding him as may be specified in the order.

63. Information To Parent Or Guardian Or Probation Officer :-

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--

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

(b) the probation officer and the officer in-charge of an observation home, of such arrest in order to enable the Probation Officer and the Officer in-charge of the observation home to proceed forthwith to obtain information regarding the antecedents and family history of the child and other material circumstances likely to assist the competent court in making the inquiry regarding the child.

64. Inquiry By Juvenile Court Regarding Juvenile Offenders :-

Where a child having been charged with an offence appears or is produced before a juvenile court, the court shall hold the inquiry in accordance with the provisions of Section 12.

65. Orders That May Be Passed Regarding Juvenile Offenders :-

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

- (a) allow the child to go home after advice or admonition;
- (b) direct that child to be released on probation of good conduct and placed under the care of its parent or guardian or other person executing such bond, with or without sureties, as the juvenile court may require, to be responsible for the good behaviour and well being of the juvenile offender for any period not exceeding three years:

Provided that the juvenile court may, in the case of a juvenile offender in respect of whom an order under clause (b) is made, make a further order that the juvenile offender shall remain under the supervision of a probation officer named in such order during such period not exceeding three years as may be specified therein; Provided further that if at any time afterwards it appears to the juvenile court on receiving a report from the probation officer or otherwise that the juvenile offender has not been of good behaviour during the period of supervision it may after such inquiry as it thinks fit order the juvenile offender to be sent to a certified school;

- (c) make an order directing the child to be sent to a certified school--

(i) in the case of a boy over fifteen years of age or a girl over seventeen years of age for a period of one year.

(ii) in the case of any other child, for a period of not less than two years but not in any case extending beyond the period when the child will, in the opinion of the court, complete the age of sixteen years in the case of a boy or eighteen years in the case of a girl.

(2) (a) Where the offence committed by the juvenile offender is punishable with fine and the juvenile court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court shall, after giving the parent or guardian an opportunity of being heard, order that the fine be paid by the parent or guardian of the child unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child.

(b) An order under clause (a) may be made against the parent or guardian who having been required to attend has failed to do so.

(c) Whether a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1973.

66. Orders That May Not Be Passed Against Juvenile Offenders :-

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

(2) When a child is found to have committed an offence of so serious nature that the juvenile court is of opinion that no punishment, which under the provisions of this Act, it is authorised to inflict, is sufficient or when the juvenile court is satisfied that the child is of so depraved a character that he cannot be committed to a certified school or detained in a place of safety, and that none of the other methods in which the case may be legally dealt with is suitable, the court shall order the child to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(3) On receipt of a report from a juvenile court under subsection (2), the Government may make such arrangements in respect of the child as they deem proper and may order such child to be detained at such place and on such conditions as they think fit, Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment specified for the offence

committed.

67. Proceedings Under Chapter Viii Of Criminal Procedure Code Not To Apply Against Child :-

Notwithstanding anything to the contrary in the Code of Criminal Procedure, 1973 no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

68. Repatriation :-

In case of a juvenile offender, whose ordinary place of residence lies outside the jurisdiction of the juvenile court before which he is brought if the Court is satisfied after due inquiry that it is expedient so to do, the Court may send the juvenile offender back to a relative or other person, who is willing to receive him at his place of residence and exercise proper care and control over him, notwithstanding the fact that the juvenile offender has to be sent to a place outside the State.

CHAPTER8 MAINTENANCE AND TREATMENT OF COMMITTED CHILDREN

69. Controlling Of Parents :-

(1) The competent authority, which makes an order for the detention of a neglected child in a childrens home or a juvenile offender in a certified school or for the committal of a neglected child or juvenile offender to the care of a relative or other fit person, may make an order on the parent or other person liable to maintain the child, to contribute towards his maintenance, if he is able to do so, in the prescribed manner.

(2) The competent authority before making any order under subsection (1) shall, inquire into the circumstances of the parent or other person liable to maintain the child and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(3) Any order under this section may be varied by the competent authority on an application made to it by the party liable or otherwise.

(4) The person liable to maintain a child shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child is illegitimate and an order for his

maintenance has been made under Sections 125 and 126 of the Code of Criminal Procedure, 1973, the competent authority 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 such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child.

(5) Any 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.

70. Provision As To Religious And Moral Instructions :-

(1) In determining the childrens home, certified school, fit person institution or other person to whose custody a child is to be committed or entrusted under this Act, the competent authority shall ascertain the religious persuasion to which the child belongs and shall, if possible, in selecting such childrens home, certified school, fit person institution or other person, have regard to the facilities which are afforded for instruction in his religion.

(2) When a child is committed to the care of a childrens home or certified school where facilities for instruction in his religion are not afforded, or is entrusted to the care of a fit person institution or other person under such circumstances as it appears that no special facilities for the bringing-up of the child as per his religious practice exist, the authorities of such childrens home, certified school or such fit person institution or such other person shall not bring up the child as per any religious practice other than that of the child.

(3) Where it is brought to the notice of the Chief Inspector or of the competent authority that a breach of sub-section (2) has been committed, it shall be open to the Chief Inspector or the competent authority to transfer the child from the custody of such home, school institution or person.

(4) The childrens home, certified school or fit person institution shall, wherever possible, provide for moral instructions to the children including juvenile offenders kept in such home, school or institution.

71. Placing Out On Licence :-

(1) Subject to the prescribed conditions the Chief Inspector, may at any time after the expiration of six months from the commencement of the detention of a child in a childrens home,

certified school or fit person institution, on the recommendations of the visitors or manager of such home, school or institution or on application by a parent, other relation or guardian, reinforced by such inquiry (sic) may be prescribed, release such child from the home, school or institution and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of a responsible person or society willing to take charge of the child and approved by the Chief Inspector.

(2) Any licence granted under sub-section (1) shall be in force until revoked under sub-section (3) or forfeited by the breach of any of the conditions on which it was granted.

(3) The Chief Inspector may at any time by order in writing revoke any licence and order the child to return to the childrens home, certified school or fit person institution and shall do so at the desire of the person or society with whom or under whose supervision he is licensed to live. If the child refuses or fails to return to the home, school or fit person institution, the Chief Inspector may, if, he thinks fit in the interest of the child so to do, direct by an order the arrest of the child and cause him to be placed before a competent authority or taken back to the home, school or fit person institution.

(4) When a licence has been revoked or forfeited the child refusing or failing to return to the home, school or fit person institution, has not been arrested and placed before the competent authority under the provisions of sub-section (3), the competent authority may if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child, issue a summons requiring the parent or guardian to attend the competent authority on such day as may be specified in the summons and to produce the child and if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject to under the provisions of this Act on conviction, be punished with fine which may extend to one hundred rupees.

(5) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1973.

(6) The time during which a child is absent from a childrens home, certified school or fit person institution, in pursuance of a licence granted under this section shall be deemed to be part of the time of his detention in the home, school or institution:

Provided that where a child has failed to return to the school or institution on the licence being revoked or forfeited the time which lapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the home, school or institution.

72. Action By Police Regarding Escaped Children :-

Notwithstanding anything to the contrary in any law for the time being in force, any police officer may arrest without a warrant a child who has escaped from a childrens home, certified school or a fit person institution or from the supervision of a society or a person under whose supervision he was directed to remain and shall send the child back to the home, school, institution, society or the person without registering any offence or prosecuting the child and the said child shall not be deemed to have committed any offence by reason of such escape, but he shall be dealt with by the authorities of the home, school, institution or society or the person or society or the person concerned in such manner as they think fit, provided such authorities or person shall at the same time inform the action taken to the competent authority from which the child was originally sent.

CHAPTER 9 AFTER CARE ORGANISATIONS

73. Establishment And Functions Of After Care Organisations :-

The Government may, in the manner prescribed, provide:

- (a) for the establishment or recognition of after care organisation and the powers that may be exercised by them for effectively carrying out their functions under this Act;
- (b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of children after they leave childrens homes, certified school or fit person institution and for the purpose of enabling them to lead an honest, industrious and useful life;
- (c) for the preparation and submission of a report by the probation officer in respect of each child prior to his discharge from a childrens home, certified school or fit person institution as the case may be, regarding the necessity and nature of after-care of such child, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of

each such child;

(d) for the standards and the nature of services to be maintained by such after-care organisation;

(e) for such other matters as may be necessary for the purpose of effectively carrying out the scheme of after care programme of children.

CHAPTER 10 APPEALS AND REVISION

74. Appeal :-

(1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act, may, within thirty days from the date of communication of such order, prefer an appeal to the Court of Session;

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 Board 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.

75. Revision :-

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 competent authority 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;

Provided that the High Court shall not pass an order under this section adversely affecting any person without giving him an opportunity of being heard.

76. Procedure In Appeals And Revision Proceedings :-

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.

CHAPTER 11 MISCELLANEOUS

77. Discharge And Transfer :-

(1) The Government may at any time, order a child to be discharged from a childrens home certified school or fit person institution, either absolutely or on such conditions as the Government may approve:

Provided that adequate after-care service is provided for such child wherever possible.

(2) The Government may, in the interests of discipline or for any special reasons, order--

(a) a juvenile offender detained in a certified school, who has completed the age of sixteen years in the case of a boy or eighteen years in the case of a girl:

(b) any child over the age of sixteen years in the case of a boy and eighteen years in the case of a girl released on licence, who has committed a breach of the conditions of licence and whom it is not advisable to send back to the same, home, school or institution from which he has been released to be transferred to a Borstal School established under the law relating to Borstal Schools for the time being in force in the State:

Provided that the total period of detention of the child or juvenile offender shall not be increased by the transfer.

(3) Upon the transfer of a child or juvenile offender to a Borstal School under sub-section (2), the provisions of the law relating to Borstal Schools for the time being in force in the State shall apply to such child or offender as if he had been originally ordered to be detained in a Borstal School under that law.

(4) The Government may at any, time in its discretion, discharge a child from the care of any person to whose care he is committed under this Act either absolutely or on such conditions as the Government may approve, provided that adequate after-care service is provided for such child whenever possible.

78. Transfer Between Childrens Homes Certified Schools Or Institutions In The State And The Home, Schools Or Institutions Of Like Nature In Other Parts Of India :-

(1) The Government may in consultation with the manager of any childrens home, certified school or fit person institution in this

State, consent to the transfer to that home, school or institution of any child or juvenile offender detained in a home, school or institution of a like nature in any other part of India by an order of a competent authority, and upon such transfer of a child or juvenile offender to the home, school or institution in this State the provisions of this Act shall apply to such child or juvenile offender.

(2) The Government may direct any child or juvenile offender to be transferred from any childrens home, certified school or fit person institutions in this State to any home, school or institution of a like nature in any part of India in respect of which provision similar to that in this State is made by the Government of that part of India under any law in force therein:

Provided that no such child or juvenile offender shall be transferred under this sub-section without the consent of the concerned Government of that part of India.

79. Transfer Of Children Of Unsound Mind Or Suffering From Leprosy :-

(1) Where it appears to the Government that any child detained in a childrens home, certified school or fit person institution under any order of a competent authority is of unsound mind or a leper, the Government may, by an order setting for the grounds, of belief that the child is of unsound mind or a leper, order his removal to a mental hospital or leper asylum or other place of safe custody, for being kept there for the remainder of the term for which he has to be detained under the orders of the competent authority or for such further period as may be certified by a medical officer to be necessary for the proper treatment of the child.

(2) Where it appears to the Government that the child is cured of unsoundness of mind, or of leprosy, the Government may, if the child is still liable to be kept in custody by an other direct the person having charge of the child to send him back to the childrens home, certified school or fit person institution from which he was removed, or if the child is no longer liable to be kept in custody, order him to be discharged.

(3) Subject to the provisions of sub-section (2), the provisions of Section 31 of the India Lunacy Act, 1912 or Section 14 of the Andhra Pradesh Leprosy Act, 1953 shall apply to every child confined in a mental hospital or leper asylum under subsection (1) after the expiration of the period for which he was ordered to be detained and the time during which a child is confined in a mental

hospital or leper asylum under that subsection shall be reckoned as part of the period for which he may have been ordered by the competent authority to be detained:

Provided that where the removal of a child due to the unsoundness of mind or leprosy is immediately necessary it shall be open to the authorities of the institution in which the child is detained to a Court having jurisdiction under the Indian Lunacy Act, 1912 or the Andhra Pradesh Leprosy Act, 1953 as the case may be for an immediate order of committal to a mental hospital or a leper asylum unto such time as the orders of the Government can be obtained in the matter.

80. Transfer From One Institution To Another :-

The Chief Inspector may, for reasons to be recorded in writing direct any child or juvenile offender to be transferred from one childrens home, certified school or fit person institution to another childrens home, certified school or fit person institution:

Provided that the total period of detention of a child or juvenile offender shall not be increased by such transfer.

81. Compensation For False And Frivolous Or Vexatious Information :-

(1) If in case which an information has been given by any person under the provisions of sub-section (2) of Section 58, the competent authority after such inquiry as it may be deemed necessary, is of opinion that such information was false and either frivolous or vexatious it may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as it may determine be paid by such informer to the person against whom the information was given.

(2) Before making any order for the payment of compensation the competent authority 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 competent authority 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 term not exceeding 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 reason 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) When an order for the payment of compensation is made under sub-section (1), the compensation shall not be paid to person ordered to receive it before the period allowed for the presentation of an appeal has expired or if an appeal has been filed, till it is disposed of.

82. Presumption And Determination Of Age :-

(1) Where it appears to a competent authority that a person brought before it under any of the provisions of this Act, otherwise than for the purpose of giving evidence, is a child, the competent authority shall hold an inquiry as to the age of that person and for that purpose shall obtain medical opinion and take such other evidence as may be forthcoming and shall record a finding whether the person is a child or not, stating his age, as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a child, and the age recorded by the competent authority to be the age of the person so brought before it, shall, for the purposes of this Act, be deemed to be the true age of that person.

83. Removal Of Disqualification Attaching To Convictions :-

When a juvenile offender is found to have committed any offence, the fact that he has been so found shall not have any effect under Section 75 of the Indian Penal Code, 1860, or operate as a disqualification for office or any employment or election under any law.

84. Power To Amend Orders :-

(1) Without prejudice to the powers of courts of appeal and revision, any custody order supervision order of probation order may be amended by the competent authority which made such order in respect of the person named as custodian supervisor or probation officer and such other details as may be deemed necessary:

Provided that in the case of an order committing a child to an institution, no such order shall be amended except in relation to the period of duration, such amendment being by way of extension on the period only;

Provided further that in case of emergency and for immediate necessity a committal order may be varied by way of charge in the institution to which the order relates, such variation being subject to confirmation by the Chief Inspector.

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

85. Control Of Custodian Over Child :-

(1) Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have a 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 competent authority notwithstanding that he is claimed by his parent or any other person.

(2) The Chief Inspector shall have the power under the Guardian and Wards Act, 1890 to be an ex-officio guardian within the meaning of the Act in respect of the children under his care, and shall have the right to apply to the competent authority for directions as to the administration of the property of the child.

86. Bonds Taken Under The Act :-

The provisions of Chapter XXXIII of the Code of Criminal Procedure 1973, shall, so far as may be, apply to bonds taken under this Act.

87. Chief Inspector, Probation Officers And Inspectors And Persons Authorised To Be Deemed To Be Public Servants :-

The Chief Inspector, Probation Officers, Inspectors and Assistant Inspectors of certified schools and childrens home 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 Indian Penal Code, 1860 and of Section 2 of the Prevention of Corruption Act, 1947.

88. Protection Of Action Taken Under This Act :-

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.

89. Power To Make Rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

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

(a) the procedure to be followed by a competent authority or any other court in inquiries, trials and the conduct of proceedings under the Act.

(b) the places at which, the days on which and the manner in which a competent authority shall hold its sittings;

(c) the circumstances in which and conditions subject to which an institution may be declared or recognised as childrens home, a certified school, a fit person institution, observation home or an approved place;

(d) the internal management and discipline of childrens homes, certified schools, fit person institutions and observation homes and the standards to be maintained by them and their classification with reference to age-groups of the children or juvenile offenders to be detained therein;

(e) the functions and liabilities of childrens homes, certified schools, fit person institutions and observation homes;

(f) the inspection of childrens homes, certified schools, fit person institutions, observation homes, voluntary homes and after-care organisations;

(g) the establishment, management and functions of aftercare organisations and the circumstances in which and the conditions subject to which an institution may be recognised as an after-care organisation;

(h) the powers and functions of Chief Inspector, Inspectors and Assistant Inspectors of certified schools and childrens homes and probation officers;

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

(j) the manner in which contribution for the maintenance of a child

may be ordered to be paid parent or guardian;

(k) the conditions under which a child may be placed out on licence and the form and conditions of such licence;

(l) the conditions subject to which children may be committed to the care of persons under this Act and the obligation of such persons towards the children so committed;

(m) any other matter which is or may be prescribed under the Act.

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect, only in such modified form or be of no effect, as the Vase may be, so, however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

90. Repeal Act Iv Of 1920 :-

The Andhra Pradesh (Andhra Area) Children Act, 1920, the Andhra Pradesh (Telangana Area) Children Protection Act, 1343 F., the Andhra Pradesh (Telangana Area) Children Act, 1951 are hereby repealed:

Provided that --

(a) juvenile courts established under any of the above Acts shall be deemed to be juvenile courts established under this Act.

(b) certified schools established under the above Acts shall be deemed to be certified schools established under this Act.

(c) all licences and certificates granted and transfers made under any of the above Acts shall be deemed to be granted or made under this Act.

(d) all cases, proceedings and appeals pending before any court under any of the above Acts shall be continued and disposed of by the said courts, notwithstanding anything in this Act, as if they were cases, proceedings and appeals under this Act.

(e) all appeals against orders of courts appointed under any of the above Acts, which would have laid under any of those Acts shall be deemed to be appeals from orders made by courts under this Act and shall be presented to the courts empowered to hear appeals

under this Act and shall be disposed of accordingly;

(f) any appointment, notification, notice, rule or form made or issued under any of the above Acts shall continue to be in force deemed to have been made or issued under the provisions of this Act in so far as such appointment, notification, notice, order, rule or form is not in consistent with the provisions of this Act and shall continue to be in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

91. Provisions Of Andhra Pradesh Prevention Of Begging Act, 1977 To Cease To Apply To Children :-

The provisions of the Andhra Pradesh Prevention of Begging Act, 1977 shall cease to apply to children to which this Act applies and Section 8 of the Andhra Pradesh General Clauses Act, 1891 shall apply on such cessor as if the said provisions had been repealed by an Andhra Pradesh Act.