

KARNATAKA CHILDREN ACT, 1964

19 of 1964

[4th July, 1962]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title and extent
2. Commencement
3. Saving
4. Definitions
- 5 . Continuance of proceedings against child on his attaining specified age
6. Certain provisions of the Code of Criminal Procedure, 1898 not to apply

CHAPTER 2 :- Powers and Functions of Courts having Jurisdiction under the Act

7. Juvenile Courts
8. Powers of Juvenile Courts and other Courts
- 9 . Procedure to be followed by the Court of a Magistrate not empowered under this Act
10. No joint trial of child and adult
- 10A. Adult to be committed to sessions in a case triable by a Session Court
11. Procedure in inquiries and trials
12. Sittings, etc., of Juvenile Courts
13. Special provision in respect of pending cases
14. Appearance of legal practitioners before Competent Court
15. Presence of persons in Competent Courts
16. Withdrawal of persons from Competent Courts
17. Dispensing with attendance of child
18. Withdrawal of persons from Court when child is examined as witness
19. Attendance of parent or guardian of child charged with offence
20. Child suffering from dangerous disease to be committed to approved place
21. Factors to be taken into consideration in making orders under this Act
22. Reports of Probation Officers and other reports to be treated confidential

23. Prohibition of publication of names, etc., of children involved in cases or proceedings under the Act

CHAPTER 3 :-Certified Schools, Remand Homes and Other Institutions

24. Establishment and certification of schools

25. Functions of a Certified School

26. Remand homes

26A. Management of Remand Homes

27. Conditions to be prescribed for fit person institutions and approved places

28. Management of Certified Schools

29. Liabilities of managers

30. Medical inspection of Certified Schools and fit person institutions

31. Power of State Government to withdraw certificate or prohibit admission

32. Resignation of certificate by managers

33. Effect of withdrawal or resignation of certificate

34. Disposal of inmates on withdrawal or resignation

CHAPTER 4 :- Officers, their Powers and Duties

35. Appointment of officers

36. Supervision and control of Probation Officers

37. Powers and duties of Inspectors, etc., and delegation of powers of Government

CHAPTER 5 :-Measures for the Care and Protection of Neglected Children

38. Production of neglected children before Competent Courts

39. Special procedure in case the neglected child has parent

40. Inquiry by Competent Court regarding neglected child

41. Power to commit neglected children to suitable custody

42. Sending a child having place of residence outside jurisdiction

43. Uncontrollable children

CHAPTER 6 :- Special Offences in Respect of Children

44. Punishment for cruelty to children

45. Employing children for begging

46. Penalty for being drunk while in charge of child, etc.

47. Penalty for giving intoxicating liquor or dangerous drug to child

48. Penalty for sale of tobacco to child, etc.

49. Penalty for permitting child to enter places where liquor or dangerous drug is sold

50. Inciting child to bet or borrow

51. Taking on pledge or purchasing articles from child

52. Allowing or permitting child to be in brothel

- 53. Exploitation of child employees
- 54. Penalty for abetting escape of child or juvenile offender
- 55. Penalty for publication of report or pictures relating to children
- 56. Offences under this Chapter cognizable

CHAPTER 7 :- Juvenile Offenders

- 57. Bail and custody of children arrested
- 58. Information to parent or guardian or Probation Officer
- 59. Inquiry by Competent Court regarding juvenile offenders
- 60. Orders that may be passed regarding juvenile offenders
- 61. Release of juvenile offenders under supervision
- 62. Orders that may not be passed against juvenile offender
- 63. No proceedings under Chapter VIII of Criminal Procedure Code against child
- 64. Repatriation
- 65. Power to order parent to pay fine, etc., instead of child
- 66. Postponement sine die

CHAPTER 8 :- Measures for Care, Protection and Detention of Victimised Children

- 67. Detention of child in a place of safety
- 68. Courts power for care and detention of victimised child
- 69. Victimised Child to be sent to Juvenile Court, etc.
- 70. Order for committal of victimised children
- 71. Supervision of victimised children
- 72. Breach of supervision
- 73. Repatriation of victimised child
- 74. Reasons to be recorded for orders made under Sections 70 to 73
- 75. Order made under Sections 70 to 73 to be in force even if conviction of alleged victimisation is set aside
- 76. Warrant to search for child
- 77. Information to Probation Officer and officer-in-charge of remand home by police or any person effecting arrest

CHAPTER 9 :- Maintenance and Treatment of Committed Children

- 78. Contribution of parents
- 79. Provision as to religion
- 80. Placing out on licence
- 81. Action by police regarding escaped children

CHAPTER 10 :- Follow-up and After-care Organisation

- 82. Establishment and functions of after-care organisation
- 83. Hostels for homeless children

CHAPTER 11 :- Appeals and Revision

- 84. Appeals

85. Revision

86. Procedure in appeals and revision proceedings

CHAPTER 12 :- Miscellaneous

87. Discharge and transfer

88. Transfers between institutions and those of like nature in different parts of India

89. Transfer of children of unsound mind or suffering from leprosy

90. Transfer from one institution to another

91. Compensation for false and frivolous or vexatious information

92. Presumption and determination of age

93. Removal of disqualification attaching to convictions

94. Power to amend orders

95. Control over custodian of child

96. Juvenile offenders undergoing sentence at commencement of this Act

97. Bonds taken under the Act

98. Probation Officers, Chief Inspector and Inspectors and persons authorised to be deemed to be public servants

99. Protection of action taken under this Act

100. Rules

101. Repeal

SCHEDULE 1 :- SCHEDULE

KARNATAKA CHILDREN ACT, 1964

19 of 1964

[4th July, 1962]

An Act to consolidate and amend the law for the care, protection, maintenance, welfare, training, education and rehabilitation of children and juvenile offenders in the State of Karnataka. Whereas, it is expedient to consolidate and amend the law for the care, protection, maintenance, welfare, training, education and rehabilitation of children and juvenile offenders and for the trial of juvenile offenders in the State of Karnataka and for certain other purposes specified herein; Be it enacted by the Karnataka State Legislature in the fourteenth year of the Republic of India as follows

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) This Act may be called the Karnataka Children Act, 1964.

(2) It extends to the whole of the State of Karnataka.

2. Commencement :-

1 Chapters I, II, III, IV, VII, VIII, IX, X, XI and XII of this Act shall come into force at once in the whole of the State of Karnataka. Chapters V and VI shall come into force at once in the areas specified in the Schedule to this Act; and the said Chapters shall come into force in such other area, on such date as the State Government may, by notification, specify.

1. Chapters V and VI have come into force in Kolar District on 1st June, 1965 vide S.O. 2483, dated 26-5-1965

3. Saving :-

The State 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.

4. Definitions :-

(1) In this Act, unless the context otherwise requires.

(a) "Adult" means a person, who is not a child;

(b) "Begging" means.

(i) soliciting or receiving alms in a public place or entering on any private premises for the purposes of soliciting or receiving alms, whether under any pretence of singing, dancing, fortunetelling, 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) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms;

(iv) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

(c) "Brothel" includes any house, room or place or any portion of any house, room or place, which is used for the purposes of prostitution for the gain of another person or for the actual gain of two or more prostitutes;

(d)"Certified School" means a school established or any other school or institution declared, by the State Government as a Certified School, under Section 24 of this Act;

(e)"Chief Inspector" means the Chief Inspector of Certified Schools appointed under Section 35;

(f)"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;

(g)"Competent Court" means a Juvenile Court constituted under Section 7; and where no such Court has been constituted, includes any Court empowered under sub-section (2) of Section 8 to exercise the powers conferred on a Juvenile Court;

(h)"Dangerous drug" means any article defined as dangerous drug in the Dangerous Drugs Act, 1930 (Central Act 2 of 1930);

(i)"District Magistrate" means an Officer in the Judicial service of the State exercising the powers of a District Magistrate under the Code of Criminal Procedure, 1898;

(j)"Fit person" includes a fit person, institution, which in relation to the care of any child, means any association or body of individuals, established for or having for its object, whether incorporated or not, 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 its birth;

(k)"Guardian" in relation to a child or juvenile offender includes any person who, in the opinion of the Court, having cognisance 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;

(l)"Immoral behaviour" includes any act or conduct which is indecent or obscene;

(m)"Juvenile Court" means a Court constituted under Section 7;

(n)"Juvenile Offender" means any child, who has been found to have committed an offence;

(o)"Neglected Child" means a child who.

(i)is found begging; or

- (ii) 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
- (iii) has a parent or guardian who is unable or unfit to exercise or does not exercise proper care and control over the child; or
- (iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life; or
- (v) is otherwise likely to fall into bad association or to be exposed to moral dangers or to enter upon a life of crime;
- (p) "Notification" means a notification published in the official Gazette;
- (q) "Place of Safety" includes a remand home or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child; or where such remand home or other suitable place is not available, in the case of a male child only, a police station in which arrangements are available or can be made available for keeping children in custody separately from other adult offenders;
- (r) "Prescribed" means prescribed by rules made under this Act;
- (s) "Probation of Good Conduct" means the release of a juvenile offender on probation of good conduct on his personal recognisance; and "probation of good conduct order" shall be construed accordingly;
- (t) "Prostitute" means a female who offers her body for promiscuous sexual intercourse for hire, whether in money or in kind; and "prostitution" means the act of a female so offering;
- (u) "Public Place" means any place intended for use by or accessible to the public and includes any public conveyance;
- (v) "Remand Home" means any institution established or recognised, as such, under Section 26;
- (w) "Society" means a body or association of individuals, whether incorporated or not;
- (x) "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 its parent, guardian, relation or any other fit person, to whose care the child has been committed; and the expression "supervision order" shall be construed accordingly;

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

(2) Words and expressions used and not defined in this Act, but defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

5. Continuance of proceedings against child on his 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 attained the age specified in clause (f) of sub-section (1) of Section 4:

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 anything to the contrary in this Act.

6. Certain provisions of the Code of Criminal Procedure, 1898 not to apply :-

(1) Section 29-B and Section 399 of the Code of Criminal Procedure, 1898, shall cease to apply to the State of Karnataka.

(2) The provisions of the Reformatory Schools Act, 1897 (Central Act 7 of 1898), so far as it is in force in any area of the State of Karnataka, shall cease to apply to such area.

CHAPTER 2

Powers and Functions of Courts having Jurisdiction under the Act

7. Juvenile Courts :-

(1) For the purposes of this Act, the State 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 magistrate or a Bench consisting of two or more magistrates as the State Government thinks fit to appoint, and where a Bench is so constituted, one of the magistrates shall be designated as the senior magistrate and one of them shall, as far as practicable, be a woman.

(3)In the event of any difference of opinion among the magistrates constituting a Bench, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the senior magistrate shall prevail.

(4)A juvenile Court, where it is presided over by a Bench of magistrates, may act notwithstanding the absence of any of the magistrates 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.

(5) No person shall be appointed to preside over a juvenile Court unless he is a magistrate of the first class and has, in the opinion of the State Government, special knowledge of child delinquency and child welfare.

8. Powers of Juvenile Courts and other Courts :-

(1) Where a Juvenile Court has been constituted for any area, such Court shall, notwithstanding anything contained in any other law for the time being in force, but save as otherwise provided in this Act, have power exclusively to try all cases in which a child is charged with the commission of an offence 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 Chapter VI of this Act.

(2) Where no Juvenile Court has been constituted for any area, the powers conferred on 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 salaried Magistrate of the First Class.

(3)The powers conferred on the Juvenile Court by or under this Act, may also be exercised by the High Court and the Court of Session, when the proceedings comes before them in appeal, revision or otherwise.

9. 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 sub-section (1) shall hold the inquiry as if the child has originally been brought before it.

10. No joint trial of child and adult :-

(1) Notwithstanding anything contained in Section 239 of the Code of Criminal Procedure, 1898, 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.

(2) If a child is accused of an offence for which under Section 239 of the Code of Criminal Procedure, 1898, 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 cognisance of that offence shall direct separate trials of the child and adult ¹ [;] [if a juvenile Court has been constituted for the area, the child shall be tried by such Court, and if no such juvenile Court has been constituted, the child and the adult shall be tried separately, the child by the Court competent to exercise the powers of a juvenile Court in the area under sub-section (2) of Section 8 and the adult by the Court having jurisdiction to try the offence.

1. Section 26-A inserted by Act No. 82 of 1976, w.e.f. 8-12-1976.

10A. Adult to be committed to sessions in a case triable by a Session Court :-

In the trial of a case in which a child is being tried together with an adult in accordance with the provisions of this Act if it appears to the Magistrate trying the case that offence is triable exclusively by a Court of Session, he shall separate the case in respect of the child from that in respect of the adult and shall commit the case in respect of the adult alone to the Court of Sessions for trial and shall proceed with the trial of the case in respect of the child,

notwithstanding anything in the Code of Criminal Procedure, 1973, or any other law for the time being in force.]

11. Procedure in inquiries and trials :-

Save as otherwise expressly provided by or under this Act, a Competent Court, while holding an inquiry and in the trial of cases and the conduct of proceedings under this Act, shall, as far as practicable, 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, 1898, for trials in summons cases.

12. Sittings, etc., of Juvenile Courts :-

(1) A Juvenile Court shall hold its sittings at such places, 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 Juvenile Court under Section 8, shall, as far as practicable, sit in a different building or room from that in which the ordinary sittings of the Court are held or on different days or at different times from those at which the ordinary sittings of the Court are held.

13. Special provision in respect of pending cases :-

Notwithstanding anything contained in this Act, all proceedings in respect of a child pending in a 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 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 had been satisfied on inquiry under this Act that the child has committed the offence.

14. Appearance of legal practitioners before Competent Court :-

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 the Competent Court, unless such Court is of opinion that in public interest, the appearance of a legal practitioner is necessary in such case or proceeding, and authorises, for reasons to be recorded in writing, a legal practitioner to appear

in such case or proceedings.

15. Presence of persons in Competent Courts :-

Save as provided in this Act, no person shall be present in any sitting of a Competent Court, except.

(a) the members and officers of such Court;

(b) the parties to the case before such Court, the parent or guardian of the child and other persons directly concerned in the case, including the police officer; and

(c) such other persons as such Court may permit to be present.

16. Withdrawal of persons from Competent Courts :-

If, at any stage, during the course of a trial of a case or proceeding, a Competent Court 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 Court shall be entitled to give such direction and thereupon such person shall withdraw. If any person refuses to withdraw, the Court 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 the trial of the case or proceeding, a Competent Court is satisfied that the attendance of a child is not essential for the purposes of the hearing of the case or proceeding, such Court may dispense with his attendance and proceed with the trial of the case in the absence of the child.

18. Withdrawal of persons from Court 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, any Court trying the case or holding the proceeding may direct such persons as it thinks fit, not parties to the case or proceeding, their legal advisers and the officers concerned with the case or proceeding, to withdraw. Such persons shall then withdraw. If any person refuses to withdraw, the Court may have him removed, and for this purpose, cause to be used such force as may be necessary.

19. Attendance of parent or guardian of child charged with

offence :-

(1) Where a child brought before a Competent Court 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, be required to attend the Court before which any proceedings are held under this Act, unless the Court is satisfied that it will be unreasonable to require his attendance.

(2) The parent or guardian whose attendance shall be 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 committed to approved place :-

(1) When a child brought before a Competent Court 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 complaint that will respond to treatment, such Court may send the child to a remand 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 Lepers Act, 1898 (Central Act 3 of 1898), as in force in the Bombay and Madras areas, or the Mysore Lepers Act, 1925 (Mysore Act 4 of 1925), as in force in the Mysore area, or the Hyderabad Leprosy Act, 1954 (Hyderabad Act 4 of 1954), as in force in the Hyderabad area, or the Indian Lunacy Act, 1912 (Central Act 4 of 1912), as the case may be.

(3) Where a Competent Court has taken action under sub-section (1) in the case of a child suffering from an infectious or contagious disease, such Court, before restoring the said child to his partner in marriage, if there has been such or to the guardian, as the case

may be, shall where it is satisfied that such action will be in the interest of the said child, call upon his partner in marriage or the guardian as the case may be, to satisfy the Court by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

21. Factors to be taken into consideration in making orders under this Act :-

For the purposes of any order, which a Competent Court has to pass under this Act, such Court 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 made by the Probation Officer; and
- (d) 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 juvenile offender is found to have committed an offence, the above factors shall be taken into consideration after the Competent Court has recorded a finding against such offender that he has committed the offence:

Provided further that if no report of the Probation Officer is received within three months of his being informed under Section 58 it shall be open to the Competent Court to proceed without it.

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

The report of the Probation Officer or any other report considered by the Court under Section 21 shall be treated as confidential:

Provided that, if such report relates to the character, health or conduct of, or the circumstances in which the child or parent is living, the Competent Court may, if it thinks expedient, communicate the substance thereof to the child or parent concerned, as the case may be, and may give the child or parent an opportunity to produce evidence as may be relevant to the matters stated in the report.

23. Prohibition of publication of names, etc., of children involved in cases or proceedings under the Act :-

No report in any newspaper, magazine or news-sheet of any case

or proceeding in any Court, in which a child is involved shall disclose the name, address or school or include any particulars calculated to lead to the identification of any such child, nor, shall any picture be published as being or including a picture of any such child: Provided that for reasons to be recorded in writing, the Court 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-welfare and it is not likely to affect adversely the interests of the child concerned.

CHAPTER 3

Certified Schools, Remand Homes and Other Institutions

24. Establishment and certification of schools :-

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

(2) Where the State Government is of opinion that any School or other educational institution not established under sub-section (1) is fit for the reception of neglected children or juvenile offenders to be sent there under this Act, it may declare such School or Institution as a Certified School for the purposes of this Act.

25. Functions of a Certified School :-

Every Certified School to which a neglected child or a juvenile offender is sent under this Act, shall not only provide the child with accommodation and maintenance, but also endeavour 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. Remand homes :-

(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, trial or other proceedings regarding them under this Act and such remand homes shall be maintained in such manner as may be prescribed.

(2) Where the State Government is 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, it may recognise such place or institution as a remand home for the

purpose of this Act.

26A. Management of Remand Homes :-

¹ For the control and management of every Remand Home established under sub-section (1) of Section 26, a Superintendent and a Committee of Visitors shall be appointed by the State Government and such Superintendent shall be deemed to be the Manager of the Remand Home for the purposes of this Act.

1. Section 26-A inserted by Act No. 82 of 1976, w.e.f. 8-12-1976.

27. Conditions to be prescribed for fit person institutions and approved places :-

The State Government may prescribe conditions subject to which institutions or associations shall be recognised as "fit person institutions" and "approved places" for the purposes of this Act.

28. Management of Certified Schools :-

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

(2) Every School declared as a Certified School under sub-section (2) of Section 24 shall be under the management of a governing body, the members of which shall be deemed to be the managers of the School for the purposes of this Act.

29. Liabilities of managers :-

(1) The managers of a Certified School and the managers of a fit person institution shall be consulted by a Competent Court before any child is committed to such school or institution.

(2) The managers of a Certified School declared as such by the State Government under sub-section (2) of Section 24 may decline to receive any child committed to it under this Act:

Provided that when such 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 school, or until the withdrawal or resignation of the certificate of the school.

30. Medical inspection of Certified Schools and fit person

institutions :-

Any registered medical practitioner empowered in this behalf by the State Government may visit any Certified School or fit person institution at any time with or without notice to its managers, in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school or institution.

31. Power of State Government to withdraw certificate or prohibit admission :-

(1) The State Government, if dissatisfied with the conditions, rules, management or superintendence of a Certified School may at any time, by notice served on the managers of the School, declare that the certificate of the 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 school shall cease to be a Certified School.

(2) The State Government may, instead of withdrawing a certificate under sub-section (1), by notice served on the managers of the school, prohibit the admission of children or juvenile offenders to the 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 (2), a reasonable opportunity shall be given to the managers of the school to show cause why the certificate may not be withdrawn or admission to the school may not be prohibited, as the case may be.

32. Resignation of certificate by managers :-

The managers of a Certified School may, on giving six months' notice in writing to the State Government through the Chief Inspector of their intention so to do, resign the certificate of the School and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a Certified School.

33. Effect of withdrawal or resignation of certificate :-

A child or juvenile offender shall not be received into a Certified School under this Act after the date of receipt by the managers of the School of a notice of withdrawal of the certificate or after the date of withdrawal of the certificate or after the date of a notice of resignation of a certificate:

Provided that the obligation of the managers to teach, train, lodge, clothe and feed any children or juvenile offenders detained in the school at the respective dates aforesaid shall, except so far as the State Government otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.

34. Disposal of inmates on withdrawal or resignation :-

When a School ceases to be a Certified School, the children or juvenile offenders detained therein shall be either discharged absolutely or on such conditions as the State Government may impose or transferred by order of the Chief Inspector to some other 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

35. Appointment of officers :-

(1) The State Government may for the purposes of this Act, appoint the following officers.

(a) The Chief Inspector of Certified Schools;

(b) Inspectors and Assistant Inspectors of Certified Schools;

(c) Probation Officers;

(d) Such other officers as may be necessary.

(2) Any society recognised in this behalf by the State Government may also appoint a person with the prescribed qualifications as a Probation Officer.

(3) Notwithstanding anything contained in sub-section (1) or (2), a Competent Court 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.

36. Supervision and control of Probation Officers :-

(1) A Probation Officer in the performance of his duties under this Act shall be an officer of the Court, and shall be under the supervision and guidance of the Juvenile Court, where such Court exists and elsewhere of the Court which passes any order under this Act, in respect of the child.

(2) Nothing in this section shall derogate from the powers of

supervision of the District Magistrate and the Chief Inspector.

37. Powers and duties of Inspectors, etc., and delegation of powers of Government :-

(1) The powers and duties of the Chief Inspector, Inspectors and the Assistant Inspectors of Certified Schools and Probation Officers shall be as those provided under the provisions of this Act and the rules made thereunder and in accordance with the general or special orders, which the State Government or any officers authorised in this behalf may make for the purpose of carrying out the provisions of this Act.

(2) The State Government may, by notification, delegate to the Chief Inspector such of its powers under this Act, as may be prescribed, except the power to establish Juvenile Courts, Certified Schools, remand homes, after-care organisations or Government hostels for reception of children or the power to make rules under this Act.

CHAPTER 5

Measures for the Care and Protection of Neglected Children

38. Production of neglected children before Competent Courts :-

(1) If any police officer, or 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 Competent 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 and a report of the action taken to the Competent Court.

(3) Every child taken charge of under sub-section (1) shall be brought before the Competent Court 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 Competent 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 to a police station or jail) until he can be brought before a Competent Court.

39. 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, 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 Competent Court for initiating an inquiry regarding the child.

(2) On receipt of a report under sub-section (1), the Competent Court 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 Competent 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.

40. Inquiry by Competent Court regarding neglected child :-

(1) When a person alleged to be a neglected child is produced before a Competent 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 order in relation to the child as it may deem fit.

(2) Where a Competent Court is satisfied on inquiry that a child is a neglected child and that it is expedient to deal with him, such Court may make an order directing the child to be committed to a Certified School or to the care of a fit person named by the Court for the period until such child ceases to be a child:

Provided that the Competent Court may, for reasons to be, recorded, extend the period of stay but in no case beyond the time when the child attains the age of eighteen years, in the case of a boy or twenty years in the case of a girl:

Provided further that the Competent 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 Competent Court.

41. Power to commit neglected children to suitable custody :-

(1) If the Competent Court so thinks fit, it may, instead of making an order under sub-section (2) of Section 40 for sending the neglected child to a Certified School or a fit person institution, make an order placing such child under the care of a parent or guardian or other fit person, on such parent, guardian or other person executing a bond with or without sureties, as the Court 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 Court may impose for securing that the child may lead an honest and industrious life.

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

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the Competent 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 Certified School or to the care of a fit person.

42. Sending a child having place of residence outside jurisdiction :-

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

43. Uncontrollable children :-

(1) Where the parent or guardian of a child complains to the Competent Court that he is not able to exercise proper care and control over his child, such Court shall, if satisfied on inquiry, that proceedings under this Act should be initiated regarding the child, send the child to a remand home for observation or treatment and any further inquiries necessary.

(2) If the Competent Court is satisfied after inquiry that it is expedient so to deal with the child under this Act, it may order the child to be committed to a Certified School or a fit person institution.

(3) The Court may also, if satisfied that home conditions are satisfactory and what is needed is supervision, commit the child to the care of the parent or guardian or relative or any other proper person under a bond with or without sureties and place him under supervision for a period not exceeding three years.

CHAPTER 6

Special Offences in Respect of Children

44. Punishment for cruelty to children :-

(1) Whoever having the actual charge of, or control over a child assaults, abandons, exposes or wilfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such child unnecessary mental and physical suffering 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: Provided that if the child is a married girl and the offender is her husband, the Court trying the offences under this section may sanction its composition for reasons to be recorded in writing.

(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.

(3) No Court shall take cognisance of an offence punishable under subsection (1) unless the complaint is filed with the previous sanction of the State Government or an officer authorised by the State Government in this behalf.

45. Employing children for begging :-

(1) Whoever employs or uses any child for the purpose of begging or causes any child to beg shall, on conviction, 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 or control over a child abets the commission of the offence punishable under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

46. Penalty for being drunk while in charge of child, etc. :-

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 under the age of seven years 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 fine which may extend to two hundred rupees.

47. Penalty for giving intoxicating liquor or dangerous drug to child :-

Whoever in any public street or other public place, whether a building or not, gives or causes to be given to any child any intoxicating liquor or dangerous drug except under the order of a duly qualified Registered Medical Practitioner, or in case of sickness or other urgent cause, shall, on conviction, be punished with fine which may extend to two hundred rupees.

48. Penalty for sale of tobacco to child, etc. :-

(1) Whoever sells any tobacco to a child, except on the written order of the parent, guardian or employer of such child, shall, on conviction, be punished with fine which may extend to one hundred rupees.

(2) Any child who in any street or public place smokes, chews or takes in as snuff tobacco shall, on conviction, be punished with fine which may extend to five rupees.

(3) Any police officer not below the rank of a Sub-Inspector, or a police officer or a person authorised in this behalf in the prescribed manner shall seize any tobacco in the possession of any child whom he finds smoking or chewing or taking in as snuff tobacco in any street or public place.

Explanation. For purposes of this section, "tobacco" means tobacco

cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

49. Penalty for permitting child to enter places where liquor or dangerous drug is sold :-

Whoever takes a child to any place where intoxicating liquor or dangerous drugs are 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.

50. 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 wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child to borrow money or to enter into any transaction involving the borrowing of money, shall, on conviction, be punished 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.

51. Taking on pledge or purchasing articles from child :-

Whoever takes an article, on pledge from a child, whether offered by that child on his own behalf or on behalf of any person, shall, on conviction, be punished 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.

52. Allowing or permitting child to be in brothel :-

Whoever allows or permits a child over the age of four years to reside in or frequently go to a brothel, 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.

53. Exploitation of child employees :-

(1) Whoever procures a child ostensibly for the purpose 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 fine, which may extend to one thousand rupees.

(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.

54. Penalty for abetting escape of child or juvenile offender :-

(a) knowingly assists or induces, directly or indirectly a child detained in or placed out on licence, from a Certified School or a fit person institution, to escape from the School or fit person institution or from any person with whom, as the case may be, he has been placed out on licence, or any child to escape from the person to whose care he has been committed under the provision of this Act, or

(b) knowingly harbours, conceals, connives at or prevents from return to School or fit person 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 who has so escaped or knowingly assists or connives at so doing, shall, on conviction, be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

55. Penalty for publication of report or pictures relating to children :-

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

56. Offences under this Chapter cognizable :-

All offences under this Chapter shall be cognizable.

CHAPTER 7

Juvenile Offenders

57. 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 Competent Court, on a charge of a bailable or non-bailable offence, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, or in any other law for the time being in force, be released on bail with or without surety, but he shall not be so

released if there appear reasonable grounds for believing that the release is likely to bring him into association with any reputed 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) by the officer in charge of the police station, such officer 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 Competent Court.

(3) Where such person is not released on bail under sub-section (1) by the Competent 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.

58. 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 Competent Court before which the child will appear; and

(b) inform the Probation Officer and the officer in charge of a remand home of such arrest in order to enable the Probation Officer and the officer in charge of the remand home to proceed forthwith to obtaining information regarding antecedents and family history of the child and other material circumstances likely to assist the Competent Court in making the inquiry regarding the child.

59. Inquiry by Competent Court regarding juvenile offenders :-

Where a child having been charged with an offence appears or is produced before a Competent Court the Competent Court shall hold the inquiry in accordance with the provisions of Section 11 and may, subject to the provisions of this Act, make such order in relation to the child as it deems fit.

60. Orders that may be passed regarding juvenile offenders :-

Where a Competent 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 Competent 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 his parent or guardian or other fit person on such parent, guardian, or person executing a bond, with or without sureties, as the Competent Court may require, to be responsible for the good behaviour and well-being of the juvenile offender for any period not exceeding three years and for the observance of such other conditions as the Competent Court may impose for securing that the juvenile offender may lead an honest and industrious life;

(c) make an order, directing the child to be sent to a Certified School or fit person institution.

(i) in the case of a boy over fourteen years of age or of a girl over sixteen years of age for a period of not less than three years;

(ii) in the case of any other child, for the period until he ceases to be a child:

Provided that the Competent 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 Competent 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 eighteen years in the case of a boy, or twenty years in the case of a girl;

(d) if the offence committed by the juvenile offender is punishable with fine and the juvenile offender himself is over the age of fourteen years and earns money, order the offender to pay a fine.

61. Release of juvenile offenders under supervision :-

(1) Where an order under clause (b) of Section 60 is made, the Competent Court may, if it is of opinion that in the interests of the child and of the public, it is expedient so to do, in addition make an order that the juvenile offender shall remain under the supervision

of a Probation Officer named by 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 juvenile offender:

Provided that, if at any time afterwards it appears to the Competent 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 deems fit, order the juvenile offender to be sent to a Certified School or fit person institution under clause (c) of Section 60.

62. Orders that may not be passed against juvenile offender :-

(1) Notwithstanding anything to the contrary contained 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 a nature that the Competent Court is of opinion that no punishment, which under the provisions of this Act it is authorised to inflict, is sufficient or when the Competent Court is satisfied that the child is of so unruly or 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 offender 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 State Government.

(3) On a receipt of a report from a Competent Court under subsection (2) the State Government may make such arrangement in respect of the child as it deems proper and may order such juvenile offender 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.

63. No proceedings under Chapter VIII of Criminal Procedure Code against child :-

Notwithstanding anything to the contrary contained in the Code of

Criminal Procedure, 1898, no proceedings shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

64. Repatriation :-

In case of a juvenile offender, whose ordinary place of residence lies outside the jurisdiction of the Competent 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 a fit person, who is fit and willing to receive him at his native place 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.

65. Power to order parent to pay fine, etc., instead of child :-

(1) Where the offence committed is punishable with fine and if the juvenile offender is under fourteen years of age, the Court shall 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.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) 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, 1898.

66. Postponement sine die :-

Notwithstanding anything contained in the foregoing provisions, a Competent Court may adjourn the case of a juvenile offender sine die and may reopen at the stage of the proceedings at which it was left when adjourned, on additional grounds and material being placed before the Court.

CHAPTER 8

Measures for Care, Protection and Detention of Victimised Children

67. Detention of child in a place of safety :-

(1) Any Police Officer, not below the rank of sub-inspector, or a

police officer or a person authorised in this behalf in the prescribed manner may take to a place of safety any child in respect of whom an offence punishable under this Act or under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956) 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 until he can be brought before the Court:

Provided that such detention shall not, in the absence of special order of the Competent Court, exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the Court.

(3) The Competent Court may thereupon make such order as hereinafter provided.

68. Courts power for care and detention of victimised child :-

(1) Where it appears to the Competent Court that an offence as stated in Section 67 has been committed or is likely to be committed in respect of any child who is brought before it and that it is expedient in the interests of the child that action should be taken under this Act, the Competent Court may make such order as circumstances may admit and require, for the care and detention of the child until a reasonable time has elapsed for the institution of proceedings against the person for having committed the offence in respect of the child or for the purpose of taking such other lawful action as may be necessary.

(2) The order of detention made under sub-section (1) shall remain in force until such time as the proceedings instituted against any person for an offence referred to in sub-section (1) terminate in either conviction, discharge or acquittal:

Provided that, if the proceedings terminate in conviction of the person, the order of detention shall remain in force for a further period of one month.

(3) An order passed under this section shall be given effect to, notwithstanding that any person claims the custody of the child.

69. Victimised Child to be sent to Juvenile Court, etc. :-

Any Court by which a person is convicted of having committed an offence in respect of a child, or before which a person is brought for trial for any such offence or by which a person is bound over to keep the peace towards a child shall direct that the child against whom the offence has been committed, or in relation to the alleged offence against whom the trial is in progress, or in relation to keeping the peace towards whom the adult concerned has been bound over shall be produced before a Competent Court with a view to that Court making such interim and final orders as may be proper.

70. Order for committal of victimised children :-

The Competent Court before which a child is produced in accordance with Section 69 may order the child, in the prescribed manner.

(a) to be committed to a Certified School or fit person institution, until such child, if a boy, attains the age of eighteen years or if a girl, attains the age of twenty years or in exceptional cases for a shorter period the reasons for such shorter period to be recorded in writing, or

(b) to be committed to the care of a relative or other fit person, on bond, with or without surety, as the Court may require, such relative or fit person being willing and capable of exercising proper care, control and protection of the child and of observing such other conditions, including, where necessary, supervision for any period not exceeding three years, as the Competent Court may impose in the interest of the child:

Provided that, if the child has a parent or guardian fit and capable, in the opinion of the Competent Court, of exercising proper care, control and protection, the Competent Court may allow the child to remain in his custody, or may commit the child to his care on bond with or without surety, in prescribed form and for the observance of such conditions as the Competent Court may impose in the interest of the child.

71. Supervision of victimised children :-

The Court, which makes an order committing a child to the care of his parent, guardian or other fit person under the foregoing provisions may in addition order that he be placed under supervision.

72. Breach of supervision :-

If it appears to the Competent Court on receiving a report from the Probation Officer or otherwise, that there has been a breach of the supervision order relating to the child in respect of whom the supervision order has been passed, it may, after making such inquiries as it deems fit, order the child to be detained in a Certified School or to the care of a fit person.

73. Repatriation of victimised child :-

In the case of a child whose ordinary place of residence is outside the jurisdiction of the Competent Court before which he is produced, if such Court is satisfied, after due inquiry, that it is expedient so to deal with the child, it may order the child, in the prescribed manner, to be sent back to a relative or a fit person who is fit and willing to receive him at his native place and exercise proper care and control over him notwithstanding the fact that the place of residence of such child may be at any place outside the State.

74. Reasons to be recorded for orders made under Sections 70 to 73 :-

The reasons for every order made under any of the Sections 70 to 73 shall be recorded in writing and may be made by the Competent Court in the absence of the child.

75. Order made under Sections 70 to 73 to be in force even if conviction of alleged victimisation is set aside :-

Where an order is made under any of the Sections 70 to 73 and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order made under any of the said sections shall remain in force, but it shall be open to the person so acquitted, or discharged from his bond to keep the peace, to apply for a reconsideration of the said order in consequence of the altered circumstances.

76. Warrant to search for child :-

(1) If it appears to a Competent Court from information on oath or solemn affirmation laid by any person, who, in its opinion, is acting in the interests of the child, that there is reasonable cause to suspect that an offence has been or is being committed or unless immediate steps be taken will be committed in respect of the child, such Court may issue a warrant authorising 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 manner aforesaid

or that any offence 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 it and the Competent Court before whom the child is brought may in the first instance remand him in the prescribed manner to a place of safety.

(2) The Competent Court issuing a warrant under this section may, in its discretion by the same warrant direct that any person accused of any offence in respect of the child be apprehended and brought before it, or direct that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, 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 desire, and may also, if the Court by whom the warrant is issued so directs, be accompanied by a duly qualified registered medical practitioner.

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

77. Information to Probation Officer and officer-in-charge of remand home by police or any person effecting arrest :-

(1) It shall be the duty of a police officer or any other person immediately after taking charge of a child to inform the Probation Officer or officer-in-charge of a remand home for the purpose stated in Section 58.

(2) The Competent Court for the purpose of such inquiry, may remand the child even in his absence from time to time for a period of not more than fourteen days at a time until available information has been obtained.

CHAPTER 9

Maintenance and Treatment of Committed Children

78. Contribution of parents :-

(1) The Competent Court, which makes an order for the detention of a neglected child or 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 able to do so, in the prescribed manner.

(2) The Competent Court, before making any order under sub-section (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 made under this section may be varied by the Court 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 subsection (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 Section 488 of the Code of Criminal Procedure, 1898, the Competent 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 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 Section 488 of the Code of Criminal Procedure, 1898.

79. Provision as to religion :-

(1) In determining the Certified School, fit person or other person to whose custody a child is to be committed or entrusted under this Act, the Court shall ascertain the religious denomination of the child and shall, if possible, in selecting such Certified School, fit person 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 Certified School, in which facilities for instruction in his religion are not afforded, or is entrusted to the care of a fit person or other person under circumstances in which it appears that no special facilities for the bringing up of the child in his religion exist, the authorities of such Certified School or such fit person, or such other person shall not bring the child up in any religion other than the child's own.

(3) Where it is brought to the notice of the Chief Inspector or of the Court that a breach of sub-section (2) has been committed, it shall

be open to the Chief Inspector or the Court to transfer the child from the custody of such institution or person.

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

80. Placing out on licence :-

(1) Subject to the prescribed conditions, the Chief Inspector of Certified Schools may, at any time after the expiration of six months from the commencement of the detention of a child in a Certified School or fit person institution, on the recommendation of the visitors or managers of such school or institution or on application by a parent, other relation or guardian, reinforced by such inquiry as may be prescribed, release such child from the school or institution and grant him a written licence in the prescribed form and on the prescribed condition permitting him to live under the supervision and authority of such 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 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 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 school or fit person institution, the Chief Inspector may, if necessary, call for the papers and deal with the case himself making such order as he thinks fit in the interest of the child or direct the arrest of the child and cause him to be placed before a Competent Court or taken back to the School or fit person institution.

(4) When a licence has been revoked or forfeited and the child or juvenile offender, refusing or failing to return to the school or fit person institution, has been arrested and placed before the Competent Court under the provisions of sub-section (3), such Court 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 or juvenile offender, issue a summons requiring the parent or guardian to attend at the Court

on such day as may be specified in the summons and to produce the child or juvenile offender and, if he fails to do so, without reasonable excuse, he shall, in addition to any other liability to which he may be subject 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, 1898.

(6) The time during which a child is absent from a 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 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 elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in School or institution.

81. Action by police regarding escaped children :-

(1) Notwithstanding anything to the contrary contained in any law for the time being in force, any police officer may arrest without a warrant a child who has escaped from a 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 Certified 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 institution concerned in such manner as they think fit, provided such authorities shall at the same time inform the Competent Court from which the child was originally sent.

CHAPTER 10

Follow-up and After-care Organisation

82. Establishment and functions of after-care organisation :-

(1) The State Government may, in the manner prescribed, establish or recognise an after-care organisation and vest them with such powers as may be necessary for effectively carrying out their functions under this Act.

(2) Every such organisation shall take care of the children when they leave a Certified School or fit person institution and shall, for the purpose of enabling them to lead an honest, industrious and useful life, take all such measures as it may deem necessary or as may be prescribed.

83. Hostels for homeless children :-

(1) The State Government may establish hostels in principal cities and towns, where children and juvenile offenders on leaving Certified Schools or fit person institutions may find a home.

(2) Government hostels established under sub-section (1) shall be managed by a Superintendent assisted by such staff as may be provided.

(3) The Superintendent of a Government hostel shall have such disciplinary powers over the children in the hostel as may be prescribed.

(4) Every Government hostel shall at least once in every year be inspected by the Chief Inspector or by such other officer as may be authorised in this behalf by the Chief Inspector.

(5) Every child or juvenile offender living in a Government hostel, who is in gainful employment, shall contribute from his pay or wages such sums as may be prescribed towards his maintenance while in the hostel, but he shall have full control over the remainder of his earnings.

(6) The State Government may, in conjunction with a Government hostel, establish a manufactory in which children, who have not obtained employment, manufacture goods, the sale of which will contribute towards maintenance in the hostel.

(7) The State Government may establish an employment agency under the general control of the Chief Inspector to enable children, to obtain suitable employment.

CHAPTER 11

Appeals and Revision

84. Appeals :-

(1) Subject to the provisions of this section, any person aggrieved by an order made by a Competent Court under this Act, may, within thirty days from the date 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 Competent Court in respect of a child alleged to have committed an offence; or

(b) any order made by a Competent 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.

85. 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 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:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

86. 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, 1898.

CHAPTER 12

Miscellaneous

87. Discharge and transfer :-

(1) The State Government may at any time order a child or juvenile offender to be discharged from a Certified School or fit person institution, either absolutely or on such conditions as the State Government approves:

Provided that adequate after-care service is provided for such children whenever possible.

(2) The State Government may order.

(a) a juvenile offender, who has attained the age of sixteen years in case of a boy or eighteen years in case of a girl, detained in a Certified School; or

(b) any boy over the age of sixteen years or girl over the age of eighteen years, who has been released on licence and who has committed a breach of licence conditions and whom it is not advisable to send back to his own school or institution to be transferred to a Borstal School established under the Karnataka Borstal Schools Act, 1963, in the interest of discipline or for other special reasons: Provided that the whole 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 Karnataka Borstal Schools Act, 1963, shall apply to such offender as if he had been originally ordered to be detained in a Borstal School under that Act.

(4) The State 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 State Government approves, provided that adequate after-care service is provided for such children whenever possible.

88. Transfers between institutions and those of like nature in different parts of India :-

(1) The State Government may, in consultation with the managers of any Certified School or fit person institution, consent to the transfer to that School or institution of any child or juvenile offender in respect of whom an order has been made by a competent authority in any other part of India, of the nature of an order under this Act, directing him to be sent to a Certified School or institution of a like nature, and upon such transfer, the provisions of this Act shall apply to such child or juvenile offender.

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

Provided that no such child or juvenile offender shall be transferred under this section to any other State without the consent of the Government concerned.

89. Transfer of children of unsound mind or suffering from leprosy :-

(1) Where it appears to the State Government that any child detained in a Certified School or fit person institution under any order of a Competent Court is of unsound mind or a leper, the State Government may, by an order setting forth 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 Court, 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 State Government that the child has become of sound mind, or is cured of leprosy, the State Government shall, by an order, direct to the person having charge of the child, if still liable to be kept in custody, send him to the 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 Indian Lunacy Act, 1912 (Central Act 4 of 1912) or of Section 14 of the Lepers Act, 1898 (Central Act 4 of 1898), as in force in the Bombay and the Madras areas or Section 14 of the Mysore Lepers Act (4 of 1925), as in force in the Mysore area or Section 14 of the Hyderabad Leprosy Act, 1954 (Act 4 of 1954), as in force in the Hyderabad area, shall apply to every child confined in a mental hospital or leper asylum under sub-section (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 sub-section, shall be reckoned as part of the period for which he may have been ordered by the Court to be detained:

Provided that where the removal of a child due to 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 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 until such time as the orders of the State Government can be obtained in the matter.

90. Transfer from one institution to another :-

The Chief Inspector of Certified Schools may direct any child or juvenile offender to be transferred from one institution to another whether a Certified School or fit person institution:

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

91. Compensation for false and frivolous or vexatious information :-

(1) If in any case in which an information has been laid by any person under the provisions of Section 76, the Competent Court, after such inquiry as it may deem 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 laid.

(2) Before making any order for the payment of compensation, the Competent Court 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 Court 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 Section 68 and Section 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 to 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 subsection (1), the compensation shall not be paid to the person

ordered to receive it before the period allowed for the presentation of an appeal has expired.

92. Presumption and determination of age :-

(1) Where it appears to a Competent Court 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 Court shall hold an inquiry as to the age of that person and for that purpose, shall obtain medical opinion as to the age of that person 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 Court 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 Court 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.

93. 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 or Section 565 of the Code of Criminal Procedure, 1898, or operate as a disqualification for office or any employment or election under any law.

94. Power to amend orders :-

(1) Without prejudice to the powers of Courts of appeal and revision any custody order, supervision order or probation order may be amended by the Court 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, subject to the proviso hereinbelow, be amended except in relation to the period of duration, such amendment being by way of extension of the period only:

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

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

95. Control over custodian of 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 Court, 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 that Act in respect of the children under his care, and shall have the right to apply to the Competent Court for administration of the property of the child.

96. Juvenile offenders undergoing sentence at commencement of this Act :-

In any area in which this Act is brought into force, the State Government or any officer authorised by the State Government in this behalf, may direct that a juvenile offender, who is undergoing any sentence of imprisonment at the commencement of this Act shall, in lieu of undergoing such sentence, be sent to a certified school or fit person institution for the remainder of the period of the sentence; and the provisions of this Act shall apply to the child, as if he had been ordered by a Competent Court to be sent to such School or Institution.

97. Bonds taken under the Act :-

The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

98. Probation Officers, Chief Inspector and Inspectors and persons authorised to be deemed to be public servants :-

The Probation Officers, Inspectors of Certified Schools, including the Chief Inspector of Certified Schools 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, and of Section 2 of the Prevention of Corruption Act, 1947.

99. 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.

100. Rules :-

(1) The State Government, by notification and subject to the condition of previous publication, may make rules for carrying out 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 Juvenile Court or any other Competent 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 Juvenile Court shall hold its sittings;

(c) the circumstances in which and conditions subject to which an institution may be declared or recognised as a Certified School, a fit person institution, a remand home or an approved place;

(d) the internal management and discipline of Certified Schools, fit person institutions and remand homes;

(e) the functions and liabilities of Certified Schools, fit person institutions and remand homes;

(f) the inspection of Certified Schools, fit person institutions, remand homes and after-care organisations;

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

(h) the powers and duties of Chief Inspector, Inspectors and Assistant Inspectors of Certified Schools and Probation Officers under this Act;

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

- (j) the qualification and duties of Probation Officers;
- (k) the manner of authorising persons for the purposes of Sections 38 and 67;
- (l) the manner in which a child or juvenile offender may be sent outside the jurisdiction of a Competent Court;
- (m) the manner in which contribution for the maintenance of a child may be ordered to be paid by parent or guardian;
- (n) the conditions under which a child may be placed out on licence and the form and conditions of such licence;
- (o) the conditions subject to which children may be committed to the care of persons under this Act and the obligations of such persons towards the children so committed;
- (p) 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 thirty 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 both Houses agree that the rules shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. Repeal :-

The Karnataka Children Act, 1943 (Karnataka Act XLV of 1943) and the Karnataka Prevention of Juvenile Smoking Act, 1911 (Karnataka Act XI of 1911), as in force in the Karnataka Area, the Bombay Children Act, 1948 (Bombay Act LXXI of 1948), as in force in the Bombay Area, the Madras Children Act, 1920 (Madras Act IV of 1920), as in force in the Madras Area and the Hyderabad Children Act, 1951 (Hyderabad Act XXXII of 1951), as in force in the Hyderabad Area, are hereby repealed:

Provided that:

- (a) juvenile Courts established under 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 licenses and certificates granted and transfers made under 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 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 the above Acts, which would have laid under 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 is sued under the above Acts shall continue to be in force and be 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 inconsistent 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.

SCHEDULE 1

SCHEDULE

[See Section 2]	
SCHEDULE	
[See Section 2]	
1 In Bangalore district.	
	Bangalore city within the jurisdiction of this Corporation of the City of Bangalore.
2 In Belgaum district.	
	(1) Belgaum taluk
	(2) Railway limits of Londa to Shedbal

3 Bellary district

4 Bidar district

5 Bijapur district

6 In Chitradurga district. Davangere taluk

7 In Dharwar district.

(1) Dharwar taluk

(2) Hubli taluk

(3) Headquarters limits of the taluks of.

Kalghatgi, Shiggaon, Shirahatti, Ron, Hangal, Hirekerur

(4) Municipal limits of.

(i) Navalgund

(ii) Nargund

(iii) Savanur

(iv) Gudgeri

(v) Kundgol

(vi) Shigali

(vii) Kamadolli

(viii) Samsi

(ix) Laxmeshwar

(x) Gadag-Betgeri

(xi) Ranebennur

(xii) Haveri

(5) Annigeri village

(6) Gajendragad village

8 Gulbarga district

9 Hassan district

10 In Mysore district.

(1) Kollegal taluk

(2) Mysore city within the jurisdiction of the Mysore City Municipality.

11 In North Kanara district.

(1) Karwar taluk

(2) Ankola taluk

(3) Headquarters of the taluks of.

(i) Yellapur

(ii) Mundgod

(iii) Siddapur

(4) Supa Petha

(5) Municipal limits of.

(i) Kumta

(ii) Honnavar

(iii) Bhatkal

(iv) Sirsi

(v) Haliyal

(6) Ankola Panchayat limits comprising Ankola and Shedgere, Vendige Laxmeshwar and Bobruwada villages.

12 Raichur district

13 Shimoga district

14 South Kanara district.