

KARNATAKA CHILDREN RULES, 1966

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KARNATAKA CHILDREN RULES, 1966

In exercise of the powers conferred by Section 100 of the

Karnataka Children Act, 1964 (Karnataka Act 19 of 1964) the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in Notification No. GSR 963, dated 21st May, 1966 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 2nd June, 1966, as required by sub-section (1) of the said section, namely

1. Title :-

These rules may be called the Karnataka Children Rules, 1966.

2. Definitions :-

In these rules unless the context otherwise requires.

(a)"Act" means the Karnataka Children Act, 1964 (Karnataka Act 19 of 1964);

(b)"Government" means the Government of Karnataka;

(c)"Section" means a section of the Act;

(d)"Schedule" means a Schedule to these rules.

3. Recognition of fit person institutions and approved places :-

(1) Any institution or association desiring to be recognised as a fit person institution or approved place for the reception of neglected children and Juvenile offenders, may make an application in writing to the Chief Inspector, who shall cause the institution to be inspected and shall make a report to the Government regarding the provision made in the institution for the boarding, lodging and general health of the inmates and the quality of the literacy made available.

(2) The Government may pass such orders as it deems fit on any application received under this rule.

4. Registers to be maintained by certified schools, fit person institutions and approved places :-

The Chief Inspector shall, subject to the general control of the Government, specify the registers and records to be maintained by the Managers of Certified Schools, fit person institutions, and approved places in respect of children committed to such schools, institutions and places.

5. Inspection by the Chief Inspector :-

The Chief Inspector may visit any Certified School or fit person

institution at any time, hear any complaints of the inmates and make suggestions to the Managers thereof.

6. Duties of the Inspection Staff :-

(1) Every Inspector and Assistant Inspector of Certified Schools shall, during his inspection of a Certified School or a fit person institution give every child committed to the care of such school or institution, an opportunity to make any complaint or application to him which such a child may wish to make.

(2) Every such Inspector or Assistant Inspector shall, at the conclusion of his inspection, note in the visitor's book, the fact that he inspected the school or institution, as the case may be, on a particular date.

(3) The Inspector and the Assistant Inspector shall submit to the Chief Inspector, a detailed report of his inspection.

(4) The Chief Inspector may, after considering the report submitted by the Inspector or the Assistant Inspector under sub-rule (3), communicate to the certified school or fit person institution, any suggestion he has to make or such suggestions as he may deem fit and necessary to be made.

7. Educational Inspection :-

(1) In addition to the Inspectors and the Officers appointed under Section 35, the District Educational Inspector of each District or his immediate assistant authorised by him in this behalf, within whose jurisdiction the certified school is situate shall also be an ex officio Inspector of certified schools within his district. The ex officio Inspector shall carry out purely educational inspection of certified schools, whose educational curriculum is recognised to be in accordance with the curriculum approved by the Department of Public Instruction. He shall also carry out inspection of such certified schools within his jurisdiction as require recognition of the educational curricula prescribed by him.

(2) The agricultural, industrial and other technical classes if any attached to certified schools shall be inspected by the District Officer of the department concerned or by an officer authorised by him in this behalf.

(3) Every such Inspector shall inspect the premises of each certified school within his jurisdiction, see the children and satisfy himself

that all the registers pertaining to the various classes are maintained according to the rules for the time being in force and that proper arrangements are made for the safe custody of all such records. Each year, every such Inspector shall personally arrange for the inspection of the classes of each such school and shall submit an inspection report of such school to the Chief Inspector through the Head of his department. The Head of the Department shall forward such report to the Chief Inspector.

8. Remand or Committal of Juveniles to Custody :-

When a child is taken charge of under sub-section (1) of Section 38 or under sub-section (1) of Section 67, he shall, unless by an order of the Court under the Rule 18 is committed to the care or allowed to remain in the custody of his parent, guardian, relatives or fit person, be remanded to a Remand Home or kept in a place of safety until he can be brought before the Juvenile Court.

9. Inspection of a Place of Safety :-

Every place of safety in which a child is detained in the City of Bangalore shall be open to inspection by the City Magistrate, Bangalore and elsewhere it shall be open to inspection by any Judicial Magistrate of the First Class having jurisdiction over the area. In all areas, places of safety shall be open to inspection by the Chief Inspector and his inspecting staff.

10. Manner of Detention of Children not committed to the Remand Home or Certified School :-

(1) Any offender ordered to be kept in safe custody under sub-section (2) of Section 62 may be kept, if the Court thinks fit, in the Juvenile section to be specially provided and located away from adult criminals in every prison.

(2) No child shall be handcuffed or roped while in custody or while he is being escorted to Court or hospital or to the place of safety, as the case may be, and he shall not be accompanied by a Police Officer in uniform.

11. Application for recognition of Societies for Appointment of Probation Officers :-

Any Society desirous to be recognised under sub-section (2) of Section 35 may apply to the Government in writing through the Chief Inspector.

12. Competent Court to keep list of Social Workers :-

For the purpose of sub-section (3) of Section 35, every Competent Court may keep a list of social workers for appointment as Probation Officers.

13. Duties of Probation Officers :-

(1) A Probation Officer shall carry out all directions given to him by the Court and perform the following duties.

(i) to make initial inquiries regarding the home and school conditions, conduct, character, antecedents and health of the children under his supervision;

(ii) to attend regularly the Court and submit his reports;

(iii) to keep diary, case files and registers;

(iv) to visit regularly children placed under probation and supervision and also places of employment or school attended by such children, and to submit regular monthly reports;

(v) to take children, whenever possible, from Court or remand home to certified schools or fit person institutions;

(vi) to bring before the Court immediately the children who have not been of good behaviour during the period of supervision;

(vii) to advise and give guidance to the children placed under supervision or released on license and to endeavour to find them employment;

(viii) to run recreation clubs; and

(ix) to perform any other duty which may be specified by the Court or any releasing authority in respect of children under his supervision.

(2) A Probation Officer shall not employ a child or youthful offender placed under his supervision for his own private purpose or take any private service from him.

14. Procedure to be followed by the Juvenile Court or other Competent Court :-

(1) The proceedings of the Juvenile Court or any other Competent Court shall be informal. The Police Officers shall not appear in the said Courts in uniform. Usage of certain expressions such as sentence, conviction and accused shall be avoided.

(2) The Juvenile Court shall ordinarily hold its sittings in the Remand Home wherever it exists, subject to such directions as the Government may give in this behalf, the District Magistrate may determine the place at which, the day on which and the manner in which a Juvenile Court may hold its sittings where there are no Remand Homes.

15. Medical opinion regarding age and physical and mental condition of children :-

In every case concerning a child, the Court shall obtain medical opinion regarding his age and his physical and mental conditions and when passing orders in such a case shall, after taking into consideration the medical opinion and such other evidence as may be available record a finding in respect of his age.

16. Supply of information regarding children by Courts :-

(1) Whenever the Court orders a child to be detained in a Certified School or fit person institution, it shall forward to the Managers, or Superintendents of such school or institution, a copy of its judgment, if any, or order, together with information regarding the age and address of the child, if known, and any particulars of his home and previous record, that may have been discovered.

(2) The Officer in charge of the place of safety or the police station concerned, shall, on the issue of orders by a Court for the detention of a juvenile in a Certified School, or fit person institution, forward to the Manager or Superintendent of such school or institution copies of any record he may have of the juvenile's previous history.

17. Contribution of parents or other persons :-

(1) The Court making an order under sub-section (1) of Section 78 may direct the parent or other person liable to maintain the child or juvenile offender, to pay in Court, in advance, in the beginning of each month such sum of money as the Court may think fit, not exceeding fifty rupees in whole per mensem towards the maintenance of such child or juvenile offender.

(2) All such recoveries shall be credited by the Court into a Government treasury as Miscellaneous Receipts of the Government.

18. Manner in which a child or juvenile offender may be committed to the care of a parent, guardian, relative or other fit person :-

(1) The Court making an order committing a child or juvenile offender to the care of, or allowing a child to remain in the custody of a parent, guardian, relative or other fit person, as the case may be, under sub-section (1) of Section 41, clause (b) of Section 60, and clause (b) of Section 70 may direct such parent, guardian, relative or person to execute a bond in the form specified in Schedule I with or without sureties and in such sum of money as the Court may think fit, to keep him under proper care and control and to be responsible for his good behaviour. In addition to the conditions specified in the form of the bond as in Schedule I, the Court may impose such other conditions as it may think fit for securing that the child or juvenile offender, as the case may be, may lead an honest and industrious life.

(2) Where a child or juvenile offender has been placed under the supervision of a Probation Officer, the Court shall impose a condition, that all necessary assistance may be rendered by the parent, guardian, relative or other person as the case may be, to the Probation Officer to enable him to carry out the duties of supervision.

(3) When a child or juvenile offender has been ordered to be sent on his own bond, back to a relative or fit person or to his native place under Sections 42, 64 or 73, the Court shall take his bond, in the form specified in Schedule II.

19. Release on licence under Section 80 :-

(1) A child detained in a Certified School or fit person institution shall not be released by the Chief Inspector under sub-section (1) of Section 80 except on the conditions specified in a licence in the form specified in Schedule III.

(2) On the release of any child on licence by order of the Chief Inspector under sub-rule (1), information shall be sent by the school or institution to the committing Court of the actual date of release of the child.

20. Detention of escaped children :-

When a child absconding from a certified school or fit person institution has been arrested at a different place, he shall be detained in a place of safety pending his removal to the Certified School or fit person institution.

21. Short Leave of Absence to Inmates of Certified Schools

and Fit Person Institutions :-

(1) The Manager or Superintendent of a Certified School or fit person institution may, on sufficient cause being shown to his satisfaction, grant permission in writing to an inmate to absent himself for short period not exceeding fifteen days in aggregate in the year, exclusive of the time required for going to and returning from the destination for the purpose of visiting the parents or relations:

Provided that as far as possible the previous consent of the Chief Inspector shall be obtained for granting leave exceeding a week at a time.

(2) The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the Manager or Superintendent and the inmate may be recalled by him without giving any reasons therefor.

(3) The Chief Inspector on the application of a parent or a relative recommended by the Managers or Superintendents of Certified School or fit person institution may, in selected cases, grant vacation or leave upto six weeks, excluding the days of journey at a time, to inmates from certified school or fit person institution. Such permission may be cancelled by the Chief Inspector by an order in writing and the inmate may be recalled by him without giving reasons therefor.

(4) The time during which an inmate is absent from the school or person institution under sub-rule (1) or (3) shall be deemed to be part of the time of the detention in the school or institution.

(5) If any inmate fails to return to the school or institution after the expiry of the period permitted under sub-rule (1) or (3) or when recalled under sub-rule (2) or (3) the Manager or Superintendent shall report the matter to the Chief Inspector and any Police Officer may, on the application in writing of such Manager or Superintendent or Chief Inspector arrest the inmate without warrant and send him back to the school or institution.

(6) The time which elapses after the failure of inmate under sub-rule (5) to return to the school or institution shall be excluded in computing the time of detention in the school or institution.

(7) Any parent or guardian contributing towards the maintenance

of the child in a certified school or fit person institution by an order passed by a Court under sub-section (1) of Section 78, shall be exempt from the payment of such contribution for the period during which the child is absent from the institution under sub-rule (1) or (3).

22. Application for the Recognition of Societies and after-care Organisation :-

Any Society desiring to be recognised under sub-section (2) of Section 35 or any after-care organisation desiring to be recognised under sub-section (1) of Section 82, may make an application in writing to the Chief Inspector who shall cause such society or organisation to be inspected and forward a report to the Government regarding the provision made in such society or organisation for the boarding, lodging, general health and the arrangements made for providing training and employment facilities to the discharged inmates of certified schools and fit person institutions for the purpose of enabling them to lead an honest, industrious and useful life. The Government may pass such orders as it deems fit on the recommendation made by the Chief Inspector under this rule.

23. Repeal and Savings :-

All rules corresponding to the foregoing rules framed under any enactment repealed by Section 101 of the Act are hereby repealed:

Provided that the repeal shall not affect.

(a) the previous operation of the rules so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under any rule so repealed:

Provided further that subject to the preceding proviso anything done or any action taken under any such rules shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act or these rules as the case may be.

SCHEDULE 1

SCHEDULE

[See sub-rule (1) of Rule 18]

SCHEDULE I

[See sub-rule (1) of Rule 18]

Form of bond to be executed by a parent, guardian or relative of a fit person to whose care a child or juvenile offender is committed.

Whereas, I being the parent/guardian/relative or person in whose custody/to whose care has been allowed to remain/ordered to be committed by the Juvenile Court/Magistrate have been directed by the Juvenile Court/Magistrate to execute a bond in sum of Rs..... (Rupees.....) with one surety/two sureties, I hereby, bind myself on the said being allowed to remain in my custody/committed to my care, I shall have the said properly taken care of and I do further bind myself to be responsible for the good behaviour of the said and to observe the following conditions for a period of years commencing from

1. That I shall not change my place of residence without giving previous intimation in writing to the Court through the Probation Officer;
2. That I shall not remove the said from the limits of the jurisdiction of the Court without previously obtaining the written permission of the Court;
3. That I shall send the said daily to school/to such daily work as is approved by the Court, unless prevented from so doing by circumstances beyond my control;
4. That I shall report immediately to the Court through the Probation Officer, if the said misbehaves or absconds from custody;
5. That I shall produce the said before the Court whenever so required by the Court;
6. That I shall render all necessary assistance to the Probation Officer to enable him to carry out the duties of supervision;
7. In the event of my making default herein, I bind myself to forfeit to the Government of Karnataka the sum of Rs (Rupees

Dated this the day of 196

Before me (signed)

Signature of person executing the
bond.

ANNEXURE

(where a bond with sureties is to be executed)

add

I/We.....of.....residing in the Taluk ofin the District of..... hereby declare myself/ourselves surety/sureties for the above said..... that he/she shall do and perform all that he/she has undertaken to do and perform and in case of making default therein, I/We hereby bind myself/ourselves jointly and severally to forfeit to the Governor of Karnataka a sum of Rs..... (in words).....

Dated this the.....day of.....19

in the presence of.....

Before me

(Signed)

SCHEDULE 2

SCHEDULE

[Sub-rule (3) of Rule 18]

SCHEDULE 2

[Sub-rule (3) of Rule 18]

Bond to be signed by a child or youthful offender who has been repatriated or sent to a relative or a fit person to his native place.

Whereas, I,..... inhabitant of..... have been ordered to be repatriated or sent back to my native place by the Juvenile Court/Magistrate of.....under/subsection of section..... of Karnataka Children Act, 1964 on my entering into a bond to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period specified in the order made by the Court. I hereby bind myself as follows.

1. That during the period of.....I shall not leave the..... place of a relative or fit person.....in which I am repatriated or sent and shall not return to.....or go anywhere else.
2. That during the said period I shall attend work/school in the place to which I am repatriated or sent.
3. That I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me.
4. That during the period specified in the Order I shall particularly observe the following conditions.
 1. that I shall accept the guidance and assistance of the relative or fit person to whom I am repatriated or sent or to whose care and custody, I am entrusted as named in the order and will obey the directions given to me from time to time by the said person;
 2. that I shall not play truant from home, school, work, or place to which I am repatriated or sent;
 3. that I shall live honestly and peaceably and will endeavour to earn an honest livelihood/attend school regularly and obey the authorities and shall not change my employment/school without the permission of the relative or fit person to whom I am repatriated or sent.

Signature or
mark of

SCHEDULE 3

FORM OF ORDER OF RELEASE ON LICENCE

[See Rule 19(1)]

SCHEDULE 3

[See Rule 19(1)]

FORM OF ORDER OF RELEASE ON LICENCE

I,.....Chief Inspector of
Certified Schools, State of Kamataka, Bangalore, do by this
permit.....
licence.....son/daughter of
.....,Caste..... residing at..... Register
Number.....who was ordered to be detained in a
Certified School by the.....Court under
Section.....of the Karnataka Children Act, 1964, for a term
of.....years on the..... day of..... 19..... and
who is now detained in the school at..... to be discharged from the said
school on condition that he/she.....be placed under the care, supervision
and authority of the Secretary/Society/Advisory Board/Probation
Officer/Superintendent, during the remaining portion of the aforesaid period of
detention.

This licence is granted subject to the conditions mentioned below.

1. The licensee shall proceed to the house of his parents/guardian/relative or a fit person residing at Taluk District..... and live under the authority of the until the expiry of the period of his detention unless it is sooner cancelled by the remission.
2. He shall not without the consent of the said Court remove himself from that place.
3. He shall obey any such instruction as he may receive from the said.... with regard to punctual and regular attendance or otherwise.
4. He shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of the said
5. In the event of his committing any breach of above conditions the

remission of the period of detention shall be liable to be cancelled and on such cancellation he shall be dealt with under Section 83 of the Karnataka Children Act, 1964.

Signature of the Chief Inspector of Certified Schools.

I hereby acknowledge that I am aware of the conditions stated above which have been read over/explained to me and that I accept the same.

Signature of the boy/girl.

Dated

Certified that the conditions specified in the above order have been read over/explained to and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been released accordingly on the

Signature of the Head
of the Office or
Certifying Authority.

Date