

## **BOMBAY CHILDREN RULES, 1950**

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### **BOMBAY CHILDREN RULES, 1950**

In exercise of the powers conferred by Section 109 of the Bombay Children Act, 1948 (LXXI of 1948), and in suppression of the Bombay Children and Juvenile Court Rules, 1936, the Government of Bombay is pleased to make the following Rules, namely

#### **1. Short title :-**

These rules may be called the Bombay Children Rules, 1950.

#### **1A. Extent :-**

These rules shall extend to the whole of the State of Maharashtra.

#### **2. Interpretation :-**

In these rules unless there is anything repugnant in the subject or context -

(1) "Act" means the Bombay Children Act, 1948 ;

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

(3) "Schedule" means a schedule to these Rules.

#### **3. Certification of Institutions :-**

If the managers of any institution not certified under sub-section (2) of Section 25 desire that the institution should be so certified, they shall make a written application in this behalf to the Chief Inspector who shall cause the institution to be inspected and shall make a report to the State Government regarding the provision

made in the institution for the boarding, lodging and general health of the inmates, and the quality of the literary or industrial training made available.

**3A. Recognition of an institution or association as 3[Approved Institution] :-**

(1) If the manager of any institution or association desires that the institution or association should be recognised as 3[an approved institution] for the purposes of this Act, he shall make an application in the Form in Schedule A-I to the <sup>1</sup>[Director (Child Welfare)]

(2) The <sup>1</sup>[Director (Child Welfare)], on receipt of an application shall cause the institution or association as the case may be, to be inspected and if he is satisfied that it is suitable for recognition, he may, subject to the provisions of rule 3-B, recognise it as an <sup>1</sup> [Approved Institution], for the purpose of the Act. These rules are extended to that part of the State of Maharashtra to which they did not extend immediately before the commencement of these rules vide Notification No. BCA 1065 N, dated 2nd August, 1965, Maharashtra Gazette, Part IV-B, dated 5th August, 1965 p.1525. Rules made under the C.P. and Berar Children Act, 1928 and the Hyderabad Children Act, 1951 repealed vide Rule 4 of the Bombay Children Extension and Amendment) Rules, 1966, published vide Notification mentioned above.

1. This amendment was made by No . BCA -1076/16936/CA-III, dated 6th January, 1984, M.G.G., Pt. IV-B, p. 168,1984.

**3B. Conditions for recognising institution or association as 4[an Approved Institution] :-**

(1) An institution or association may be recognised if it fulfils the following conditions, that is to say :-

(a) The premises of the institution are maintained in a sanitary condition to the satisfaction of the Inspecting staff of the <sup>1</sup>[(Director Child Welfare.)]

(b) The sleeping and dining accommodation for the number of inmates is adequate.

(c) Wholesome and sufficient food is provided for the inmates 4[as approved by the Director (Child Welfare).]

(d) Adequate provision exists for indoor and outdoor games.

(e) Medicines, such as are ordinarily required for household use, are kept in stock ; and proper arrangements for medical attendance on the inmates in case of sickness is made (A visiting Medical Officer shall, as far as possible, be employed to keep periodical check on the children's health).

<sup>1</sup>[(ee) The Superintendent or Manager of any institution recognised under the Act shall immediately inform any case of death of an inmate to the Police and the Director (Child Welfare).]

(f) Arrangement is made for the inmates to attend regularly an organised course of instruction in a school or other institutions recognised by the Education Department or suitable arrangement for elementary instruction is made on the premises ; (Instruction in a craft or crafts in addition to the academic education being preferred).

(g) The 4[Director (Child Welfare) is supplied by] the institution or association with such information pertaining to the institution as may be required from time to time.

(h) Proper lighting arrangements and water facilities (for bathing and drinking) and sanitary arrangements are provided.

(i) Separate kitchen is provided.

(j) If both boys and girls are admitted to the institution or association, suitable arrangements for housing boys and girls separately (including sufficient means of separating the inmates at night with proper supervising staff, including a matron or female attendant or both for girls' section) are made to the satisfaction of the <sup>1</sup>[Director /Child Welfare)].

(k) In an institution or association for girls only a lady with sufficient qualifications or previous experience 4[not below the age of 30 years] is appointed as Superintendent.

(l) Proper case record of every child committed by the Juvenile Court is maintained in the manner required by the <sup>1</sup> [Director (Child Welfare)]; and proper accounts, registers of income and expenditure and other general

(m) Adequate and qualified staff as approved by the [Director (Child Welfare)] is employed and quarters are provided on the

premises for essential staff as may be directed by the Chief Inspector of Certified Schools.

(n) A high standard is maintained of the discipline and behaviour of children in the institution.

[(o) The recognition order issued by the Director (Child Welfare) under rule 3-A shall be framed and kept in the office for inspection of the inspecting staff of the Director (Child Welfare)];

(2) It shall be lawful to the [Director (Child Welfare)] to scrutinise the account of the institution or association or cause them to be scrutinised in respect of any grant paid by Government.

(3) Maintenance charges may be claimed by the institution of association in such form as may be specified by the [Director (Child Welfare)].

(4) If the [Director (Child Welfare)] is dissatisfied with the management of any [Approved Institution ], he may at any time without prejudice to any other action which he may deem fit to take and after serving a notice on the managers and after giving them an opportunity to be heard, withdraw the recognition granted to such institution or association :

Provided that the managers may appeal to the State Government against the order of the [Director (Child Welfare)] withdrawing such recognition within thirty days from the date of such order.

(5) If any, institution or association is recognised as [an Approved Institution] the institution shall, during the period in which such recognition is in force, be entitled to receive a grant-in-aid at such rate as the State Government may determine from time to time :

Provided that if in any case it is found on inspection that any provisions laid down in sub-rule (1) are not properly observed, deduction may be made in the grant for the year in lump sum to such extent as the [Director(Child Welfare)] may decide.

1. This amendment was made by No . BCA -1076/16936/CA-III, dated 6th January, 1984, M.G.G., PUV-B, p. 168,1984.

### **3C. Recognition of an institution or association as \* [Observation Homes] :-**

(1) If the manager of any institution or association desires that the institution or association should be declared by the State

Government as \*[an Observation Home] under Section 26, he shall make a written application on this behalf in the form in schedule A 2 to the \*[Director (Child Welfare)].

(2) The Chief Inspector shall, on receipt of the application, cause the institution or association, as the case may be, to be inspected and shall make a report to the Government as to the suitability of the institution or association for such declaration.

(3) In addition to the provisions of the Act, the applicant shall have to abide by and comply with the conditions laid down in rule 3-D.

**3D. Pre-condition required to declare an institution as an Observation Home :-**

Conditions for declaration of places as an [Observation Home] :- An institution or association may be declared as an [Observation Home] for the purposes of the Act if it fulfils the following conditions that is to say :

(a) the premises of the institution or association are maintained in a sanitary condition to the satisfaction of the Inspecting staff of the [Director (Child Welfare)];

(b) the sleeping and dining accommodation for the number of inmates is adequate ;

(c) wholesome and sufficient food and adequate clothing and bedding are provided for the inmates ;

(d) adequate provision exists for indoor games ;

(e) medicines, such as are ordinarily required for household use are kept in stock, and proper arrangements for medical attendance on the inmates in case of sickness is made. (A visiting Medical Officer shall, as far as possible, be employed to keep periodical check on the Children's health);

[(ee) the Superintendent or Manager of any institution recognised under the Act shall immediately inform any case of death of an inmate to the Police and the Director (Child Welfare)];

(f) arrangement is made for the inmates to attend regularly an organised course of instruction in a school or other institution recognised by the Education Department, or suitable arrangements for elementary instructions are made on the premises (Instructions in crafts in addition to the academic education being preferred);

(g) the [Director (Child Welfare)] is supplied by the managers of the institution or association with such information pertaining to the institution as may be required, from time to time ;

(h) proper lighting arrangements, water facilities (for bathing and drinking) and sanitary arrangements are provided ;

(i) separate kitchen is provided ;

(j) if both boys and girls are admitted to the institution or association, suitable arrangements for housing boys and girls separately (including sufficient means of separating the inmates at night with proper [Director(Child Welfare)]);

(k) in an institution or association for girls only, a lady with sufficient qualifications or previous experience is appointed as Superintendent ;

(l) proper case record of every child sent by the Juvenile Court is maintained in the manner required by the Chief Inspector and proper accounts, registers of income and expenditure and other general registers, e.g., attendance register, medical register and other records are kept;

(m) adequate and qualified staff as approved by the Chief Inspector is employed and quarters are provided on the premises for essential staff as may be directed by the Chief Inspector ;

(n) a high standard is maintained of the discipline and behaviour of children in the institution or association ;

[(o) the recognition order issued by the Director (Child Welfare) shall be framed and kept in the office for inspection of the inspecting staff of the Director (Child Welfare)].

### **3E. Other provisions applicable to \* [Observation Homes] :-**

(1) It shall be lawful for the [Director (Child Welfare)] to scrutinise the accounts of the institution or association or cause them to be scrutinised in respect of any grant paid by Government.

(2) Maintenance charges may be claimed by the institution or association in such form as may be specified by the [Director (Child Welfare)].

(3) If the [Director (Child Welfare)] is dissatisfied with the management of any Observation Home, he may at any time,

without prejudice to any other action which he may deem fit to take and after serving a notice on the [Honorary Secretary of the Association] and after giving him an opportunity of being heard withdraw the declaration made under Section 26 in respect of such Observation Home : Provided that the [Honorary Secretary of the Association] may appeal to the State Government against the order of the [Director (Child Welfare)] withdrawing such declaration within thirty days from the date of such order.

(4) If any institution or association is declared as [an Observation Home] under Section 26 for the purposes of this Act, the institution or association shall, during the period in which such declaration is in force, be entitled to receive a grant-in-aid at such rate as the State Government may, from time to time, determine :

Provided that, if in any case it is found on inspection that any of the conditions laid down in rule 3-D is not properly observed, deduction may be made in the grant for the year in lump sum to such extent as the [Director (Child Welfare)] may decide, after giving the management a reasonable opportunity of being heard.

#### **4. Registers to be maintained by Certified Schools :-**

The Chief Inspector shall subject to the general control of the State Government, prescribe the registers and records to be maintained by the managers of a certified school in respect of children committed to such school.

#### **5. Inspection by the Director (Child Welfare) :-**

The Director (Child Welfare) may visit any Observation Home, Approved Centre, Approved Institution, Classifying Centre, After-care Home or Hotel at any time, hear any complaints and the inmates, and make suggestions to the Managers thereof.

#### **6. Duties of the Inspecting Staff :-**

(1) The Director (Child Welfare) or any member of his inspecting staff, during his inspection of any established and recognised institution under the Act, give every child committed to its care an opportunity to make any complaints or applications to him which such child may wish to make.

(2) No girls' institution shall be opened for visit or inspection after 6 p.m. by any male officer unless he is accompanied by a female officer.



(3) Every such Inspecting staff shall note in visiting book of the established and recognised institution, the fact that he has inspected it on a particular date at the conclusion of his inspection.

(4) The Deputy Director (Child Welfare), Assistant Director (Child Welfare), or any other member of the inspecting staff of the Director (Child Welfare) shall submit to the Director (Child Welfare) a detailed report of his inspection.

(5) The Director (Child Welfare) shall communicate to the established and recognised institution under the Act inspected by him any suggestions he has to make or such suggestions as he may deem fit and necessary to communicate after receiving the report from any member of the inspecting staff.

## **7. Educational inspection by Educational Inspectors :-**

Educational inspection :- In addition to the Inspectors and the Officers appointed under Section 37, the Educational Inspector in charge of a District or Districts, as the case may be, or the Deputy or the Assistant Educational Inspector authorised by him in this behalf shall also be an [ex- officio Inspector of Approved} [Centres] within his jurisdiction. He shall carry out purely educational inspection of [Approved centres] whose educational curriculum is recognised to be in accordance with the curriculum approved by the Department of Education .He shall also carry out inspection of such certified schools within his jurisdiction as require recognition of the educational curriculum prescribed by them . He shall comply with such directions as the [Director (Child Welfare)] may consider it necessary to give him through the Director of Education or through the Director of Education and the Educational Inspector, as the case may be, and shall submit inspection reports of certified schools to the [Director (Child Welfare)] through the Director of Education or through the Educational Inspector and Director of Education. Such Inspector shall inspect the premises of each such [Approved centre] within his jurisdiction, see the children and satisfy himself that all the registers pertaining to literary education 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 he shall personally arrange for the examination of the literary classes of each such school and shall submit, an inspection report of each school annually to the Director of Education together with any suggestions he may wish to make. The Director of Education shall forward such records to the [Director (Child

Welfare)]].

**8. Industrial, technical, agricultural or other classes to be examined by the Director of Technical Education :-**

Inspection of another industrial classes :- The industrial, technical, agricultural or other classes attached to certified schools shall be examined by the Director of Technical Education or by an officer authorised by him in this behalf or by the Agricultural or other Departments concerned. The Director or the Department concerned shall forward the inspection report to the [Director (Child Welfare)].

**8A. Detention of destitute or neglected children :-**

If child requiring care and protection on any of the grounds mentioned in clauses (a) to (e) of Section 40 has no parent or guardian, having actual charge of, or control over, the child, such child shall be detained in a [approved centre or classifying centre ] or place of safety :

Provided that, if the child be a girl, such girl shall be forwarded with the least possible delay to a Court empowered to pass an order under the Act.

**9. Juveniles not released on bail :-**

Detention of juveniles not released on bail after arrest :- When a child is arrested and is not released on bail under the provisions of Section 64 or otherwise, he shall be detained in a [Approved Centre] or place of safety .If no place of safety or [Approved Centre] is available such child may be detained at a police station but in any case apart from adult prisoners :

Provided that, if the child be a girl, such girl shall be forwarded with the least possible delay to a Court empowered to pass an order under sub-section (2) of Section 65. The fact of the arrest and detention shall be forthwith communicated to the parent or guardian of the child and also to the [Child, Welfare Officer (Probation)] of the Court exercising Juvenile Court jurisdiction in the area of the Police Station.

**10. Remand of committal of juveniles to custody :-**

(1) When a child is remanded or committed for trial under the provisions of Section 65, he shall, unless the charge be one of culpable homicide or any other offence punishable with death or transportation, be detained in [Approved Centre] or place of safety is available such child may be detained in jail or sub-jail but apart

from adult prisoners.

(2) If the charge be one of culpable homicide or any other offence punishable with death or transportation, such child instead of being detained in the manner prescribed in sub-rule(I) shall be confined in the Greater Bombay, in the absence of any general or special orders the [Chief Metropolitan Magistrate] may make to the contrary in the House of Correction, Bombay, and elsewhere, in the absence of general or special orders that the District Judge may make to the contrary, in the nearest Jail, but in any case in a separate cell apart from adult prisoners.

**11. Inspection of a place of safety :-**

Inspection of a place of safety :-

(1) Any place of safety in Greater Bombay in which the child is detained shall be open to inspection by the Chief Metropolitan Magistrate, Bombay or any Magistrate deputed by the Chief Metropolitan Magistrate and elsewhere, it shall be open to inspection by the District Magistrate or District Judge or any Magistrate deputed by the District Magistrate or the District Judge . In all areas, places of safety shall be liable to be inspected by the Director (Child Welfare) and his Inspecting staff.

(2) The occupier or manager of such place of safety shall be given every facility to the [Child Welfare Officer (Probation)] who visits the child for the purpose of making inquiry into his case.

**12. Application for recognition of Societies for appointment of \* [Child Welfare Officers (Probation)] :-**

Any society desiring to recognise under Section 37 may apply to the State Government in writing through the [Director (Child Welfare)].

**13. Child welfare officer shall carry out all directions given to him by the Court :-**

Duties of [Child Welfare Officers (Probation)] :-

(1) A [Child Welfare Officer (Probation)] 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, and the conduct, character and health of the children under his supervision ;

(ii) to attend regularly the court and submit reports ;

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

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

[(v) to take children, wherever possible, from court of Observation Home or Classifying Centre to Approved Centre of Approved Institution or After Care Hostel:]

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

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

(viii) to run recreation clubs ;[ ]

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

"(x) to comply with all the instructions issued by the Director (Child Welfare) from time to time".

(2) A [Child Welfare Officer (Probation)] shall not employ a child or youthful offender placed under his supervision, for own /private purposes or take any private service from him.

(3) An identity card shall be issued to every Child Welfare Officer (Probation) by the Director (Child Welfare) to enable him to carry out his duties under this rule.

#### **14. Constitution and Procedure of Juvenile Courts :-**

(1) Every Juvenile Court established under Section 7 shall consist of -

(a) a special salaried Presidency Magistrate in Greater Bombay, or a salaried First Class Magistrate elsewhere appointed by the State Government; or

(b) a bench of a special salaried [Metropolitan Magistrate] in Greater Bombay or a salaried First Class Magistrate elsewhere and such Honorary Magistrate not exceeding two in number, one of

whom shall be a woman, appointed by the State Government, with the salaried Magistrate as President of the bench in each case.

(2) The State Government may, upon the recommendation of the High Court, constitute one or more additional Juvenile Courts in Greater Bombay or elsewhere, consisting of Honorary Magistrates not exceeding three in number, one of whom shall be a woman, with such one of them as President as the High Court, on the recommendation of the [Chief Metropolitan Magistrate] in Greater Bombay, and of the District Judge elsewhere, may appoint in this behalf.

(3) In the absence of any of the Magistrate other than the President, the President sitting singly or with such Magistrate as is present, shall exercise all or any of the powers of a Juvenile Court.

(4) In the case of disagreement between the members of the bench the opinion of the President shall prevail.

(5) Subject to the control of the High Court, the Chief Metropolitan Magistrate in Greater Bombay, and District Judge elsewhere, shall hold the sitting of the Juvenile Court on the premises of the Observation Home and may also determine the day on which and the manner in which the Juvenile Court shall hold its sittings.

**15. Age, physical and mental condition of a child to be obtained through medical opinion :-**

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 condition ; and when passing orders in such case shall, after taking into consideration the medical opinion and other evidence such as school leaving certificate, birth certificate etc., as may be available, record a finding in respect of his age .

**16. Court to forward a copy of the order together with other particulars :-**

Supply of information regarding children by Courts :- Whenever the court orders a child to be detained, in [Approved Centre Approved institution] he shall forward to the managers of such school or institution a copy of its judgment, if any, or orders, 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.

**17. Court may direct the parent or guardian to pay in Court in advance a sum of money for maintenance :-**

Contribution of parent or other person :-

(1) The Court making an order under sub-section (1) of Section 90 may direct the parent or other person liable to maintain the child or youthful 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 Rs. 50 in the whole per mensem, towards the maintenance of such child or youthful offender.

(2) All such recoveries shall be credited by the Courts into Government Treasury as Miscellaneous Receipts of Government:

"Provided that, at any time during the Commitment period, such order can be reviewed and modified by the Court on getting a written report from the Superintendent of the respective Centre or Institution where the child is ordered to be detained, regarding the financial position of the parents or guardians who are responsible for the maintenance of the child or youthful offender."

**18. Committing a child or youthful offender to the care of other persons :-**

Manner in which a child or youthful offender may be committed to the care of a parent, guardians relative or other fit person :-

(1) The Court making an order committing a child or youthful 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 Section 45 (2), 72 (ii) or 81 (b) may direct such parent, guardian, relative or person to enter into a bond in the form in Schedule A, 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 prescribed in the form in Schedule A, the Court may impose such other conditions as it may think fit for securing that the child or youthful offender, as the case may be, lead an honest and industrious life.

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

(3) Where a child or youthful offender has been ordered to be sent on his own bond back to a relative or fit person to his own native place under Section 46 or Section 73 or Section 84 the Court shall take his bond in the form prescribed in Schedule B.

**19. Power to managers to transfer a child to another branch of the same school :-**

After committal of a child by a Court to a [Classifying Centre or Approved Centre or Approved Institution] with collateral branches the managers of such school or institution may send the child to any of the branches of such school or institution after giving an intimation to the [Director (Child Welfare)].

**20. Authorisation of person to act under Section 40 and of person and Special Police Officer to act under Section 78 :-**

(1) The [Chief Metropolitan Magistrate ] in Greater Bombay and the District Judge elsewhere may authorise such persons as they think fit to take action under Section 40 .

(2) The [Chief Metropolitan Magistrate] in Greater Bombay, and the District Judge elsewhere may authorise such person as they think fit, and in consultation with the Commissioner of Police, or the District Superintendent of Police, as the case may be, such Police Officers as may be necessary to take action under Section 78 (i).

**21. Release on licence under Section 92 :-**

(1) A child detained in a Classifying Centre or Approved Centre or an Approved Institution shall not be released by the [Director (Child Welfare)] under Section 92 (1) except on the conditions prescribed in Schedule C.

(2) On the release of any child on licence by order of the [Director (Child Welfare )] information shall be sent by the school or the institution to the committing Court of the actual date of release of the child.

**22. Grant of leave by the manager of the Approved Centre or Approved institution :-**

Short leave of absence to inmates of (Approved Centre or Institution] :-

(1) The manager of [the Approved Centre or Approved 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 [30 days] in aggregate in the year exclusive of the time required for going to and returning from the destination, for the purpose of visiting parties or relations :

Provided that as far as possible the previous consent of the [Director (Child Welfare)] shall be obtained for granting leave exceeding [15 days] 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 and the inmate may be recalled by him without giving any reasons therefor.

(3) The [Director (Child Welfare)] on the application of parents recommended by the managers of [The Approved Centre or Approved Institution ]may in selected cases grant vacation leave up to eight weeks excluding the days of journey, at a time to inmates from [the Approved Centre or Approved Institutions]. Such permission may be cancelled by the [Director (Child Welfare)] by an order in writing and the inmate may be recalled by him without giving any reasons therefor.

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

(5) If any inmate fails to return to the school or institution at the expiry of the period permitted under sub-rule(1) or (3) or when recalled under sub-rule(2) or (3) the manager shall report the matter to the [Director (Child Welfare)] and any Police Officer may, on the application in writing of such manager or [Director (Child Welfare)] arrest the inmate without warrant and send him back to the school or institution.

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

(7) Any parent or guardian contributing towards the maintenance of his child in [an Approved Centre or Approved Institution] under an order passed by a Court under Section 90 (1) 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 sub-rule (3) above.



## Form of application for recognition as an Approved Institution

### **SCHEDULE A-1**

#### **Form of application for recognition as an Approved Institution**

(Vide rule 3-A)

- (1) Name of the Institution with full address.
- (2) Year of its foundation.
- (3) Names of persons on the managing body.
- (4) Name of the Superintendent of the Institution with his or her qualifications, experience and other particulars.
- (5) Name of the correspondent with his postal address.
- (6) Minimum and maximum number of children that the institution is prepared to admit.
- (7) Actual number of children in the institution on the date of the application.
- (8) Type of children that the institution is prepared to admit, viz., Educable, Destitute, Neglected, mentally deficient, Physically handicapped, Crippled, Untainted children of Leprosy affected persons, Blind, Deaf or Mute.
- (9) Whether the Institution admits both boys and girls and their age groups.
- (10) Building whether (a) owned, (b) rented (c) walled, (d) open.
- (11) Provision for games, such as playground ; arrangements for outdoor and indoor games.
- (12) Whether furniture and equipment for the institution are adequate.
- (13) Sources of income of the Institution other than Government grant.

Place\_\_\_\_\_ Signature of applicant

Date\_\_\_\_\_ Designation.

### **SCHEDULE A2**

#### **Form of application for declaring institutions or associations as Observation Home**

### **SCHEDULE A-2**

#### **Form of application for declaring institutions or associations as Observation Home**

(See rule 3-C)

- (1) Name of the institution or association with full address.
- (2) Year of its foundation.
- (3) Names of persons on the managing body.
- (4) Name of the Superintendent of the institution or association with his or her qualifications experience and other particulars.

(5) Name of the correspondent, with postal address.

(6) Minimum and maximum number of children that the institution or association is prepared to admit.

(7) Actual number of children in the institution or association on the date of application.

(8) Whether the institution or association admits both boys and girls ;and their age groups.

(9) Building whether -

(a) Owned.

(b) rented.

(c) walled.

(d) open.

(10) Provision for games, such as playground, arrangements for outdoor and indoor games.

(11) Whether furniture and equipment for the institution or association are adequate .

(12) Sources of income of the institution or association other than Government grant.

(13) If the institution or association is registered under any law for the time being in force, the name of the Act under which it is registered & the date of registration .

Place\_\_\_\_\_Signature of applicant

Date\_\_\_\_\_ Designation.

#### SCHEDULE A

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

.
<p style="text-align: center;"><b>SCHEDULE A</b></p> <p><b>Form of bond to be executed by a parent, guardian, relative or a fit person to whose care a child or youthful offender is committed.</b></p> <p style="text-align: center;">[(Vide rule 18(1))]</p> <p>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</p>

Court/Magistrate\_\_\_\_\_have been directed by the said Juvenile Court/Magistrate to execute a bond in the sum of rupees\_\_\_\_\_ (Rs\_\_\_\_\_), with one surety /to sureties, I hereby bind myself on the said\_\_\_\_\_being allowed to remain in any 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\_\_\_\_\_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 my 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)

(8)

(9)

(10) in the event of my making default herein, I bind myself to forfeit to the Crown for the purposes of the

Province the sum of rupees\_\_\_\_\_ (Rs.\_\_\_\_\_)

Dated this the\_\_\_\_\_day of \_\_\_\_\_19\_\_\_\_\_.

Before me,

(Signed)\_\_\_\_\_

Signature of person executing the Bond.

(Where a bond with sureties is to be executed, add)

I/We\_\_\_\_\_of\_\_\_\_\_in the taluka of \_\_\_\_\_in the district of\_\_\_\_\_hereby declare myself surety/ourselves sureties for the aforesaid\_\_\_\_\_that he shall do and perform all that he has undertaken to do and perform and in case of his

making default therein, I/we hereby bind myself / ourselves jointly and severally to forfeit to the Government for the purposes of the State the sum of rupees\_\_\_\_\_ (Rs.\_\_\_\_\_)

Dated this the\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

In the presence of \_\_\_\_\_

Before me,

(Signed) \_\_\_\_\_

#### **SCHEDULE B**

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

#### **SCHEDULE B**

**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**

[Vide rule 18 (3)]

Whereas I, \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been ordered to be repatriated or sent back to my native place by the Juvenile Court/Magistrate of \_\_\_\_\_ under sub-section \_\_\_\_\_ of section \_\_\_\_\_ of Bombay Children Act, 1948, 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 \_\_\_\_\_ to 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 :-

(a) 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 :

(b) that I shall not play truant from home, school, work or place to which I am repatriated or sent;

(c) 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.

(d)

(e)

(f)

In case of my making default in observing any of the conditions specified above I shall on any reappearance before the Court receive such order as the Court deem fit.

Signature or mark of

### SCHEDULE C

Form of order of release on licence

#### **SCHEDULE C**

#### **Form of order of release on licence**

[Vide rule 21 (1)]

I, \_\_\_\_\_ Director (Child Welfare) State of Maharashtra do by this license permit \_\_\_\_\_ son/daughter of \_\_\_\_\_ caste \_\_\_\_\_, residence \_\_\_\_\_, number \_\_\_\_\_ who was ordered to be detained in a certified school by the \_\_\_\_\_ Court under section \_\_\_\_\_ of the Bombay Children Act, 1948, for a term of \_\_\_\_\_ 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 supervision and authority of Secretary/Society/Advisory Board \_\_\_\_\_ during the remaining portion of the aforesaid period of detention.

This license is granted subject to the conditions endorsed hereon, upon the breach of any of which it shall be liable to be revoked .

Director (Child Welfare)

State of Maharashtra.

Dated the \_\_\_\_\_

#### **Conditions**

(1) The licensee shall proceed to \_\_\_\_\_ and live under the supervision and authority of the Secretary/Society/Advisory Board \_\_\_\_\_ until the expiry of the period of his/her detention unless the remission is sooner cancelled.

(2) He / She shall not, without the consent of the said Secretary/Society/Advisory Board remove himself /herself from that place or any other place which may be named by the said Secretary/Society/Advisory Board.

(3) He / She shall obey such instructions as he/she may receive from the said Secretary/ Society/Advisory Board with regard to punctual and regular attendance at employment or otherwise.

(4) He / She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of the Secretary /Society/ Advisory Board.

(5)

(6) In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub-section (3) of Section 92 of the Bombay Children Act, 1948.

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

(Signature or mark of the licensee)

Certified that the conditions specified in the above order have been read over/explained to (name)\_\_\_\_\_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\_\_\_\_\_19

Signature and designation of the Certifying authority

(i.e., Superintendent of the School)