

Uttar Pradesh Children Act, 1951

1 of 1952

[05 February 1952]

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Uttar Pradesh Children Act, 1951

[05 February 1952]

An Act to consolidate and amend the law for the custody, protection, treatment and rehabilitation of children and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897 in its application to Uttar Pradesh Whereas it is expedient to provide for the custody, protection, treatment and rehabilitation of children and for the custody, trial, punishment of youthful offenders, and for the amendment of the Reformatory Schools Act, 1897, in its application to the Uttar Pradesh. It is hereby enacted as follows : 1. Received the assent of the President on 5th February, 1952, Published in U.P. Gazelle, (Extra), dated 19th February, 1952.

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Uttar Pradesh Children Act, 1951. (2) It extends to the whole of the Uttar Pradesh. (3) This section and section 77 shall come into force at once. (4) The State Government may, by notification in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any local area on such date or dates as may be specified in such notification. (5) Notwithstanding the commencement of this Act in any local area, the State Government may by notification in the official Gazette exclude any class of children or youthful offenders from the operations of all or any of the provisions of this Act.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context,-- (1) "approved School" means a School established or certified under this Act; (2) "brothel" means a building or place or any part as thereof, occupied or let or intended to be occupied or let, as a single tenant, for use by more than one person for the purposes of prostitution. (3) "Chief Inspector" means the Chief Inspector appointed under section 50; (4) "child" means a person the age of sixteen years; (5) "fit person" in relation to the care of any child or youthful offender includes any society, institution or body corporate established for the reception or protection of poor children or the prevention of cruelty to children, which undertakes up or to give facilities for bringing up any child or youthful offender entrusted to its care in conformity with the relation of its birth; (6)

"guardian" in relation to a child or youthful offender includes any person who, in the opinion of the court having cognizance of any proceedings in relation to the child or youthful offender or in which the child or youthful offender is concerned, has for the time being the actual charge of or control over the child or youthful offender; (7) "Juvenile Court" means a court established under sub-section (1) of section 60 and includes a Court sitting in the manner provided by sub-section (2) of that section; (8) "public place" includes any public park, garden or railway station and any ground, building or premises to which the public for the time being have or permitted to have access whether on payment or otherwise; (9) "place of safety" means any observation home or any orphanage, hospital, or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child, or where such observation home, orphanage, hospital or other suitable place or institution is not available in the case of a male child only, a police-station in which arrangements are available or can be made or the safe keeping of a child separately from adult offenders; (10) "Reformation Officer" means an officer appointed under section 34; (11) "prescribed means prescribed by rules; (12) "street" includes any highway, and any public bridge, road, lane, footpath, square, Court alley or passage, whether a thoroughfare or not; and (13) "youthful offender" means any child who has been found to have committed an offence punishable with transportation or imprisonment.

CHAPTER 2

CHILDREN IN NEED OF CARE OR PROTECTION

3. Power Of Court In Respect Of Children Needing Care Or Protection :-

(1) Any police officer or other person authorized in this behalf in the manner prescribed may bring before a court any person apparently under the age of sixteen years who-- (a) is found wandering and not having any home or settled place of abode; or visible means of subsistence, or is found wandering and having no parent or guardian, or having a parent or guardian who is incapable of exercising or does not ordinarily exercise proper care and guardianship over him; or (b) is found begging, or receiveing alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise or being in any street, premises or place for the purpose of so begging or receiving alms; or (c) is found destitute, and whose parents or surviving

parent, and in the case of an illegitimate child whose mother, or other guardian are/is, undergoing a sentence of transportation or imprisonment; or (d) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child or who habitually neglects or cruelly ill-treats child; or (e) frequents the company of any reputed thief; or (f) is living, lodging or residing in a house or part of a house used by any prostitute for the purposes of prostitution or is otherwise in circumstances calculated to cause, encourage or favour his seduction or prostitution; or (g) is otherwise likely to fall into bad association or to be exposed to moral danger, or to enter upon a life of crime : Provided that where any such child has a parent or guardian who has actual charge or control over the child, the person or the officer aforesaid as the case may be, shall in the first instance make a report to the nearest court and such court may call upon such parent or guardian to show cause why the child should not during the pendency of the proceeding be removed from his care and may on suitable sureties being offered for the safety of such child and for his being brought before the court, permit the child to remain in the actual charge, of his parents or guardian or may order his removal till the court passes orders under this Act. Explanation. A child shall not be treated as coming within the description contained in sub-clause (f) if the house in which he is lodging or residing is the house of his mother, who is a prostitute. (2) If the court is satisfied on enquiry that such person is a child and is as described within the provisions of sub-section (1) and that it is expedient to deal with him the court may either-- (i) order him to be sent to approved school or to the care of any fit person, whether a relative or not, who is willing to undertake the care until such child attains the age of 18 years or for such shorter period as may be specified; or (ii) order his parent or guardian, if any, to enter into a recognizance to exercise proper care and guardianship for a specified period not exceeding three years; or (iii) without making any other order, or in addition to making an order under either of the preceding paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a Reformation Officer or of some other person appointed for the purpose by the court: (3) If, after enquiry, the court is satisfied that the child has been living by begging at the instance of and for the profit of any person who is a professional keeper of begging children, the court may direct such person to appear before it and, after hearing him, may direct him to pay towards the cost of

proceedings any amount not exceeding twenty-five rupees and such costs shall be realisable under the provisions of the Code of Criminal Procedure, 1898, as if it were a fine.

4. Sending Of Children Having Place Of Residence Outside The Jurisdiction Of The Court :-

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

5. Power Of The Parent Or Guardian To Bring Child Before Court :-

Where the parent or guardian of a child applies to a court that he is unable to control the child and prays that the child be sent to an approved school, the court, is satisfied after enquiry that it is expedient so to deal with the child, and that the parent or guardian understands to result which will follow, may order the child to be sent to any such school or may order him to be placed for a specified period, not exceeding three years, under the supervision of a Reformation Officer.

6. Interim Order By Court :-

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

CHAPTER 3

OFFENCES AGAINST CHILDREN AND THEIR PREVENTION

7. Punishment For Cruelty To Children :-

(1) Whoever having the actual charge of or control over a child abandons, exposes or wilfully neglects, assaults or ill treats such child in a manner likely to cause such child unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both. (2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement and a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to

provide adequate food, clothing, medical aid or lodging for the child. (3) A person may be convicted of an offence under this section notwithstanding that the actual suffering or injury to health was obviated by the action of another person. (4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to each child.

8. Causing Or Allowing Child To Beg :-

(1) Whoever for his own profit causes any child or having the actual charge of or control over a child allows that child to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both. (2) The State Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

9. Penalty For Being Drunk While In-Charge Of A Child :-

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

10. Penalty For Giving Intoxicating Drug Or Liquor To A Child :-

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

11. Penalty On Selling Cigarettes, Etc., To Children :-

If any person sells to a person apparently under the age of 12 years any cigarette, cigarette paper, bidis, tobacco or smoking mixture, whether for his own use, or not, he shall be liable in the

case of the first offence to a fine not exceeding Rs. 25 and in the case of the second or subsequent offence to a fine not exceeding Rs. 100. Explanation. For the purposes of this section and the next following section, the expression "cigarette" includes cut tobacco rolled up in paper, tobacco leaf or other material in such form as to be capable of immediate use for smoking.

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

It shall be the duty of a police officer to seize any bidis, cigarettes; tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to State Government and every such police officer shall be authorised to search any child so found smoking but not a girl.

13. Penalty For Taking Pawn From A Child :-

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

14. Allowing Child To Be In Brothel :-

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

15. Causing Or Encouraging Seduction, Etc. :-

(1) Whoever having the actual charge of, or control over, a girl under the age of eighteen years causes or encourages the seduction (which shall include inducement to indulge in immoral behaviour) or prostitution of that girl or causes or encourages any one other than her husband provided his wife has attained the age of fourteen years to have sexual intercourse with her shall, on conviction be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both. (2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction of a girl or to have induce her to behave immorally if he has knowingly allowed the girls to consort with, or to enter or continue in the employment of any prostitute, or person

of known immoral character.

16. Young Girls Exposed To Risks Of Seduction, Etc., Or Cruelty Treated :-

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

17. Seduction Or Outrage Of Modesty :-

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

18. Exploitation Of Child Employees :-

(1) Whoever secures a child ostensibly for the purpose of menial employment or for labour in a dock, factory or other establishment, but in fact exploits the child for his own ends, withholds or lives on his earnings, shall on conviction, be punished with fine which may extend to one thousand rupees. (2) Whoever secures a child ostensibly for any of the purposes mentioned in sub-section (1), and exposes such child to the risk of seduction, sodomy, prostitution or other immoral conditions, 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. (3) Any person who knowingly avails himself of the labour of a child exploited in the manner referred to in sub-section (1) or (2) or for whose immoral gratification such child is used shall be liable as an abettor.

19. Detention Of Child In Place Of Safety :-

(1) Any police officer, not below the rank of sub-Inspector or a person authorized in the manner prescribed may take to a place of safety any child in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or there is reason to believe has been or is likely to be committed (2) A child so taken to a place of safety and also any child who seeks refuge in a place of safety may be detained there until he can be brought before the court, but such detention shall

not in the absence of a special order of the court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court and the court may make such order as is mentioned in the next following subsection or may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction, discharge or acquittal of such person. (3) Where it appears to the court that an offence as aforesaid has been or is likely to be committed in respect of any child who is brought before the court and that it is expedient in the interest of the child that an order should be made under this sub-section, the 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 a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and in case of conviction for such further time not exceeding one month, as the court which convicted may direct and any such order may be carried out notwithstanding that any person claims the custody of the child.

20. Disposal Of Child By Order Of Court :-

(1) Where any person having the actual charge of or control over a child has been-- (a) convicted of committing in respect of such child an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, or (b) committed for trial for any such offence, or (c) bound over to keep the peace towards such child by any court, that court may either at the time when the person is so convicted, committed for trial or bound over or at any other time, order that the child be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of eighteen years or for any shorter period and that court or any court of like jurisdiction may, of its own motion or on the application of any person, from time to time by order renew, vary and revoke any such order. (2) The court which makes an order committing a child to the care of a relative or other fit person under this section may require such relative or other person to execute a bond, with or without sureties, to be responsible for the good behaviour of the child and for the

observance of such other conditions as the court may impose for securing that the child may lead an honest and industrious life and in addition order that the child be placed under the supervision of person named by the court. (3) If the child has a parent or legal guardian, no order shall be made under this section unless-- (i) the parent or legal guardian has been convicted of or committed for trial for the offence or has been bound over to keep the peace towards the child or cannot be found, or (ii) the court has reason to believe that the parent or legal guardian has either been party or privy to the offence or has by any Act or omission facilitated the offence, or is otherwise unfit to have the care of the child : Provided that if the court thinks fit, it may, on such parent or guardian giving an undertaking with or without sureties in a prescribed form to the court allow such child remain in the custody of such parent or legal guardian subject to the supervision of a person named by the court. (4) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child and the consent of any person to undertake the care of the child in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him. (5) Where an order is made under this section and the conviction or order binding the person to keep the peace set aside or the person is acquitted the order shall forthwith be void except with regard to anything that may have been lawfully done under it. (6) The court, instead of ordering the child to be committed to the care of a relative or other fit person, may order that the child shall be sent to an approved school.

21. Warrant To Search For Child Ill-Treated :-

(1) If it appears to a Magistrate duly empowered under this Act from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interests of a child that there is reasonable cause to suspect that-- (a) the child has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child unnecessary suffering or to be injurious to his health; or (b) an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or is being committed in respect of the child, the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child is, to produce forthwith the said child in court, or may issue a warrant authorizing any police officer named therein to

search for the child and if it is found that he has been or is being wilfully ill-treated or neglected in the manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police officer to remove the child with or without search, to a place of safety and detain him there until he can be brought before the magistrate and the magistrate before whom the child is brought may commit him to the care of a relative or other fit person, in like manner as if the person in whose charge or control he was committed for trial for an offence punishable under this Act: Provided that if the said child is in the custody or control of a parent or guardian who being a female does not according to the customs and manners of the country appear in public, the magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child to be produced in court. (2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child be apprehended and brought before him or direct that, if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody. (3) The police officer executing the warrant shall be accompanied by the person laying the information if such person so desires, and may also if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner. (4) In any information or warrant under this section the name of the child shall be given if known.

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

(1) If any case in which an information has been laid by any person under the provisions of section 21 the magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding five hundred rupees as he may determine be paid by such informer to the person against whom the

information was laid. (2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show. (3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of forty-five days. (4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall, so far as may be, apply. (5) No person who has been directed to pay compensation under this section shall be reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter. (6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation. (7) When order for the payment of compensation is made in a case which is subject to appeal under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal to compensation shall not be paid before the expiration of one month from the date of the order.

CHAPTER 4

YOUTHFUL OFFENDERS

23. Bail Of Children :-

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

the girl is brought shall release her at once if any person who is a relative of the girl or a society or institution of the same religious persuasion as the girl, who in his opinion is a sufficient and suitable surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court or to appear in her stead if required at the police station. (2) For the purposes of this section the expression "relative", means parents, grand parents, brothers, sisters, uncles, aunts and first cousins.

24. Custody Of Children Not Released On Bail :-

Where a person apparently under the age of sixteen years having been arrested is not released under section 23 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court: Provided that the period of detention shall in no case in the absence of a special order of a court, exceed twenty four hours, exclusive of the time necessary for the journey from the place of arrest to the court.

25. Remand Or Committal To Custody :-

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

26. Attendance In Court Of Parent Of Child :-

(1) Where a child is charged with any offence or is brought before a court on an application for an order to send him to an approved school, his parent or guardian may, in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court which the case is heard during all the stages of the proceedings unless the court is satisfied that it would be unreasonable to require his attendance. (2) Where a child is arrested, the officer in charge of the police station to which he is brought shall require the parent or guardian of the child if he can be found, to attend the court before which the child shall be produced. (3) The parent or guardian, whose attendance shall be required under this section shall be the parent or guardian having the charge of or control over the child : Provided that if such parent or guardian is not the father, the attendance of the father may also be required. (4) The attendance of the parent of a child shall not be required under this section in any case where the child was, before the institution of the proceedings removed from the custody or charge of his parent by an order of a court. (5) Nothing in this

section shall be deemed to require the attendance of the mother of the female guardian of a child if such mother or female guardian does not according to custom, appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

27. Sentences That May Not Be Passed On Child :-

Notwithstanding anything to the contrary contained in any law, no court shall sentence a child to death or transportation or imprisonment for any term or commit him to prison in default of payment of fine : Provided that a child who is twelve years of age or upwards may be committed to prison when the court certifies that he is of so unruly, or of so depraved a character that he is not fit to be sent to an approved school and that none of the other methods in which the case may legally be dealt with is suitable.

28. No Proceeding Under Chapter Vii Of The Code Of Criminal Procedure, 1898, Against Child :-

Notwithstanding anything 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.

29. Commitment Of Child To Approved School :-

(1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to an approved school for such period of stay as will not exceed beyond the time when the child will attain the age of 18 years or for a shorter period, the reasons for such period to be recorded in writing. (2) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the State Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of sixteen years, be sent to an approved school and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally ordered to be detained in such school.

30. Power To Discharge Youthful Offender Or To Commit Him To Suitable Custody :-

(1) A court may, if it thinks fit, instead of directing any youthful offender to be detained in an approved school, order him to be--
(a) discharged after due admonition ; or (b) released on probation of good conduct and committed to the care of his parent, guardian or other adult relative or other fit person or such parent, guardian,

relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding three years and for the observance of such other conditions as the court may impose for securing that the youthful offender may lead an honest and industrious life. The court may order that the youthful offender released under this clause may be placed under supervision of a Reformation Officer or of some other person appointed for the purpose by the court. (2) If it appears to the court on receiving a report from the Reformation Officer or otherwise that the offender has not been of good behaviour during the period of the probation, it may after making such inquiry as it thinks fit order the offender to be detained in an approved school.

31. Power To Order Parent Of Child To Pay Fine :-

(1) Where a child is found to have committed an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment the court may in any case and shall, if the offender is a child under twelve years of age, 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 contributed 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 fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. (4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

32. Detention In Case Of Certain Crimes By Children :-

(1) When a child is found to have committed an offence of so serious nature that the court is of opinion that no punishment which under the provisions of this Act it is authorized to inflict is sufficient, 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. (2) Notwithstanding the provisions of section 13 the State Government may order any such child to be detained in such place and on such conditions as it thinks fit, and while so detained the child shall be deemed to be in

legal custody : Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

33. Methods Of Dealing With Children Charged With Offences :-

Where a child charged with any offence is tried by any court, and the court is satisfied of his guilt the court shall, before passing orders, take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether-- (a) by discharging the offender after due admonition ; or (b) by committing the offender to the care of his parent, guardian, other adult relative or other fit person on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or (c) by so discharging the offender and placing him under the supervision of a person named by the court; or (d) by committing the offender to the custody of any suitable person whether a relative or not, who is willing to undertake the care of the offender; or (e) by releasing the offender on probation of good conduct; or (f) by sending the offender to an approved school; or (g) by ordering the offender to pay a fine ; or (h) by ordering the parent or guardian of the offender to pay a fine ; or (i) by dealing with the case in any other manner in which it may be legally dealt with ; or (j) when the offender is a child of twelve years of age or upwards by sentencing him to imprisonment: Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case but for this section.

CHAPTER 5

REFORMATION OFFICERS AND OTHER PERSONS ENTRUSTED WITH THE SUPERVISION OF CHILDREN AND YOUTHFUL OFFENDERS

34. Appointment Of Reformation Officer :-

A Reformation Officer shall be-- (a) any person appointed to be a Reformation Officer by the State Government; or (b) any person provided for this purpose by a society recognized in this behalf by the State Government; or (c) in any case where so necessary any other person appointed from time to time by the court subject to any general or special orders of the State Government.

35. Duties Of Reformation Officers :-

A Reformation officer shall, subject to the rules made under this Act

and to the direction of the court-- (a) visit or receive visits from the child or youthful offender at such reasonable intervals as may be specified in the order passed by the court or subject thereto, as the Reformation officer think fit; (b) see that the relative of the child or the youthful offender as the case may be, or other person to whose care such child or youthful offender is committed, observe the conditions of the bond ; (c) report to the court as to the behaviour of the child or the youthful offender, as the case may be ; (d) advise, assist and befriend the child or the youthful offender, and when and where necessary, endeavour to arrange for his education or to find him suitable employment; and (e) perform any other duty which may be prescribed, or which the court orders.

36. Duties Of Other Persons :-

Any person under whose supervision a child or youthful offender has been placed by an order of a court under the provisions of Chapters II and III of this Act shall, subject to rules made in this behalf, have, so far as it may be possible, the same duties as a Reformation officer under the preceding section.

37. Death Or Incapacity Of Reformation Officer Or Other Person :-

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

CHAPTER 6

MAINTENANCE AND TREATMENT OF PERSONS SENT TO APPROVED SCHOOLS OR COMMITTED TO SUITABLE CUSTODY

38. Contribution Of Parent :-

(1) The court which makes an order for the detention of a child or youthful offender in an approved school or for the committal of a child or youthful offender to the care of a relative or other fit person may make an order to the parent or such other person liable to maintain the child or youthful offender to contribute to his maintenance if able to do so in the prescribed manner. (1-A) The court before making any order under sub-section (1) shall enquire into the circumstances of the parent or other person liable to maintain the child or youthful offender and shall record the

evidence, if any, in his presence of the parent or such other person, as the case may be, or when the personal attendance is dispensed with in the presence of the his pleader. (2) An order made under this section may be varied by the court from time to time. (3) The persons liable to maintain a child or youthful offender shall for the purposes of sub-section (1) include any person in whose keeping the mother of the child or youthful offender is at the time when any order as aforesaid is made whether he is his putative father or not and in the case of illegitimacy his putative father: Provided that where the child or youthful offender is illegitimate and an order for his maintenance has been made under section 48 of the Code of Criminal Procedure, 1898, the court shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named by the court to be applied by him or them, as the case may be, towards the maintenance of the child or the youthful offender. (3-A) Where a parent or other person has been ordered under this section to contribute to the maintenance of a child or youthful offender, he shall give notice of any change of address to the Court which passed the order and if he fails to do so without reasonable excuse he shall be punishable with a fine which may extend to twenty-five rupees. (4) An order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898. (5) A child including youthful offender in remuneration or possessing property yielding income shall pay such proportion of his earnings as may be ordered by the State Government towards his maintenance.

39. Boarding Out Of Children :-

Where a child under the age of six years is sent to an approved school the manager of that school may, with the consent of the Chief Inspector, board the child out with any person appointed in accordance with section 74 until the child reaches the age of 10 years and thereafter for such longer period, with the consent of the Chief Inspector or as the manager considers to be advisable in the interest of the child, subject to the exercise by the manager of such powers as to supervision recall and otherwise as may be prescribed, and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the State

Government: Provided that nothing in this section shall be construed as authorizing a court to send a child under the age of six years to an approved school. except in accordance with the provisions of section 69.

40. Placing Out On Licence :-

(1) Where a child or youthful offender is detained in an approved school the manager of the school may at any time with the consent of the Chief Inspector, by licence permit the child or youthful offender on the conditions prescribed in this behalf to live with any fit person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling. (2) Subject to the prescribed conditions, the Chief Inspector may, on the recommendation of manager of an approved school at any time after the expiration of six months from the commencement of the detention of a youthful offender in an approved school and if satisfied that there is a reasonable probability that the youthful offender will abstain from crime and lead a useful and industrious life, release such offender from the school and grant him a written licence in the prescribed form, permitting him to live under the supervision and authority of such fit person approved by the Chief Inspector as may be willing to take charge of the offender. (3) Any licence granted under subsection (1) or (2) shall be in force until revoked or forfeited for breach or any of the conditions on which it was granted. (4) The manager of the school or the Chief Inspector, as the case may be, may at any time by order in writing revoke any such licence and order the child or youthful offender to return to the school and shall do so at the desire of the person or society with whom or under whose supervision the child or youthful offender is licensed to live. If the child or youthful offender refuses or fails to return to the school, the manager of the school or the Chief Inspector, as the case may be, may, if necessary, arrest, or cause to be arrested, the child or youthful offender and take him or cause him to be taken back to school. (5) Where a licence has been revoked or forfeited and the child or youthful offender refuse or fails to return to the school the court may, if satisfied on information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender, issue a summons requiring the parent or guardian to attend at the court on such day may be specified in the summons and to produce the child or youthful offender and if he fails to do so without

reasonable cause he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with fine which may extend to one hundred rupees. (6) Where a parent or guardian is directed to pay fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. (7) The time during which a child or youthful offender is absent from an approved school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school, provide that where a child or youthful offender has failed to return to the school on the licence being revoked or forfeited, the time which elapsed after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

41. Penalty Abetting Escape Of Child Or Youthful Offender Whoever :-

(a) knowingly assists or induces, directly or indirectly a child or youthful offender detained in or placed out on licence from an approved school to escape from the school or from any person with whom he is placed out on licence, or any child or youthful offender to escape from the care of the person to whose care he is committed under the provisions of this Act; or (b) knowingly harbours, conceal, connives at or prevents from returning to school or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child or youthful offender, who has so escaped, or knowingly assists in or connives at so doing ; shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

42. Action By Police With Regard To Escaped Children :-

(1) Notwithstanding anything to the contrary contained in any law for the time being in force, any police officer may take charge, without a warrant, of a child who has escaped from an approved school or from the custody of a fit person under whose supervision he was directed to remain, and shall send the child back to the approved school or to the custody of the fit person without registering any proceedings in respect of the child, and the said child shall not be deemed to have infringed the law by reason of such escape, but he shall be dealt with by the authorities of the school or the fit person concerned in such manner as they think fit, provided such authorities or person shall at the same time inform the court by which the child was originally sent. (2) When a child

absconding from an approved school or from the custody of a fit person has been taken charge of at different places, he shall be kept in a place of safety pending his removal to the approved school or to the custody of fit person.

43. Transfer From One Approved School To Another :-

The Chief Inspector may at any time for reasons to be recorded in writing direct any child or youthful offender to be transferred from one approved school to another; Provided that the total period of detention of the child or youthful offender shall not be increased by such transfer.

44. Discharge And Transfer :-

(1) The State Government may at any time discharge a child or youthful offender from the care of any person to whose care he is committed under this Act, either absolutely on such conditions as the State Government approve. (2) The State Government may at any time order a child or youthful offender to be discharged from an approved school, either absolutely or on such conditions as the State Government approve. (3) The State Government may order a youthful offender over the age of fifteen years detained in an approved school to be transferred to a Borstal institution established under the United Provinces Borstal Act, 1938, in the interest of discipline or for other special reason: Provided that the total period of detention of such youthful offender shall not be increased by such transfer. (4) Upon the transfer of a youthful offender to a Borstal institution under the preceding sub-section, the provisions of the United Provinces Borstal Act, 1938, shall apply to such offender as if he had been originally ordered to be detained in a Borstal institution under that Act.

45. Period Of Retention :-

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

46. Transfer Between Approved School And Schools Of Like Nature In Different Parts Of India :-

The State Government may, in consultation with the manager of

any approved school, consent to the transfer to that school of any person under the age of eighteen years in respect of whom an order has been made by competent authority in any other part of India of the nature of an order under this Act or the Reformatory Schools Act, 1897, for sending such person to an approved or a reformatory school or any school of a like nature. (2) The State Government may direct any child or youthful offender to be transferred from any approved school to any school of a like nature in any other part of India in respect of which similar provisions made by the Government of that part under any law in force therein : Provided that no child or youthful offender shall be transferred under this section to any other State without the consent of the Government of that State.

47. Transfer Of Children Of Unsound Mind Or Suffering From Leprosy And Other Contagious Diseases :-

(1) Where it appears to the State Government that any child kept in an approved school or in the care of a fit person under any order of a court is a leper or is suffering from a disease which is declared by the State Government in the manner prescribed to be contagious (hereinafter called a contagious disease), the State Government may, by an order setting forth the grounds of belief that the child is a leper or is suffering from a contagious disease, order his removal to a leper asylum or other place of safe custody, there to be kept and treated as the State Government direct during the remainder of the term for which he has been ordered to be kept or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of others that he should be further kept under medical care or treatment, then until he is discharged according to law. (2) Where it appears to the State Government that any child kept in an approved school or in the care of a fit person under any order of court is of unsound mind, the State Government may, by an order setting forth the grounds of belief that the child is of unsound mind, order his removal to a mental hospital or other place of safety there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered to be kept or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the child or of others that he should be further kept under medical care or treatment, then until he is discharged according to law. (3) Where it appears to the State Government that the child has become of sound mind, or is cured

of leprosy, or of the contagious disease, the State Government shall, by an order directed to the person having charge of the child if still liable to be kept in custody, send him to the approved school or fit person from where he was removed, or if the child is no longer liable to be kept in custody, order him to be discharged. (4) The provisions of section 31 of the Indian Lunacy Act, 1912, and section 14 of the Lepers Act, 1898, at the case may be, shall apply to every child confined in a mental hospital or leper asylum under sub-section (1) or (2) after the expiration of the period for which he was ordered to be kept; 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 kept: 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 kept to apply to a court having jurisdiction under the Indian Lunacy Act, 1912, or the Lepers Act, 1898 as the case may be, for an immediate order of committal to mental hospital or a leper asylum until such time as the orders of the State Government can be obtained in the matter.

CHAPTER 7

APPROVED SCHOOLS AND OTHER INSTITUTIONS

48. Establishment And Certification Of Schools :-

(1) The State Government may establish and maintain schools for the reception of children or any youthful offenders. (2) The State Government may, on the application of or with the consent of the governing body of any school not established under sub-section (1) certify that such school is fit for the reception of children or youthful offenders to be sent there in pursuance of this Act and may pay to the governing body of such school such contribution as they may think fit for the maintenance thereof.

49. Management Of Schools :-

(1) For the control and management of every school established under sub-section (1) of section 48, a superintendent and a committee shall be appointed by the State Government, and such superintendent and committee shall be deemed to be the manager of the school for the purposes of this Act. (2) Every school certified under sub-section (2) of section 48 shall be under the management to such persons as may be approved by the State Government and the persons so approved shall be deemed to be the manager of the school for the purposes of this Act.

50. Inspection Of Approved Schools :-

(1) The State Government may appoint a Chief Inspector of approved schools and such number of inspectors and assistant inspectors as it may consider necessary to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers and duties of the Chief Inspector as the State Government may direct but shall act under the direction of the Chief Inspector. (2) Every approved school shall, at least once in six months, be inspected by the Chief Inspector of approved schools or by an inspector or assistant inspector provided that where any such school is for the reception of girls only and such inspection is not made by the Chief Inspector, the inspection shall where practicable be conducted by a woman.

51. Power Of Inspectors :-

An approved school shall be liable to inspection at all times and in all its departments by the Chief Inspector, and by the inspector and Assistant Inspector appointed for the purpose and by persons as may be empowered by the State Government in that behalf.

52. Medical Inspectors :-

Any registered medical practitioner empowered in this behalf by the State Government may visit any approved school at any time with or without notice to its manager in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school: Provided that where any such school is for the reception exclusively of girls, a male registered medical practitioner shall not visit such school without giving previous notice to the manager thereof.

53. Power Of State Government To Withdraw Certificate :-

The State Government, if dissatisfied with the condition, rules, management or superintendence of an approved school may at any time by notice served on the manager of the school declare that the certificate of the school is withdrawn as from a date specified in the notice and from that date the withdrawal of the certificate shall take effect and the school shall cease to be an approved school: Provided that the State Government may, if it thinks fit, instead of so withdrawing the certificate, by notice served on the manager of the school, prohibit the admission of children or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked : Provided also that before the issue of notice

under this section under the first proviso thereto a reasonable opportunity shall be given to the manager of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.

54. Resignation Of Certificate By Manager :-

The manager of an approved 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 certificates of the school and at the expiration of six months from the date of such notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect and the school shall cease to be an approved school.

55. Effect Of Withdrawal Or Resignation Of Certificate :-

A child or youthful offender shall not be received in an approved school in pursuance of this Act after the date of the receipt by the manager of the school of the notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate ; but the obligation hereinafter mentioned of the manager to teach, train lodge, cloth and feed any children or youthful offenders detained in the school at the respective dates aforesaid shall, except in so far as the State Government may otherwise direct, continue until the withdrawal or resignation of the certificate takes effect.

56. Disposal Of Inmates On Withdrawal Or Resignation Of Certificates :-

Wherever a school ceases to be an approved school, the children or youthful offenders detained therein shall be either discharged absolutely or on such conditions as the State Government may impose or transferred by order of the State Government to some other approved school in accordance with the provisions of the Act relating to discharge and transfer.

57. Auxiliary Homes :-

The State Government may establish auxiliary homes for the reception of any inmates or any class of inmates of approved schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall for such purposes as may be specified by the State Government be treated as part of the approved school or schools to which it is attached.

58. Liabilities Of Manager :-

The manager of an approved School not established by the State Government may decline to receive any child or youthful offender proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or youthful offender they shall be deemed to have undertaken 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 takes effect.

59. Inspection Of Institutions For The Reception Of Poor Children :-

(1) The State Government may cause any institution for the reception of poor children supported wholly or partly by voluntary contributions, and not able to be inspected by or under the authority of Government to be visited and inspected from time to time at all reasonable hours, by persons appointed by them for the purpose of securing the health and welfare of the children and the sanitation of the premises. (2) Any person so appointed shall have power to enter the institution at his reasonable hours and to make a complete inspection thereof and of all registers and documents relating thereto. Any person who obstruct him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees. (3) Where any such institution is carried on in accordance with the principles of any particular religious denomination the State Government shall, if so desired by the manager of the institutions, appoint where practicable a person of that denomination to visit and inspect that institution. (4) Where any such institution is for the reception of girls only, the inspection shall, ordinarily, be conducted by a woman.

CHAPTER 8

POWERS AND FUNCTIONS OF COURTS HAVING JURISDICTION UNDER THE ACT

60. Juvenile Court :-

(1) The State Government may establish a Juvenile court for any local area in a district and appoint a Judge of such court. (2) For purposes of this Act, a court means the juvenile court established by the State Government for any area and includes a court of sessions and a magistrate of the first class specially empowered to exercise the powers of Court under the Act.

61. Powers Of Juvenile Courts And Other Courts :-

Save as otherwise provided in this Act-- (1) where a juvenile courts

has been established for any local area, such court shall deal all cases in which a child is charged with the infringement of law and shall deal with and dispose of all other proceedings under this Act, but shall not have power to try any case in which an adult is charged with an offence under Chapter III; and (2) where a juvenile court has not been established for any local area, no court other than court empowered under section 60 to exercise the powers of a juvenile court shall have power to deal with any case in which a child is charged with the infringement of law or to deal with or dispose of any other proceedings under this Act.

62. Procedure When A Magistrate Is Not Empowered To Pass An Order Under This Act :-

(1) When any magistrate not empowered to exercise the powers of a court under this Act is of the opinion that a child brought before him is a proper person to be sent to an approved school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child to the nearest Juvenile Court having jurisdiction in the case or to the nearest Magistrate empowered to exercise the powers of a court under this Act. (2) The court or the magistrate to whom the proceedings are so submitted may make such further inquiry, if any, as the court or magistrate may think and may pass such orders as the court or magistrate might have passed if the fit child had originally been brought before or tried by him.

63. Joint Trial Of The Child And Adult :-

Where a child is charged with an offence together with any other person not being a child then notwithstanding anything contained in this Act the child may be tried together with the adult in accordance with the provisions of the Code of Criminal Procedure, 1898, and nothing in this Act shall require the child to be tried by a Juvenile Court but the sentence, if any, awarded to the child shall be in accordance with the provisions of this Act.

64. Presence Of Persons In Juvenile Courts :-

Save as provided in this Act, no person shall be present at any sitting of a juvenile court except-- (a) the members and officers of the court; (b) the parties to the case before the court and other persons directly concerned in the case including the Police Officers ; and (c) such other persons as the court specially authorizes to be present.

65. Withdrawal To Persons From Juvenile Courts :-

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

66. Dispensing With Attendance Of Child :-

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

67. Withdrawal Of Persons From Court When A Child Is Examined As Witness :-

If at any stage during the course of the trial of a case or proceeding in relation to an offence against, or any conduct, contrary to decency or morality, a child is summoned as a witness, any court trying the case or holding the proceedings 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 take steps to remove him.

68. Factors To Be Taken Into Consideration In Passing Orders By Courts :-

For the purposes of any order which a court has to pass under this Act, the court shall have regard to the following factors : (a) the age of the child ; (b) the circumstances in which the child is living ; (c) the reports made by the Reformation 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 delinquent is found to have infringed the law, the above factors shall be taken into consideration after the court has recorded a finding against the juvenile delinquent that he has infringed the law.

CHAPTER 9

GENERAL AND MISCELLANEOUS

69. Minimum Age For Committal To Approved Schools :-

A court shall not order a child or young offender under the age of

ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, it is satisfied that he cannot be dealt with otherwise.

70. Principles To Be Observed By Courts In Dealing With Children And Young Persons :-

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

71. Prohibition Against Publication Of Certain Matter In Newspapers :-

(1) No newspaper report of any proceedings under this Act shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child concerned in the proceedings, either as being the person against or in respect of whom the proceedings, are taken or as being a witness therein nor shall any picture be published in any newspaper as being or including a picture of any child so concerned in any such proceedings as aforesaid : Provided that the State Government may, in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the restriction laid down by this section to such an extent as may be specified in the order. (2) Any person who publishes any matter in contravention of the provisions of this section shall be punishable with imprisonment of either description for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

72. Reports Of Reformation Officers And Other Reports To Be Treated Confidential :-

The report of the Reformation Officer or any other report considered by the court under section 68 shall be treated as confidential.

73. Presumption And Determination Of Age :-

(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child, the court may make due inquiry as to the age of that person and for that purpose may take such evidence as may be forthcoming, and may record a finding thereon, stating his age as nearly as may be. (2) A

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

74. Religious Persuasion Of Persons To Whom Child Is Committed :-

(1) In determining the schools to which a child or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religions. (2) In determining the person to whose care a child shall be committed under this Act, the court shall ascertain the religious denomination of a person who gives such undertaking as seems to the court sufficient that the child will be brought up in accordance with the religion of the child and such religion shall be specified in the order. (3) In any case where a child has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or who will give such undertaking as aforesaid is willing to undertake the care of the child, make an order committing him to the care of such fit person. (4) When a child is committed to the care of an approved school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking had the child entrusted to him will be brought up in his religion the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own. (5) Where a child is boarded out, or where a child or youthful offender is permitted by licence to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender, as the case may be, if such person is available, and if no such person is available a person who given a satisfactory undertaking that the child or youthful offender shall be brought up in accordance with the religion of such child or youthful offender, and if no such person is available then another person within the provisions of section 39 or 40 as the case may be. (6) When a child has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed

the child shall be liable to be removed from the care of such person and dealt with according to the provisions of subsection (3) of this section. (7) Whenever any person interested in the religion of the child is informed of any attempt at conversion or tempering with his religion he may apply to the court for an inquiry and the Court being satisfied may issue an order removing the said child from the custody or such institution or person and handover the custody to another fit person or institution.

75. Continuation 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 the initiation of any proceeding against him under this Act or at the time of his arrest in connection with which any proceedings are initiated against him under Act, such person has not attained the age specified in clause (4) of section 2 : 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.

76. Repeal :-

(1) With effect from the date the Chapters I, III, IV, V, VI, VII and VIII of this Act are brought into force in any area the provisions of the Reformatory Schools Act, 1897, and sections 29-B and 399 of the Code of Criminal Procedure, 1898 shall cease to apply to such area. (2) Any youthful offender detained in any reformatory school in any area in pursuance of an order passed by a court under the Reformatory Schools Act, 1897, before the date on which the said Act ceases to apply to the said area under sub-section (1) shall, from such date, be deemed to have been ordered to be detained as if such youthful offender was originally dealt with under this Act and the Reformatory School in which he was detained shall be deemed to be an approved school established under this Act. Any order of detention or placing out on licence of such youthful offender under the Reformatory Schools Act, 1897, shall from such date, be deemed to be an order passed under the corresponding provisions of this Act and the provisions of this Act shall, so far as may be, apply to such youthful offender accordingly.

77. Section 77 :-

The Tehri-Garhwal Rajya Dhumrapan Nisedh Act, 1949, shall be,

and is hereby, repealed.

78. Bond Taken Under This Act :-

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

79. Appeal And Revision :-

(1) An appeal from an order made by a court under section 3, 29, 30, 31, 38, 40 or 41 shall lie-- (a) to the Sessions Judge if passed by a Juvenile court or a Magistrate of the first class specially empowered in his behalf under section 60 ; and (b) to the High Court if passed by Sessions Judge. (2) An order passed under the provisions of this Act and not subject to appeal under sub section (1) may be revised by the High Court.

80. Period Of Limitation After Filing Appeals :-

An appeal under subsection (1) of section 79 shall be preferred-- (a) where it is an appeal under clause (a) of the said sub-section, within thirty days of the date of order passed by the Juvenile Court or the Magistrate; (b) where it is an appeal under clause (b) of the sub-section, within 60 days of the date or order passed by the Sessions Judge.

81. Saving Of Jurisdiction Of Civil Court :-

Nothing in this Act shall be construed to affect or in any way derogate from the jurisdiction or authority of the court as defined in sub-section (5) of section 4 of the Guardians and Wards Act, 1890.

82. Power To Amend Orders :-

Without prejudice to the powers of courts of appeal and revision, any custody order or supervision order or probation order may be amended by the court which made the order in respect of the person named as custodian, supervisor or Reformation Officer the period of such duration and such matters of details as may be specified therein.

83. Removal Of Disqualification Pertaining To Convictions :-

Where a child is found to have infringed the law, the fact that he has been so found shall not have any effect under section 75 of the Indian Penal Code, 1860, or section 565 of the Code of Criminal Procedure, 1898, or operate as a disqualification for officer or any employment to election under any law.

84. Control Over Custodian Of Child :-

Any person in whose care a child is placed under the provisions of

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

85. Reformation Officer And Persons Authorized To Be Deemed To Be Public Servants :-

The Reformation Officers and all other persons authorized or entitled to Act under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

86. Protection Of Action Taken In 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, save with the permission of the State Government.

87. Delegation Of Powers :-

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

88. Rules :-

(1) The State Government may subject to the condition of previous publication make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely-- (a) contents of order committing children or youthful offenders to approved schools or to the care of a fit person ; (b) matters incidental to the appointment, resignation and removal of Reformation Officers and the remuneration and expenses payable to them ; (c) the duties of Reformation Officers ; (d) the conditions on which societies and-institutions may be recognized by the State Government for providing Reformation Officers; (e) the manner in which youthful offenders may be released on probation ; (f) the condition subject to which a youthful offender may be released on licence and the form and conditions of such licence ; (g) establishment and maintenance of approved schools and auxiliary homes and the certification of such schools as approved schools and of auxiliary homes. (h) the management of approved schools and auxiliary

homes ; (i) the appointment to visitors and their tenure of office ; (j) the inspection approved schools ; (k) the maintenance, educational and industrial, religious or moral or other training of the inmates of approved schools. (l) conveyance of youthful offenders and children to approved schools ; (m) the grant of permission to inmates of approved school to absent themselves for short periods ; (n) visits to and communication with inmates of approved schools ; (o) the punishment for offences committed by inmates of approved schools, (p) inspection of institutions referred to in section 57 ; (q) the manner of detention of children under arrest or remanded or committed for trial ; (r) the procedure to be adopted in juvenile court; (s) the procedure to be adopted in any case of inquiry under this Act before any court other than a juvenile court; (t) the manner in which a child may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children ; (u) the contribution by parents and other persons liable to maintain children any youthful offenders; (v) the boarding out of children and the licensing and supervision of children and youthful offenders, and the submission of reports regarding them.