

CHAPTER 1. (1) This Act may be the Orissa Children Act, 1982. (2) It extends to the whole of State of Oris9. •Thiny-thild Short dtle, extat and menl. DefiDitionS. It shall come into force.. in. whole: or: Iin tpart 09 such date 'a; tid State Government may, by notifiatio.a. appoint •and fiifferenf d4tes-may be_ appointed for different areas of th'e State

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person or fit institution under this Act, means the supervision of that child by a Probation Officer for- the purpose of ensuring that the , child is properly looked. after and that the conditions imposed by -the' c.ompetent authority are complied with ; and (u) all words and expressions used but not defined in this Act and defined in 2 of 1974* the Code of Criminal' Procedure, 1973 shall have the meaning assigned to them in that Code. Continu- 3. Where an inquiry has been initiated against a child and during the course of floa of in such inquiry the child ceases to be such, then, notwithstanding anything contained of in this Act or in any other law for the time being in force, the inquiry may be e who continued and orders may be made in of such person 8s if such has had continued to be a child. to be a Child. Child *Ifare Boa&rs• Procedure, Cion to the Boardg. Power or the Board

CHAPTER 11 CH'LDR.BN 4. (i) The Government may, by. notifi tzt.ion, constitute for any area specified in the notifi ætion one or more* Child Welfare Boards for exercising the powers r End discharöng the duties conferred or imposed on such Board in relation to neglected cb.ildren under thig Act and Government may also a.lter the territorial jurisdiün 4f the Boards. (2) A Board shall consist of a Chairman and such other members as lhe Gove mmnt thinks fit to appoint* of whom at-least one shall, as fax as practicable, be a woman and every such member shall be vested with the powers of a Judicial] Magistrate of the first class under the Code of Criminal Procedure, 1973. 5. (1) In the event • of difference opinion among the members of a the opinion of the majority shall prevail, but where there is no such majority. the opinion of the Chairman shall prevail. (2) A Board may, act notwithstanding the absence of any member of the Board and no order made by the Boafd shall be invalid by reason only of the absence of any member 'during any stage of the proceedings. (3) No person sh.a.ll be appointed as a member of the Board unless he has, in the opinion of the Government, special knowledge ot child psychology and child welfare or has experience or has undergone training in dealing with neglected children.. 6. (1) Where a Board has constituted for any area, such Board shall not- withstanding -anything contained in any other, law for the time being in force, but save as othenvise expressly provided in this Act, have power to deal exclusively with all proceeding under this Act, relating to neglected childrn : Provided that if the Govern.ment so desire, they may assign the functions of the Boad to the children's coukt. and vice versa : Provided further that a Board may, if it is of opinion that it is necessary so to do haviug regid to the circumstances of the ca.se, transfer and proceedings to any children's Court : Provided also .that where there is any difference of opinion between Board or other authority than Chief Judicial Magistrate of the District functioning as Board under sub-section (2) and children's court regarding the' transfer of any Proædure to be follo- wed by a Magisnte not empow- ered [Alder Chtldre*s homa. Production of a*ted 150 THE ORISSA CHILDREN- ACT, 1981 [Orissa Act 24 of 1982] proceedings undec the •second proviso, it shall be referred to the Chief Judicial Magistrate of- the District fox decision and in case where the Chief 'Judicial Magis- trate of the District is" functioning-as -a Board such difference of opinion shall be referred to the Court of Session and the decision of the Chief Judicial Magistrate of the District or, as the case may be, the Cduft of Session on such reference shall be final. (2) Where no Board has been constituted for any area, the Government may, by notification, direct that the powers conferred on the Board-- by or under this Act shall be excctsed tn that area by any of the following authorities, namelyi— (a) the Chief Judicial Magistrate of the District, (b) lbe Judicial Magistrate, (c) any Judicial Magistrate of the first class. 7. (1) When any Magistrate not empowered to exerice the powers of a Board under this Act is of opinion that a person brought before him under any of the provisions of this Act (othenvise than for the purpose of giving evidence) IS a child, he shall ræord such opinion and forward the child and the record of the proceeding to the competent authority having jurisdiction over the iroceeding.. (2) The competent authority to which the proceeding is förwarded under sub-section (I) shall hold the inquiry as if the child had originally been brought before it. 8. (f) The Government Inay establish -and rnaintain as many children»s Bs may be necessary for the reception of neglected children under this Act. (2) When the Governrnt is of opinion that any institution, other than children's home estab!ished under sub-section (1), is fit rot the reception or neglected children under this Act, they may certify such' institution as a children's home Under this Act. (3) Every children's home to which a neglected child is sent under this Act, shall not only provide the child with accomrnodation, maintenance and faci.lities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed to ensure all-round grmvttl and development of his personmlty. (4) The

Government may, by rules made under this Act, provide for the management of children's home including the standards and the nature of service to be maintained by them and the circumstances under which and the manner in which the certificate for a child's home may be granted or withdrawn. 9- (1) If any police officer, or any other person authorised by the Government in this behalf, by general or special order, is of opinion that a person is apparently a neglected child, such police officer or authorised person may take charge of that person for bringing him before a Board. (2) When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward copy of the entry so made to the Board. 151 THE ORISSA CHILDREN ACT, [Orissa Act 24 of 1982] (sec. 9—12) 1981 (3) Every child taken charge of under sub-section (1) shall be brought before the Board within twenty-four hours of such charge being taken excluding the time necessary for the journey from the place where the child had been taken charge of to the Board. (4) Every child taken charge of under sub-section (1) shall, unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a Board. 10. (1) If a person, in the opinion of the police officer or the authorised person, is a neglected child, has a parent or guardian who has the actual charge of or control over the child, the police officer or the authorised person may instead of taking charge of the child, make a report to the Board for initiating an inquiry regarding that child. (2) On receipt of a report under sub-section (1) the Board may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of this Act and if it appears to the Board that the child is likely to be removed from its jurisdiction or to be concealed it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the child) to an observation home or a place of safety. 11. (1) When a person alleged to be a neglected child is produced before the Board, the Board, it shall examine the police officer or the authorised person who brought the child or 'made' the report and record the substance of such examination and hold inquiry in the prescribed manner and may make such order in relation to the child as it may deem fit. (2) Where a Board is satisfied on enquiry that a child is a neglected child and that it is expedient so to deal with him, the Board may make an order directing the child to be sent to a children's home for the period until he ceases to be a child: Provided that the Board may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of eighteen years, in the case of a boy, or twenty years in the case of a girl: provided further that the Board may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit. (3) During the pendency of any inquiry regarding a child, the child shall, unless he is kept with his parent or guardian, be sent to an observation home or a place of safety for such period as may be specified in the order of the Board: Provided that no child shall be kept with his parent or guardian, if in the opinion of the Board, such parent or guardian is unfit or unable to exercise or does not exercise proper care and control over the child. 12. (i) If the Board so thinks fit, it may, instead of making an order under sub-section (2) of section 11 for sending the child to a children's home, make an order placing the child under the care of a parent, guardian or any fit person or child under institution, on such parent, guardian or fit person, executing a bond with or without surety to be responsible for the good behaviour and well-being of the child and for the observance of such conditions as the Board may think fit to impose. 152 THE ORISSA CHILDREN ACT, Orissa Act 24 of 1982 (Secs. 12--16) (2) At the time of making an order under sub-section (1) or at any time subsequently, the Board may, in addition, make an order that the child be placed under supervision for any period not exceeding three years in the first instance. (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the Board, on receiving a report or otherwise, that there has been a breach of any of the conditions by which the child is kept, it may, after making inquiry as it deems fit, order the child to be sent to a children's home.

13. Where a parent or guardian of a child complains to the Board that he is not able to exercise proper care and control over the child and the Board is satisfied on inquiry that the provisions of this Act should be initiated regarding the child, it may send the child to an observation home or place of safety and make such further inquiry as it may deem fit and the provisions of section, and section 12 shall, as far as may be,

apply to such proceeding. (CHAPTER III • DELINQUENT CHILDREN 14.(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Government may, by notification, constitute for any specified in the notification, one or more children's courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent children under Act. (2) The Children's court shall consist of such number of Magistrates forming a Bench as the Government think fit to appoint of whom one shall be designated as the senior Magistrate and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Judicial Magistrate of the First Class. 2 Of 1974 (3) Every children's court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be of whom at least one shall be a woman, and such panel shall be by the Government. 15.(1) In the event of any difference of opinion among the Magistrates of a children's court, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the senior Magistrate shall prevail. (2) The children's court may act notwithstanding the absence of any Magistrate thereof and no order made by the children's court shall be invalid by reason of the absence of any Magistrate during any stage of the proceeding. (3) No person be appointed as a Magistrate of the children's court unless he has in the opinion of the Government, special knowledge of child psychology and child welfare or has undergone training with the delinquent children 16. (1) Where a children's court has been constituted for any such court shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, exercise exclusively with all proceedings under this Act relating to delinquent children: Provided that if the Government so desire they may assign the functions of the Court to the Board: Provided further that a children's court may, if it is of opinion that, it is to do having regard to the circumstances of the case, transfer any necessary so to any Board: 153 • THE ORISSA CHILDREN ACT, 1981 -Act 24 1982) 16—18) *Governmental that where there is any difference of opinion between the children's court and the District Magistrate or the District Magistrate as court under • and District regarding the of any • under the provisions it be referred to the District Magistrate of the District for decision, and in a case where Chief District Magistrate of the District is functioning as a children's court, such difference of Opinion Shall be referred to the Court of Session and the decision of the Chief District Magistrate of the District or, as the case may be, the Court of Session on such reference shall be final. (2) Where no children's court has been constituted for any area the Government may, by notification, direct that the powers conferred on the children's court by or under this Act shall be exercised in that area by any of the following authorities namely:— (a) the District Magistrate of the District, (b) the Subdivisional Magistrate, (c) any District Magistrate of the First Class. 11. (1) When any Magistrate not empowered to exercise the powers of a Children's court under this Act is of opinion that person brought before him under any of the provisions of this Act or under any other law (otherwise than not empowered for the purpose of giving evidence) is a child, he shall record such opinion and forward with the child the record of the proceeding to the competent authority having jurisdiction over the proceeding. (2) The competent authority to which the proceeding is forwarded under subsection (1) shall hold the inquiry as if the Child had originally been before it. 18. (1) The Government may establish and maintain as many special schools as may be necessary, for the reception of delinquent children under this Act. (2) Where the Government is of opinion that any institution other than a special school established under subsection (1) is fit for the reception of delinquent children under this Act, it may certify such institution as a special school for the purposes of this Act. (3) Every special school to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and for becoming self-reliant and shall also perform such other functions as may be prescribed to ensure all-round growth and development of his personality. (4) The Government may, by rules made under this Act, provide for the management of schools including the standards and the nature of services to be maintained by them and the circumstances under which, and the manner in which, the certificate of a special school may be granted or withdrawn. (5) For every school established or certified, the State Government shall appoint a Board of Visitors, constituted in such manner and consisting of such number of members as may be prescribed, to visit the school and record their comments on any matter they may think fit for the consideration of the management of the school and for this purpose any member of the Board of Visitors shall have the right to visit the school at any time

between the hour of sunrise (6). copies -of comments by Board referred to. in sub-section (5) shall sÖi as may fÄÉV8td9d•: • by: • the • - *maBRge ment of the 8±001 to the Board. Bail and ea.*iod' of children. InformzÖion to parent or guardian or Probation omcor. Inquiry by •134 meT,' 1982 ÖPL982J 19+22) When 'any p,ersOn accused zofr,,a baVable Off non-bß.i *Ple and *ÉpaiShtlyi .a .ch.üd.,is: artested .-ör: ideta.ined_ok., er Bio!iilt.. c.dUrt;-ßircEperwn• sh.öl.l, notwi&tadinguanyt.hing .conta.ingd in, Göde . 2 of 1914 in,' any other •law. forthe gime . beinü iA- föræ.. be Fé!éé• or: Without surety but he if . ' aheats- giddindé -for believiög:tbät the relaS.e is to brin' asso&aion: äny- •réButéd (himinals:dr -expose--fiifi'• to: .moral danger iKat- hi idase•Wöidd defeat •the' edds. of justice. (2) When such person having been ' ikested not '%lüid- dii tiäil -üddeF (I) by the officer-in-gharge of the police-staöon, such officer sh.a.ll tb' bé" kéßt• iff ai höiie of ia pl.ace of {afety in the: life"ribed but , in 6i Jail) eH\ldken'S 6durt. (3)' When such person is not released on bail under sub-section (1) bf children's cout, it shall, ius!ead of committing him to, prison, make an order sendi.ng him to observat10â or a pläée df 'dfeEy'•JfG - during the pendency of the inquiry regarding him. may 'jb? specified' rin--the order. 20% Where a child is ihe ' dfTicE•fZiæéhÆgé the •pOliO-station to which the child is brought 9ball, as soon as may be after the arrest, inform— oi gilacdian é6.ildÄ it • lié •föilnd• of •süé{ dixeci ube pk&ént ai. the l'éhii4réi'k- édiüi•t b#föke Which tßä will,' zppar and (b) thé ProbationaOfficet* of such artst to .,enAbie hini tdr•obtam information regarding the antecedenÉ and of: the child .äld other material likely to Be of assistance to the ci.lldfenrs court for making the inqui.y. Where é6.ild-f.äsiiliä bién Gliäfgéä wit%âH Ofekice is the children's before a children's cout, the children's court shall hold the inquiry in accordanée regard- with to. proyisions , of Chapter IV and .may, subject to the. prpvsigns I,of .this Act, ing make such ,order in iel#iioii •to ii aceii} m. children. 22. (I) Where a ehiidren's cour:t is uüfiéd on inquiry that a childhhas Orders 'hat an bffé±, änythiHg tlié cbhtained io ähy other may be pass- r.nllngkw ihé'h.mé iii' f8Ge, the Oduft Hay; 'if it 'ot.hiÄks delinquent children, (a) allow the child to go home after advice or admoniüð or (b) direct the child to: be released on probation or good conduct and be pl!aced u,nder_ the .Qf a.h.3i Wen!i guardian öi 0th* fit persön such pareg!, gilagdian othe± fit peryoâ a böild; With without as the com.lrt. niay requite,' .fOr .tHe good behaviour arid Wéll-béiäé of the éhild for aiy riéfl6d ih.féé ; or (c) make ai drder direct.iHÉ the' Child to bé seiit to special schoö];— (i)-in the of,a- boy over fourteen of age ox of a- giril over sixteen yacs df age for- a petiod Of not less ibaii th.öe yeärj (it) in the 6tabY äthéf éhild, É(ik the ibriöd uiHI ii cæestb child Provided that a children's court xnay, if it is satisfied that having regard to thé nature Of thb offence and the circarnstanceä of, -the case it is expoildiént so to dö; för reasons tö be recorded, reduce the period of stay to Siich pæiod as it thinks fit: Pidifided filthef tkäithé childid'â câüüi *i.äj;. foil E'.iöhs to recoidéd, öxteid {hs thÉ agE eueea 94.14; in thé 'se of a bö}, or twenty y.rs, fn the mse of a ; kâ) ihé a If ii o#äföükéen arii THE [Oösw Act.?4-of 19821 22—24) an under claUÉé (d)löi sub- Séctioii tAie".bhilßcéN8 •coükt mi), if it of bpiüiori •that'-.•iri 'the' iäEéFest Off-the --child ii sb tb dd; -tid additioii imiÉe äi:i' the deliii#éht child shall remain under the supervision of .a Probation Officer named in the order dGihÉ' Siaöh *riödJ.; ; iöt exeeédiiÉ th.rte years; ag tyerein', aäd may ii iuéh Superyißiöi ' ordéf imioée süéh édi:iditiöiS as it déems necesäary for 'iieäiäibß' df?ihe delinquéht éhild Provided that if at any time afterwards it aipears to the children's cdurt on receiving a report from the Probation Officer or otherwise, that the delinquent child hdq not been of gqod behayiöur during .the pÉriod- siiiek#iäioi, it aner mäking .süöh inqui.y. as it deerns fit; order the delinqüéht - Child .-tö bé to a special school. Che 'Ehildei'É• mäk#rg .slLPéfvisidn ' order,undeï shall S*ßlain . aid: tfiér' rgUätidiäi br. c\$énay be, .iHe Child had beeii' plmééd, the : and conditibnsl ofr•täb order änd :tdrthWitHi fu?nishl dæe•copy of ordéi to .the. childi .the . iärent, iuaidiän iot öth± •fit cåse • may • 'be. fhé sueties,r if and .the Prd8ätidi OfiEG).•: (4) In determining the school or any person to whose custody Öchild is io be committed or entrusted unde5 - this . Act. th court shall pay due regard to the religious denomination of the child' tb- religious instruction contrary to the religious pesuasion of the child is not imparted to him. n. (1) Édtwith.'täädiig anythiil± to thé contiä*Y Edntaiiéd in {by for . Ords tbät the time being in force, no ' Séitenæd to death or- fliprison- paned ag.a{ • •ment or ?ommitted. to prison in detaukt of payment of fine or in default of furnishing iéal.rity nt children. Provided that Whéré a child who' h" attained. the, age of fouræen,yearé his bbdmitted an öffehecé rabd the •children's court iS satisfied that the offence- eofriiiiitäi is of -sQ,.seious liatuté -or that his .cotldüct , and behaviour häié één Éhäät iniereét ot othek ChildFeh ä it would not be in his interest or in the school to sead him to such special school and that norié öf fhé liäöuæs provi ed under this Act is . suitable or suffcient, . the ghildren's court may order thé elinääént child to köt ii safé Eustod'j ih suéh aia

24. Notwithstanding anything in the contrary contained in the Code (R Brimnal win Cbap- -hoecedute, 1973, no proceeding. . be institiied and nd ördä shill be 20f1974 aßin.st a child under Chapter VIII of the i.iid Cöde. aid.n.al not ISG 19817 Ori8ée Aciu of 1982*] sets. 25—29 No contained in swtion --223 of flhe• Code of of child And oot RÜovaI of d.iseifig• tion att.ach- -Ing Pto- Ion in of Criminal or.in eoy öüLer. law for, the time being .1135 child 2 Of1974 shall .be _ch4rged with •or ,iEi9d f.o\$,) \$0gérthér with' a .p•éfsbd wh9- is' nof •child. (2) If 8 child. iS of. an offence for which under section '223 of the Odi Criminal' 1973 or- any othér law for the-• time, b9ing in Of 1974 child and any person who is not a child *duld, but for the präfiibitiön contained 'n sub-section h.ave been charged and triéd together, 'th'e court takhg cognizance of that offence shal.l direct separate trials of the child and such other 26, Ndmthstanding anything contained in, aoy_' other . law; child. whO has an dffe'nce and has da.lt• with' •undefl the provisions of this Act shall 'iot suffer disqualifintidn,-if aby, attaching to a Conviction- for- an offence: under such law

CHAPTER IV PROCEDURE OF COMPETENT AUTHORITY. 28. (1) A Board or a Children's Court shall hold its sittings at such place, on such day and in such manner as may be prescribed. (2) A Magistrate empowered to exercise the powers of a Board under sub-section (2) of section 6 or of a Children's Court under sub-section (2) of section 16, as the case may be, shall, while holding an inquiry under this Act, so far as practicable, sit in a building or room different from that in which the ordinary sittings of Civil and Criminal Courts are held, or on different days or at times different from those at which the ordinary sittings of such Courts are held. 29. (1) Save as provided in this Act, no person shall be present at any sitting of a competent authority, except— (a) any officer of the competent authority; or (b) the parties to the inquiry before the competent authority, the parent or guardian of the child and other persons directly concerned in the inquiry including Police Officers and legal practitioners; (c) such other person as the competent authority may permit to be present. (2) Notwithstanding anything contained in sub-section (1) if at any stage during an inquiry, a competent authority considers it to be expedient in the interest of the child or on grounds of decency or morality that any person including the police officers, legal practitioner, the parent, guardian or the child himself should withdraw, the Competent authority may give such direction and if any person refuses to comply with such direction, the competent authority may have him removed and may, for this purpose, use such force as may be necessary. (3) No legal practitioner shall be entitled to appear before a Board in any case or proceeding before it, except with the special permission of that Board. 157 ORISSA CHILDREN ACT, Orissa Act 24 of 1982] (Sees. 30—34) 1981. Presence of parent or guardian at the inquiry. 30. Where a child is brought before a competent authority for an inquiry under this Act, the parent or guardian of the child, if he is present, shall be entitled to be heard. 31. If, at any stage, during the course of an inquiry, a competent authority is satisfied that attendance of the child is not essential, for the purpose of the inquiry the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the child. 32. (1) When a child who has been brought before a competent authority, under this Act, is found to be suffering from a disease requiring prolonged medical treatment or from physical or mental complaint that will respond to treatment, the competent authority may send the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary.

for the required treatment. 3 of 1898 (2) Where a child is found. to be from leprosy or is of unsound mind 4 1312' he shall be dealt with under the provisions of the Leprosy Act, 1898 or the Indian Lunacy Act, 1912, as the case may be. (3) Where a competent authority has taken action under sub-section (1) in the case of a child suffering from an infectious or contagious disease, the competent authority before restoring the said child to his partner in marriage, if there has been marriage, or to the guardian, as the case may be, shall where it is satisfied that such action will be in the interest of the child, call upon his partner in marriage or the guardian, as the case may be, to satisfy the court by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed: 33.(1) Where it appears to a competent authority that a person brought before- Presumptive it under any of the provisions of this Act (otherwise than for the purpose of giving and determination of evidence) is a child the competent authority shall make. due inquiry as to the age of that person and for that purpose shall take such evidence as may be, age, necessary and shall record, a finding Whether the person is a child or not, stating his age as nearly as may be. (2) No order of the competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom, the order has been made is not a child. and the age recorded by the competent authority to be the age of the person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person. u. In making any order in respect, of, a child under this Act, a competent authority shall take into consideration the following circumstances, namely:- (a) The age of the child; (b) The circumstances in which the child has been living; (c) The reports made by the Probation Officer; (d) The religious persuasion of the child; (e) Such other circumstances as may, in the opinion of the competent authority require to be taken into consideration in the interest of the child: Provided that in the case of a delinquent child, the above circumstances shall be taken into consideration after the Children's Court has recorded a finding that the child has committed an offence: 158 THB ORISSA CHILDREN-ACT, 1981' Orissa Act 24 of 1982 (Sees. 34—39) provided further that if no report of the Probation Officer is received within ten weeks of his being informed under section 20 it shall be open to the Children's Court to proceed without it. Section 35. In the case of a neglected or delinquent child whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place or residence is outside the jurisdiction of the competent authority, and the competent authority exercising jurisdiction over the place to which the child is sent shall, in respect of any matter arising subsequently, have the same powers in relation to the child as if the original order had been passed by itself. Reports and 36. The report of the Probation Officer or any circumstance considered by the competent authority under section 34 shall be treated as confidential : Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the child or his parent or guardian and may give such child, parent or guardian an opportunity of producing such evidence as may be, relevant to the matter stated in the report. 37.(1) No report in any newspaper; magazine or news sheet of any Inquiry or Public Investigation Of public investigation regarding a child involved in any proceeding under this Act, shall contain etc. of child disclose the name, address or school or any other particulars, calculated to lead to the identification of the child or shall any picture of any such child be published: 37. (2) Nothing in this section shall affect the bona fide publication of any report of any such proceeding in any scientific journal or other publication devoted exclusively to the protection or welfare of children. (2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees

38. Save as otherwise expressly provided by this Act, a competent authority Procedure of summons while holding any inquiry under any of the provisions of this Act, shall follow cases applicable procedure as may be prescribed and - subject thereto, shall follow as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 for trial in summons cases. 39. (1) Without prejudice to the provisions for appeal and revision under this Act Power of order. any competent authority may, either on its own motion or on an application received in this behalf, amend any order as to the person under whose care or supervision a child is to be placed under this Act. (2) Clerical mistakes in orders

passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by 'the competent authority either on its own motion or on any application received in this behalf. Z or 1974 Appals Rerisiotl. Ptocedure In heartng opp- ealJ and revisions Observation homes. THB ORISSA,CHIEDREN- ACT, 1981 [ORISSA' ACT 24 op 1982]. (Secs., 40—43) CHAPTER V APPEAL AND, REVISION 40, (1) Subject to the provisions. of section, any person aggrieved by an order made by a competent authority under this• act may, within thirty days from the date of such order, prefer an appeal to the court of session : Provided that the court of session may entertain an appeal after the expiry.of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from . filing thc. appeali im time. (2) No appeal shall', lie from— (a) any order of acquittal by the children's court: in respect- .of a child alleged to have committed an offnee ; or (b) any order made by a- Board. in respect•of a . finding that-a person not a neglected child. (3) No second appeal, shall lie from of the court of . session .passed in under this section

41. The High Court may, at any time, either on its - own motion or on an application received, in, this behalf, call for.the. records, of any proceeding in which any coppctent authority or court of session has passed an order for •the purpose of satisfying itself as to the legality or propriety of any such order and may pass such otder.-in relation. thereto as: it ,thinks• fit. : provided. that the High Court shall not pass an order under this section prejudicial to any person witholit• giving him a reasonable.' oppOrtunity of being heard. 42. (1) Save as otherwise expressly provided by or under this Act, the procedure to be follo',ved in hearing appeals or revision , proceedings under this Act. shall. as far practicable, be in accordance with the provisions of the Code of Criminal 20f1974 Procedure* 1973. (2) The powers conferred on• the. children's court or on the Bcard or any Judicial: . Magistrate by or under section 6 or 16 may also. be. exercised by the High Court and the court of sessions when the proceeding comes before {hem in appeal, . revision or otherwise, CHAPTER VI OBSBRVAITION HOMES AND AFTER-CARB ORGANISATIONS - 43. (1) The Government may establish and- maintain as many observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act. (2) Where the Government, is of, opinion that any institution other than an observation home established under sub?section (1) is fit the. temporary reception of children during pendency of any enquiry regarding them under thi Act; it may recognise such institution as an observation home for the purposes oc this Act, After-caro ions. Pun3shment 160 THE ORISSA CHILDREN Acr,•• 1581 Acr 24 OF 1982] (Sæs. 43—46) (3) Every observation home to which a child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for medical examina- tion and treatment, buc also provide him with facilities for useful occupation. (4) The. Government may, by rules made under this Act, provide for the manage- ment of obseratidn homes including the standards and the nature of services to be maintained by them and the circunastances under which and the rianner in which} an institution may be recognised as an observation home or the recognition may be with- drawn

44. Theoovernment may, by rules made under this Act, povid—(a) for the establishment or recognition of after-care organisations and the powers that may be exercised by them for effectively carrying out their functions under this ' Act; (b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose Of taking care of childFen'after they leave children's homes Of special schools and for the purpose of enabling them to lead an honest, industrious and useful life; (c) for the prepara.tion and submission of a report by the Probation Offcer in respect of each child prior to his discharge from a children's home or special school* as the case, may be, tegatding the necessity and nature of after-care of such child, period of such after-care, supervisi:m thereof and for the submission ofa reportby the Probation Offcer on the progress of each such child ; (d) for the standards and the nature of Sekvices to be maintained by such after- wre organisations; (e) for such othef matters as may be necessary for the purpose.of effectively canyjng out the scheme of after-care programme of children. CHAPTER'- VII SPECIAL OFPBNCß IN RBspBcr OF CHILDREN 45. (1) Whoever, having the actual charge or or control over, a child, assaults» aband- fo cruelty to ons, exposes or wilfully. neglects the child or causes or procures him to be assaulted;- chlid. Employment of children for begging. abandoned exposed or neglected in a manner likely to cause' such child unnecessary mental and physical suffering shall on conviction, be punishable with imprisönanent for a term which may extend to six months, or with fine, or with both. (2) No court shall take cognizance of an offence punishable under sub-section (1) unless the complaint is field with the Vrevious sanction of the Govern.ment or of an omcer authorised by them in this

-behalf. 46. (1) Whoever employs or uses any child for the purposes of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, (2) Whoever having the actual charge of, or control over a child, abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. (3) The offence punishable under this section shall be cognizable. 161 THE ORISSA CHILDREN ACT, 1981 [Orissa Act 24 of 1982] (Secs. 47-53) 47. Save as otherwise provided in sections 97 and 98 of the Code of Criminal Procedure, 1973, if it appears to any criminal court on the complaint of any person or otherwise the risk of that a female child is, with or without the knowledge of parent or guardian, exposed to seduction, the risk of seduction or prostitution, the court may direct the parent or guardian to enter into a recognition bond to exercise due care and supervision over such child

48. Whoever gives or causes to be given to any child any liquor or intoxicant in a public place or any dangerous drug except upon the prescription of a duly qualified medical practitioner or in case of sickness or other urgent cause, conviction be punishable with fine which may extend to two thousand rupees. drug to a child

49. Whoever ostensibly procures a child for the purpose of any exploitation of child and withholds the earnings of a child or uses such earnings for his own purposes shall, on conviction, be punishable with fine which may extend to one thousand rupees. 50. Whoever allows or permits a child over the age of four years to reside in or frequently go to a brothel shall, on conviction, be 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. 51. 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 seduction, inducement to indulge in immoral behaviour or prostitution) of that girl or etc. or encourages any one other than her husband to have sexual intercourse with her, shall, on conviction be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to two thousand rupees or with both. Explanation—For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction of a girl or to have induced her to behave immorally if he has allowed the girl to live with or enter or continue in the employment of any prostitute or a person of immoral character. 52. Whoever seduces or indulges in immoral behaviour with a girl under the age of eighteen years shall, on conviction be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to two thousand rupees or with both. CHAPTER VIII MISCELLANEOUS 53. (1) The government may, notwithstanding anything contained in this Act, at any time, order a neglected or delinquent child to be discharged from the Government (to discharge children's home or special school as, the case may be, either unconditionally or on such conditions as they may think fit to impose. (2) The Government may, notwithstanding anything contained in this Act, order— (a) a neglected child to be transferred from one children's home to another (b) a delinquent child to be transferred from one special school to another or from a special school to a borstal school or from a special school to a children's home (c) a child who has been released on licence which has been revoked or forfeited, to be sent to the special school or children's home from which he was released to any other children's home or special school or borstal school, as the case may be. Provided that the total period of the stay of the child in a children's home or special school or borstal school shall not be increased by such transfer. (3) The Government may, notwithstanding anything contained in this Act, but subject to rules made in that behalf at any time, discharge a child from the care of any person under whom he was placed under this Act either unconditionally or on such conditions as the Government may think fit to impose. 54. (1) The Government may, by special order, provide for the reception of a neglected child or delinquent child detained in a children's home or special school or institution of a like nature in any other State where the Government of

that State makes an order. for such transfer, and upon' such' transfek the provisions •of this Act shall apply to such child as• if-he had been originally ordcred• to be sent to such children's •home or special school under •this Act

55. Whete it appears to -'the Government that any child kept in a special school or children's home in pUrsuance of •this Act iS suffering from leprosy or is of unsound rnihd the Government may order his removal' to a leper asylum or mental hos-pital ot other place of safe custody for being kept there for the remainder or the term for, which he has to be kept in custody Under the orders -ot the or for such further period as may be certified .by a Medical Officer, to be necessaiy fo'r- the proper - treatment of the child. (2) Where it appears to the Goveln.rnment that the child is cured of leprosy or of unsoundness of mind, they may, i! the child is still liable to be: kept in custody; order- the Pepson having.- 'of 'ille child to send him to the especial school or children's home from which' he Was renioved, or, if the child-• is. no longer liable to' be kept in custodYi Order hiii td 'be diãcharged. 56. (I) When a child is kept in a children's home or special school, the Govern- ment may, if they so think fit, release twe:child from the children's home or special school and grant him a written licence for sut-h period and on such conditions as may be specified in the licehce, permitting him to live with, or undu the super- vision of, any responsible person named in Lhe licence willing Co receive and take charge of him with a view to educating him •and training him for some üseful trãde or calling. (2) A licence granted under sub-section (1) shall be in force for the per iod specified in the licence or until nevoked or forfeited by che- breach of any of the condition which it was granted. (3) The Government may, at any • time. by 'order, 'jn writing revoke any such licence and order ttie child ta cetuln to the children's home or special school from which he was released or to any other ghildxen's home or special; iChool and]' shall do so at the desire of the person with whöm. oi'under whösp supeiviSion the child has been permitted to luvè In accordance wttH •a ligensee under sub-section 163 THE ORISSA-CHFIELDREN 1981... [Orissa Act 24 of 1982] (Sécs. '56--59) (4) When a licence h" been _ revoked or' forfeited and the' child refuses or fails. to return to the special school or- children's home to which her has been directed to return, the Governrnent may, jf necessary cause him. to be taken charge and to be taken pack to the special school .or children's home. (5) The time during which a chilld is absent From a special school or •children's home in Pursuance of a licence granted under this section shall be deemed to' be part -of % the lime for Which he is lible to be kept iD custody in the special school or children's home : provided that when a child has failed to return to' the special school or children's home on the licence being revoked .or forfeited, •the time which elapscs after his failure -so to retUrn, shall be excluded in computing the time during which be' is liable to be kept in custody

57. Notwithstanding anything toe the contrary contained- in any othei Jaw for the Provision in time being in force, any police offcer may take charge without warrant or a child rapeçã of egaped who has escaped from a special school or a children's home •or from the cure Of a children.person under whomr he was plqced' under this .Act -and shall send the child back to the. school OR the children!s home or that persOn, as the case may be, and no- pröceeding shall be instituted In respect of the child by reason pf such æscape _but the special school, or children's home or the person may, after the inTörmation to the competent authority whiëh passed' thé -order in respect of the child, take such steps against the child as may be deemed necessary. SR. (I) The competent' aUthority which makes an. order for sending a neglected Contribution by parents. of cuntodian over child. child or a delinquent child to a children's home or speciar school or placing the child under the care Of a fit person, may make an order -requiring the parent or other person liable to maintain• the •child, to contribute towards.his maintenance' if able to do so, in the prescribed" manner. (2) The competent authority shall, befpremäking any order under 'sub-Section inquire into the circumstances -of the paren! or- Other person liable. to- maintain the child and shall recokd evidence, if any, in the presende--of the parent "Or' such other person, as the case may be. (3) The person liable to maintain a child shall, for the purpose of sub-section (I), include in the case of illegitimacy, . his putative father : Provided that where the child is' illegitimate and an order for his maintenance has, been made under section 125 of the Code of Criminal - Procedure, 1973 in 2 of 1974 respect of a neglected •or a delinquent child the competent authority shall•-aot ordinarily make an order for contribution against the father but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such persons may be named by the competent authority and such sum shall by him towards the maintenance of the child; (4) Any order made under this section may 'be enforced in the sarne manner as an order under section 125 of the Code of Criminal Procedure, 1973

59. Any person in whose custody a child is placed in pursuance of this Act shall, while the order is in force, have like control over the child as he would have if he were his parent. and shall be responsible for his maintenance and the child shall continue in its custody for the period stated by the competent authority, notwithstanding that he is claimed by his parent or any other person: provided that no child while in such custody shall be given in marriage except with the permission of the competent authority.

164 THE ORISSA CHILDREN ACT, [Orissa Act 24 of 1982] (Secs. 60—64) 1981 child under- going sent- enw at ment of the Probation and their duties. Officers 60. In any area in which this Act is brought into force, the Government may direct that a delinquent child who is undergoing any sentence of imprisonment at the commencement of this Act shall, in lieu of undergoing such sentence, be sent to a special school be kept in safe custody in such place and manner as the Government think fit for the remainder of the period of the sentence, and the provisions of this Act shall apply to the child as if he had been ordered by a children court to be sent to such special school, or as the case may be, ordered to be detained under sub-section (2) of section 23.

61. (1) The Government may appoint as many probation officers for the inspection of special schools, children's home, observation homes after-care organisations and such other officers as it may deem necessary for carrying out the purposes of this Act. (2) It shall be the duty of the Probation Officer— (a) to inquire, in accordance with the, direction of a competent authority, into the antecedents and family history of any child accused of an offence with a view to assisting the authority in making inquiry; (b) to visit neglected and delinquent children at such intervals as the Probation officer may think fit; (c) to report to the competent authority as to the behaviour of any neglected or delinquent child; (d) to advise and assist neglected or delinquent children and, if necessary, endeavour to find them suitable employment; (e) where a neglected or delinquent child is placed under the care of any person on certain conditions, to see whether such conditions are being complied with; and (f) to perform such other duties as may be prescribed. (3) Any officer appointed in this behalf by the Government, may enter any special school, children's home, observation home or after-care organisation and make a complete inspection thereof in all its departments and of all paper, records registers and accounts relating thereto and shall submit a report of such inspection to the Government

62. Probation Officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860, servants.'

63. The provisions of Chapter XXXIII of the Code of Criminal Procedure 2 of 1914 Procedure in reape:t of 1973 shall , as far as may be, apply to bonds taken under this Act, until provision Bonds. Delfgad0D of powerg. in that behalf are made by rules framed under this Act

64. The Government may, by general or special order, direct that any power exercisable by them under this Act, except the power under section 66 to make rules shall in such circumstances and on such conditions, if any, as may be specified in the order, be exercisable also by any authority prescribed under the rules. Protection of action taken in faith. 165 THE ORISSA Orissa Act 24 of 1982 (secs. 65—67) 65. No. suit or other legal proceeding shall lie against the Government or that Authority prescribed under the rules' to whom powers are - Govern- ment under section 6.4 or any Probation Officer or other officer appointed under this Act. in respect of anything . which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder, 66. (1) The Reformatory Schools Act,' 1897 and' section 27 of the Code of 8 of 1897 Act 8 of 1897 Criminal Procedure, 1973 shall cease to apply to any area in which this Act has 2 of 154 provision of Ad 2 of 1974 been brought into force, not to apply. (2) The Women's and Children's Institutions (Licensing) Act, 1956 shall not IOS of 1956 apply to any Children's home, special school or observation home established and maintained. under this Act. Power to 67. (1) The Government may, by notification, make rules to carry out the purposes of this Act, (2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely 4— (a) the places at which, the days on which, the time at which and the manner in which, a competent authority may hold its sittings; (b) the procedure to be followed by a competent authority in holding inquiries under this Act and the mode of dealing with children suffering from dangerous diseases or mental complaints ; (c) the circumstances in which and the conditions subject to which, an institution may be -certified as a special school or children's home or recognised as an observation home, and the recognition withdrawn (d) the internal management of special schools, children's homes and observation homes and the standards and the nature of services to be maintained by them ; (e) the functions and responsibilities of special schools, children's homes and observation homes ;

(j) the inspection of special schools, children's homes, observation homes and after-care organisations (g) the establishment, management and functions of after-care organisations and the circumstances in which and the conditions subject to which an institution may be recognised as an after-care organisation and such other matters as are referred to in section 44 ; (h) the qualifications and duties of Probation Officers • (i) the recruitment and training of Persons appointed to carry out the purposes of this Act and the terms and conditions of their service (D the conditions subject to which a neglected or delinquent child may be escorted from one place to another and the manner in which a child may be sent outside the jurisdiction of a competent authority ; Repeal. ORISSA CHILDREN 1981 24 of 1982 (see. -67-&'8) the manner in which contribution for the maintenance of a child may be ordered- to be paid by a parent or guardian • (l) the under which a child may be placed out on licence and the • form and conditions of the licence • (m) the condition under which children may be placed under the of any parent; guardian or other. fit person or fit institution under this Act and, the obligations of such persons or institutions towards the children so and placed (n) any other matter which has to be of may be, prescribed. 68. If, immediately before the date of enforcement of all or any of provisions of this Act in any area, there is in force in that area, corresponding to this Act, that shall, to the extent* it corresponds to provisions of this Act as enforced in that area, stand repealed on the Provided that the repeal shall not (a) the previous operation of any law so repealed or suffered, thereunder ; or (b) any right, privilege, obligation or liability acquired, under any law so repealed ; or (c) any penalty, forfeiture or punishment incurred in committed against any so-repealed ; or said date ; •. [3] anything duly done or accrued, or incurred in respect of any offence (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had been passed.