

# Hyderabad Children Protection Act

MAHARASHTRA

India

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### Act 9 of 1343

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Hyderabad Children Protection Act Hyderabad Act No. 9 of 1343F(Received the assent of H.E.H. the Nizam on 23rd Shehrewar, 1343-F)Preamble. - Whereas it is expedient to protect and to save from illtreatment such children as are illegitimate or, are orphans and waifs or, are handed over by their parents or relations to other persons to be brought up;It is hereby enacted as follows :

#### 1. Short title.

- This Act may be called the Hyderabad Children Protection Act.

#### 2. Local extent.

- [Government may by notification in the Official Gazette bring this Act into force in any town with a population of not less than 5,000] [Substituted by Bombay (Hyderabad Area) A. O., 1956].

#### 3.

[\* \* \*] [Omitted, by Bombay (Hyderabad Area) A. O., 1956]

#### 4. Definitions.

- ["District Officer" means the Collector of the District. [\* \* \*] [Substituted by Hyderabad Act No. 37 of 1952.];[\* \* \*] [The definition of 'Superintendent of Police' was omitted by A. O., 1956.];"head of a household" means the occupier of a house and of the land and buildings appertaining thereto;"house" includes the land and the buildings appertaining thereto;"near legitimate relation" means in the case of the head of a household, his legitimate direct descendant or of his father or mother or paternal grandfather or paternal grandmother, and in the case of a servant of a head of a household his legitimate direct descendant or of his father or mother;"orphan" means a child whose legitimate or illegitimate parents or grandparents are not alive; "waif" means a child under the age of

16 years, whose parents or grandparents are not known or not found and whose other relatives does not accept the responsibility for its maintenance;"registered child" means a child registered under section 6 or 8;"Inspector" means an Inspector or Inspectress appointed under section 10:"Assistant Inspector" means a person appointed under section 10 to assist an Inspector or Inspectress.

## **5. Provisions as to keeping of children for purposes of maintenance.**

(1)Except as provided in this Act, no head of a household shall keep or allow to keep or shall maintain or allow to maintain in his house, for any purpose whatsoever, any child under the age of 12 years who is not a near legitimate relation of himself or his servant, unless it has been adopted by himself or by a member of his family or by any of his servants in accordance with the tenets of his religion or any custom to which he is legally subject, so that it has become a son of the adopter in the eye of law and is treated in all respects as a legitimate son is or should be treated, or is intended in good faith to be adopted.(2)In any other case, if the head of a household intends to keep or maintain a child under the age of 12 years in his house, except as specified in section 6, he shall inform the District Officer of his intention and the District Officer shall register the child under the Act, unless for reasons to be recorded, he thinks that the registration is unnecessary ;Provided that, a head of a household may maintain a student or keep him in his house, who is actually receiving instruction in a recognised school whether he be his relative or not.

## **6. Provisions for employing children as domestic servants.**

- From the commencement of this Act, a head of a household who employs a child under 12 but not less than 7 years of age as a bona fide domestic servant shall, if the child resides in his house, within two weeks reports the fact in the prescribed manner to the District Officer and the District Officer shall cause the name of such child and the terms of employment to be entered in a register in the prescribed form. The head of the household shall, upon termination of the child's employment, also make a report in the same manner. The employment as a domestic servant of any child who has not reached the age of 7 shall, in no circumstances, be permitted.

## **7. Provisions for giving report of children of less than 12 years of age and of birth of illegitimate children.**

(a)Any head of a household in whose house, on the commencement of this Act, there be any child of less than 12 years of age, and who is not a near legitimate relation of himself or of any relation of his residing in his house or of any servant of his, or has not been adopted or is not in good faith intended to be adopted under section 5; or(b)any head of a household in whose house any illegitimate child may, after the commencement of this Act, be born to his knowledge to any maid servant or wife of any servant or to any female registered under this Act, shall forthwith report the fact or cause it to be reported to the District Officer in the prescribed manner. But such report shall not state the name of the reputed father of the child :Provided that, no report need be made if a child be born to a regular concubine of the head of a household or of his near legitimate relation except where such concubine is a female registered under this Act either at the time of such birth or within

a period of four years preceding it.

## **8. Entry in register.**

- This District Officer shall cause the names of the children mentioned in section 7 to be entered in a register maintained in the prescribed form.

## **9. Production of child for inspection.**

- The head of a household shall, on receipt of a notice from the District Officer or from any other person authorised by the District Officer, produce a registered child for inspection once in three months at his own house.

## **10. Appointment of Inspector and Assistant Inspector.**

- For purposes of this Act Government may appoint Inspectors or Inspectresses for any district or part of a district to which this Act may be extended and may also appoint Assistant Inspectors or Assistant Inspectresses. Such Assistant Inspectors or Assistant Inspectresses shall work under the control of Inspectors or Inspectresses appointed for the same district and shall exercise the same powers as are vested in Inspectors or Inspectresses under this Act.

## **11. Inspection of children.**

- It shall be the duty of the Inspector, once in every three months, to inspect all children residing in his district or part of the district whose names are entered in the prescribed register to satisfy that there is suitable arrangement for the care and maintenance of every child and it is generally treated with justice and humanity. To achieve this purpose, the Inspector may question the child or children produced by the head of a household and may put questions and receive information volunteered from any source; but shall not, unless desired by the head of household, enter or search his house or question any other person.

## **12. Action by Inspector.**

(1) Should it appear to an Inspector that there is a reasonable ground for suspicion that there is no suitable arrangement for the care and maintenance of a child or that it is not being treated with justice and humanity, he shall make a report thereof to the District Officer. (2) On receipt of such report or on receiving information from any other source that there is no suitable arrangement for the care and maintenance of a registered child or that it is not being treated with justice and humanity or that any child has been received into, or is being maintained in any house in contravention of the provisions of section 5 or 6 or without making a report under section 7, the District Officer, after making such enquiry from the head of a household as he may consider fit, or, if he thinks fit, without making any such enquiry, may direct the Inspector to make preliminary investigation in the matter. (3) It shall be incumbent on every Police Officer, if he receives

information that any child is being treated with injustice or inhumanity to make a report thereof to the District Officer through his superior officer.(4)The Inspector shall, on receipt of such information, proceed to the house of the head of a household and shall investigate the facts and during such investigation may exercise all the powers of a Police Station Officer vested under Chapter XIII of the Hyderabad Code of Criminal Procedure in respect of entry into and search of house, and recording of statements :Provided that, if the child is a female or if the evidence of any female in the house is required to be taken, the District Officer shall, as far as possible, direct an Inspectress or an Inspector and an Inspectress to make a joint investigation;(5)On receipt of the report of the Inspector, the District Officer -(a)may close the case by stating the reasons therefor; or(b)may direct the Superintendent of Police that after making further necessary investigation either the accused be prosecuted in a court of law or a further report be made to him on production of such report the District Officer may, after stating the reasons therefor, direct the Superintendent of Police to file a prosecution against the accused in a court of law.(6)If an order has been made under clause (a) of subsection (5) [Government] [As amended by Act no. 3 of 1308-F.] may, if it thinks fit, direct further investigation to be made or direct the Superintendent of Police to file the case in a court of law.Explanation. - When the Superintendent of Police is directed to make an investigation under this section, he may either make the investigation himself or direct such subordinate officer not below the rank of a Police Inspector (Sadr Ameen) as he may think fit.

### **13. Transfer of children.**

- No child registered under section 8 of this Act shall be sent or transferred to any other house without informing the District Officer in writing; and such information shall be given previously at least two weeks from the date of the transfer and the District Officer may prohibit such transfer after stating the reasons therefor.

### **14. Report of child's marriage, death etc., shall be made.**

- The head of a household shall report to the District Officer the marriage, death, disappearance, serious illness of or injury to any child registered under sections 6 and 8 of this Act.

### **15. - Power of District Officer regarding transfer of certain children to institutions.**

(1)If any waif or orphan child under the age of 15 years is found and produced before the District Officer or of, the District Officer is, in respect of a registered child or a child required to be registered under this Act, of the opinion (which shall be expressed in writing) that it is not desirable that it remains in the house of the head of a household who got it registered who was required to get it registered, he shall, after such enquiry as he may deem fit, direct that the child be transferred to any institution established or recognised by [Government] [As amended by Act No. 3 of 1308-F.]. An appeal shall lie from any order passed by the District Officer under this section to such officer as may be appointed by Government under this Act to hear appeals.(2)For the purposes of this section, [Government] [As amended by Act No. 3 of 1308-F.] may cause any institution to be established by

any [Local authorities] [Substituted by A. O., 1956.]; such an institution shall be deemed to be a institution recognised by [Government] [As amended by Act No. 3 of 1308-F.].

## **16. Provisions of this Act shall not apply to orphanage school etc.**

(1)No section of this Act shall apply to any orphanage, school, hostel or any other similar institution which is recognised by Government for the purposes of this Act :Provided that, the religion (if known) of any orphan or waif admitted to such institution shall not be changed until he reaches the age of 16 years.(2)An Inspector appointed under this Act shall be competent to inspect any institution recognised by Government for the purposes of this Act.Explanation. - For the purposes of this section, the religion of the parents of a child shall be deemed to be the religion of the child. Where there is difference in the religion of the parents, the religion of its father shall, unless it appears to the contrary, be considered to be its religion.

## **17. Punishment for certain offences.**

(a)Any head of a household contravening sections 5, 6, 7, 9, 13 or 14 shall for the offence, be liable to a fine which may extend to one thousand rupees or in default of payment of fine shall be punished with simple imprisonment for a term which may extend to three months and if such offence is repealed the term of such simple imprisonment may extend to one year.(b)If any head of a household pleads ignorance of the fact that a child has been kept or maintained in his house in contravention of section 5 or that a child is being maintained in his house without a report being made under section 7, the burden of proving plea shall lie on him.(c)Where any head of a household proves his ignorance under sub-section (b), the person who has kept or maintained the child in the house without the knowledge the head of the household shall, be similarly liable to the same penalties as if he himself were the head of the household.

## **18. Punishment for torture.**

(a)If any child under the age of 16 years is tortured or cruelly treated in any house, the head of the household shall be punishable with rigorous imprisonment for a term which may extend to 5 years unless he proves -(ii)that he had no sufficient ground for suspicion that the child was being tortured or cruelly treated; or(ii)that as soon as the facts had come to his knowledge, he had forthwith informed the District Officer or the nearest police station.(b)Punishment for not caring etc., in manner compatible with statutes of parents etc. - If the arrangement for the care, maintenance and medical treatment of child such as is not compatible with the status of its parents and relations, the head of the household shall be punished with fine which may extend to one thousand rupees and in default of payment of fine with simple imprisonment which may extend to 3 months.(c)Punishment for taking part in commission of offence. - Every person of the house who takes part in torturing or cruelly treating (he child shall be similarly liable to the punishment as if he himself were the head of the household.

## **19. Procedure when person claims registered child.**

(a) If a person claims that any registered child or any child placed in any institution by order of the District Officer is his legitimate or illegitimate child he may apply to the District Officer that the child be delivered into his charge. (b) The District Officer shall, on receipt of such application, give notice to the institution or the head of the household concerned to produce the child before the District Officer and he shall be given an opportunity to show cause against such application. If the applicant shall prove his claim and the District Officer is satisfied with his good conduct and with the fact that he can maintain the child in a satisfactory manner, he shall direct that the child be delivered to the applicant. An appeal shall lie from the order passed by the District Officer under this section to such officer as may be appointed by Government under this Act for the hearing of such appeals.

## **20. Power of Government to make rules.**

(a) Government may make rules for purposes of this Act. (b) Without the prejudice to the generality of the powers, these rules may relate to the following matters : (1) the manner of determining the dispute or ascertain age of a child. (2) prescribing the qualifications and the duties of Inspectors appointed under this Act; (3) the form and manner of maintaining the registers prescribed under this Act; (4) the method of identification of children registered under this Act; (5) the appointment of an advisory committee or committees (which shall have one female) to assist District Officer in the administration of this Act and determining the powers and duties of such committee or committees.