

# Haryana Children Rules, 1974

HARYANA

India

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## Rule HARYANA-CHILDREN-RULES-1974 of 1974

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Haryana Children Rules, 1974 Published vide Haryana Notification No. GSR 77/HA14/74/67/74 dated 12th June, 1974 See Gazette Legislative Supplement Part 3 Dated 18.6.1974 P. 709-747 No. G.S.R.77/H.A.14/74/S.67/74. - In exercise of the powers conferred by Section 67 of the Haryana Children Act, 1974, the Governor of Haryana hereby makes the following rules, namely :-

### 1. Short title.

- These rules may be called the Haryana Children Act, 1974.

### 2. Definitions.

- In these rules, unless the context otherwise requires -(a)"Act" means the Haryana Children Act, 1974;(b)"Court" means a Children's Court;(c)"form" means a form appended to these rules;(d)"Government" means the Government of the State of Haryana.(e)"institution" means a children's home or special school or an observation home;(f)"Section" means a Section of the Act;(g)"Superintendent" means the principal officer-in-charge of an institution and includes a person specially appointed to discharge functions of a superintendent under these rules.

### 3. [ Sittings of competent authority. Section 67(2)(a). [Substituted by Haryana Notification dated 24.2.1975.]

- Subject to such directions as may be issued, from time to time, by the Government, the competent authority shall hold its sittings on the premises of an observation home on such days and at such time as may be fixed by it.]

#### **4. Procedure to be followed in holding enquiries. Section 8(2)(b).**

(1) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and no unnecessary formality shall be observed. Care shall be taken to ensure that the child against whom the proceeding have been instituted feels home-like atmosphere during the proceedings. (2) The competent authority shall see that the child brought before it is not kept under the close guard of a police officer but sits or stands by him-self or in the company of a relative or friend or a probation officer at some convenient place as near to it as possible.

#### **5. Witnesses be questioned by competent authority. Section 67 (sic).**

- When witnesses are produced for examination the competent authority, shall make free use of the power conferred on it by Section 165 of the Indian Evidence Act, 1872 to so question them as to bring out any point that may go in favour of the child.

#### **6. Examination a child. Section 67(2)(b).**

- In examining a child and recording his statement the competent authority shall not be bound by the provisions of section 281 of the Code of Criminal Procedure, 1973, but shall be free to address the child in any manner that may seem suitable in order to put the child at ease and to elicit the true facts not only in respect of the offence of which the child is accused but also in respect of the home surroundings and the influence to which the child has been subjected and the record of the examination shall be in such form as the competent authority may consider suitable having regard to the contents of the statement and circumstances in which it was made.

#### **7. Medical opinion regarding age and physical and mental condition of children. Section 67(2)(b).**

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

#### **8. Mode of dealing with children suffering from dangerous disease or mental disorder. Section 67(2)(b).**

(1) When a child detained in an institution or placed under the care of a fit person, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental disorder that will respond treatment, the child may be removed by an order of the authority empowered by the Government in this behalf to an approved place within the meaning of rule 32 for the remainder of the term for which he has to be kept in custody under the orders of the competent authority or for such period as may be certified by a medical officer to be necessary for the proper treatment of the child. (2) Where it appears to the authority ordering the removal of the child under sub-rule (1) that

the child is cured of the disease or physical or mental disorder, it may if the child is still liable to be kept in custody, order the person having charge of the child to send him to the institution or fit person from which or from whom he was removed or, if the child is no longer liable to be kept in custody, order him to be discharged.(3)Where action has been taken under sub-rule (1) in the case of a child suffering from an infectious or contagious disease, the authority empowered by the Government under sub-rule (1), before restoring the said child to his partner in marriage, if there has been such, or to the guardian, as the case may be, shall, where it is satisfied that such action will be in the interest of the said child, call upon his partner in marriage or the guardian, as the case may be, to satisfy it by submitting to medical examination that such partner or guardian will not reinfect the child.

## **9. Board to call report of probation officer. Section 67(2)(b).**

(1)On receipt of a report under sub-section (1) of Section 13 or whenever a person arrested under sub-section (1) of Section 12 is brought before the Board under sub-section (3) of Section 12, or whenever a complaint is received from a parent or guardian of a child under Section 16, the Board may order as nearly as in form 1, a probation officer to enquire into the character and social antecedent of the child.

## **10. Calling of objections to committing of children. Section 67(2)(n).**

(1)The manager of an institution certified by the State Government under sub-section (2) of Section 8 or sub-section (2) of Section 9 shall be informed in advance by the competent authority before any child is committed to it.(2)The manager of the said institution may, on receipt of the information, intimate in writing, objections, if any, to the committal of the child and these will be fully taken into consideration before the child is committed to the said institution.

## **11. Supply of information regarding children by competent authority. Section 67(b)(n).**

- Whenever the competent authority orders a child to be detained in an institution, it shall forward to the superintendent of such institution a copy of its judgment or order, as the case may be, together with the warrant of detention in form II and the information regarding the age and address of child, if the known, and any particulars of his home and previous record that may have been discovered.

## **12. Recognition of institutions. Section 67(2)(c).**

(1)If the manager of any institution, not recognised under Section 8 or Section 9 or Section 10, desires that the institution be recognised, he shall make an application in form III, together with a copy each of the rules, bye-laws, articles of association, list of members of the society or association running the institution, office-bears and a statement showing the status and past record of social or public service of the institution and the society running the institution to the Chief Child Welfare

Officer who shall either inspect the institution himself or cause it to be inspected by any of his subordinate officers and shall make a report to the Government regarding the provision made in the institution for the accommodation, boarding, lodging, and general health of the children, the quality of the literacy or industrial training made available and sources of income, and may recommend recognition with specific reference to the age group of children.(2)The Government may, of the receipt of the report of Chief Child Welfare Officer, if satisfied that the institution possesses sufficient financial means to carry out its obligations, grant recognition to the institution under Section 8 or Section 9 or Section 10, as the case may be, on the condition that it shall undertake to -(a)teach, training, lodge, clothe and feed the children according to the standards laid down by the Government from time to time;(b)provide such probation officers and other staff as may be required by the Chief Child Welfare Officer or the competent authority from time to time;(c)abide by these rules and any instructions issued by the Chief Child Welfare Officer or the competent authority and see that the same are followed by the probation officers and the personnel of the institution; and(d)furnish to the Chief Child Welfare Officer, whenever required, a statement of its financial position including the balance-sheet, and audited report, if any.

### **13. Withdrawal of recognition. Section 67(2).**

(1)The Government may, on the report of the Chief Child Welfare Officer, if dissatisfied with the conditions, rules, management or superintendence of an institution certified or recognised under the Act at any time by notice served on the manager of the institution declare that the recognition of the institution shall stand withdrawn as from a date specified in the notice and from the said date the institution shall cease to be an institution under Section 8 or Section 9 or Section 10, as the case may be.(2)The Government may, instead of withdrawing a recognition under sub-section (1), by notice served on the manager of the institution, prohibit admission of children to the institution for such time as may be specified in the notice or until the notice is revoked, whichever is earlier :-Provided that before the issue of a notice under sub-rule (1) or sub-rule (2), a reasonable opportunity shall be given to the manager of the institution to show cause why the recognition may not be withdrawn or admission may not be prohibited, as the case may be.

### **14. Resignation of recognition by manager. Section 67(2)(c).**

- The manager of an institution may, or giving six months' notice in writing to the Government through the Chief Child Welfare Officer of his intention to do so, resign the recognition of the institution and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the resignation of the recognition shall take effect and the institution shall cease to be recognised under the Act.

### **15. Effect of withdrawal or resignation of recognition. Section 67(2)(c).**

- A child shall not be received into an institution after the date of the receipt by the manager of the institution of a notice of withdrawal of the recognition or after the date of notice of resignation or the recognition.Provided that the obligation of the manager to teach, train, lodge, clothe and feed any children detained in the institution at the respective dates aforesaid shall, except so far as the

Government otherwise direct, continue until the withdrawal of resignation of the recognition takes effect.

## **16. Disposal of children on withdrawal or resignation of recognition. Section 67(2)(n).**

(1) When an institution ceases to be an institution certified or recognised under Section 7 or Section 9 or Section 10, the children detained therein shall, under orders of the officer empowered in this behalf by the Government, be either -(i) discharged absolutely or on such conditions as the officer may impose; or (ii) transferred to some other institution established or recognised under Section 8 or Section 9 or Section 10 or in accordance with the provisions of the Act and rules relating to discharge and transfer. (2) The intimation of such discharge or transfer shall be given to the court or Board, as the case may be.

## **17. Form of supervision order. Sections 20 and 67(2)(n).**

(1) When a child is placed under the care of a parent or a guardian and the competent authority deems it expedient to place the child under the supervision of a probation officer, it shall issue a supervision order as nearly as in form IV. (2) When a child has been ordered to pay a fine under clause (d) of sub-section (1) of Section 20 by a court and is ordered by it to be placed under the supervision officer, the court shall issue the supervision order as nearly as in form V.

## **18. Internal management of institution. Section 67(2)(d).**

(1) The internal management of an institution established under the Act shall vest in the manager consisting of the superintendent and the committee of visitors collectively deemed to be its manager. (2) The committee shall consist of such number of official and non-official members, not exceeding seven, as the Government may appoint from time to time. The non-official members may include experienced social welfare workers, particularly women social welfare workers in the field of child welfare. (3) A non-official member shall hold office for two years from the date of appointment and shall be eligible for re-appointment. (4) It shall be the duty of the manager -(a) to enquire into and see that the arrangements in the institution are completed in all respects; (b) to examine the manner, admission and disposal of registers and any other connected records; (c) to bring any special case to the notice of the Chief Child Welfare Officer; (d) to carry out any other duties which may be assigned by the Government. (5) The manager shall hold a formal meeting once in every three months. (6) No business shall be transacted at the meeting unless the superintendent and two members are present. The superintendent shall preside over the meeting and he shall fix the date and hour of the meeting and a week before the date so fixed, a notice thereof, together with an extract of any special matter to be considered, shall be furnished to the members of the committee. (7) The minutes of each meeting shall be approved by the Superintendent and sent by him to the Chief Child Welfare Officer. (8) The Superintendent shall abide by the resolutions passed in the meeting of the management of the institution : Provided that, if in his opinion, it is inconsistent with the Act or these rules or inexpedient to give effect to any such resolution, he shall

submit the resolution for the orders of the Chief Child Welfare Officer. The orders of the Chief Child Welfare Officer thereon shall be final. It will, however, be subject to review by the Government which may confirm, rescind or modify such order.(10)The Superintendent shall generally be responsible for the observance of all rules and orders, the supervision of the subordinate staff and the maintenance of discipline among the children. He shall, in his own handwriting, maintain an office journal in which shall be recorded daily, every occurrence of importance connected with the management of the institution, which is not otherwise disposed of in the registers of correspondence and which is desirable to note for further guidance. The journal shall be forwarded to the Chief Child Welfare Officer at the end of the each month who shall immediately return it after perusal with such remarks such as he may consider necessary.(11)The Superintendent shall visit the institution once a week in the morning, i.e., on Monday and twice a month in the night on uncertain intervals. He shall ensure that the children are provided with proper clothing and bedding and remain clean and tidy. He shall also enquire into and hear the complaints and remove them.(12)The Superintendent shall, in no case, without the prior permission of the Chief Child Welfare Officer or such other authority as the Government may specify in this behalf, absent himself.

## **19. Functions and responsibilities of institution. Section 67(2)(e).**

(1)Every institution shall maintain a register of admission and discharge of children in Form VI and get the children admitted to the institution to be medically examined once in every month.(2)Every child admitted to an institution shall be supplied with a set of clothes and the clothes worn by the child at the time of admission shall be destroyed if they are in rags or filthy or verminous condition. In other cases the clothes shall be returned to the parents, guardian or relatives of the child, and if it is not possible to do so, shall be washed, tied up in a bundle and stored and returned to the child on his discharge.(3)Every child admitted to an institution shall be got medically examined from the Medical Officer of the institution or from the local hospital and the child to be found suffering from any venereal disease shall be kept, as far as possible, separate from other children. The child suffering from minor ailment shall be got treated from the Medical Officer of the institution but in case of serious illness he shall be taken to the nearest hospital for admission and a report to that effect shall be sent to the Chief Child Welfare Officer by the Superintendent of the institution.(4)Every institution shall supply the children with diet and clothing and bedding in accordance with the scales specified in tables A and B given below :-Table A

1. Atta	... 500 grams per day
2. Sugar	... 35 grams per day
3. Vegetable ghee	... 35 grams per day
4. Pulses	... 50 grams per day
5. Vegetable	... 250 grams (including onion) per day
6. Milk	... 250 grams per day
7. Salt	... 15 grams per day
8. Haldi	... 1 gram per day
9. Chillies	... 1 gram per day

10. Spices	... 1/2 gram per day
11. Tea	... 1 gram per day
12. Firewood	... 1 Kilogram per day
13. Gur	... 250 grams (per month during winter October to March)
14. Washing soap	... 250 grams per month
15. Lifebuoy soap	... 1 cake per month
16. Mustard Oil	... 125 grams per month
17. Rice	150 grams in lieu of 200 grams Atta (twice a week according to choice of children)
18. Datan fresh	.... One
19. Sweet dish or special dish or fruit	... 50 paise per dish twice a week.

Table B

Sr.No.	Name of the article	Number	Period
1.	Pajamas	1 pair	One year
2.	Kurta	1	One year
3.	Pants (Khaki)	2	One year
4.	Shirts (One khaki and one white)	2	One year
5.	Turban (for sikhs only)	10	One year
6.	Banyans	3	One year
7.	Underwear	3	One year
8.	Handkerchiefs	3	One year
9.	Towels	2	One year
10.	Comb	1	One year
11.	Bed sheets	2	One year
12.	Pillow	1	One year
13.	Bed cover	1	One year
14.	Jersey Woolen	1	Two years
15.	Khes	1	Two years
16.	Pillow cases	2	Two years
17.	Woollen Coat	1	Two years
18.	Durri	1	Five years
19.	Quilt	1	Five years
20.	Mattress	1	Five years
21.	Blanket	1	Five years
22.	Quilt covers	2	Five years

#### SHOES

23.	Chapples	1 pair	One year
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24.	Shoes	1 pair	One year
25.	Shoes, Canvas	1 pair	One year
26.	Socks, Woollen	1 pair	One year
27.	Socks, Nylon	2 pair	One year
28.	Boot Polish	3 tins	One year

Provided that the aforesaid scales may be increased or decreased so as to remain within the limit of amount fixed by the Government from time to time.(5)The institution shall be responsible for -(i)security, custody and discipline;(ii)inspecting the food daily so as to ensure that the same is cooked and distributed among the children properly, and(iii)moral, education and training.(6)The institution shall inform in respect of the escape or re-capture of any child admitted therein to -(a)the Chief Child Welfare Officer;(b)the District Magistrate; and(c)the Station House Officer of the nearest Police Station.(7)Energy institution shall inform the Chief Child Welfare Officer and the parents, guardians or relatives, if any, in respect of death of any child admitted in the institution. If the parents, guardians or relatives fail to take possession of the dead body within a period of six hours in case they reside within the locality in which the institution is situated or twenty-four hours in case they reside elsewhere, the same shall be disposed of in accordance with the faith of the child by the institution. The expenditure incurred by the institution in this respect shall not exceed one hundred rupees in any one case.

## **20. Inspection of institutions, place of safe custody. Section 67(2)(f).**

(1)Every institution including its departments shall be inspected atleast once in every quarter, by the Chief Child Welfare Officer, Probation Officers or such other officers, as may be appointed by the Government.(2)The Officers mentioned in sub-rule (1) shall also have a right to visit a fit person at any time.(3)In case the institution is for the reception of girls mainly and the fit person is such in whose care mainly the girls are placed, and the inspection is not made by the Chief Child Welfare Officer, the visitors shall, wherever be practicable be a woman.(4)Any place of safe custody in which the child is kept shall be open to inspection by any member of the Board, Magistrate of the children's Court, Chief Child Welfare Officer, Probation Officer and any other officer as the Government may specify in that behalf.(5)The Chief Child Welfare Officer shall, either on his own inspection or on the inspection report of other officer, communicate to the Superintendent of the institution so inspected such suggestions or directions as he may deem fit and necessary.

## **21. Duties of Probation Officers. Section 67(2)(g) and (h).**

(1)On receipt of information from the officer-in-charge of a Police Station under clause (b) of Section 18 and order from the Board under rule 9, the Probation Officer shall enquire into the antecedents and family history of the child and such other material circumstances as may be necessary, and submit a preliminary report as nearly as in form VII to the competent authority as early as possible but not later than ten weeks or such further period as may be allowed by the competent authority.(2)Every Probation Officer shall carry out all directions given to him by a competent authority and the Chief Child Welfare Officer and shall perform the following duties, namely :-(i)to make inquiries regarding the home and school conditions, conduct, character and



health of children under his supervision;(ii)to attend regularly the court of a competent authority and submit reports;(iii)to maintain diary, case files, and such registers as may be specified from time to time.(iv)to visit regularly children placed under his supervision and also places of employment or school attended by such children, and to submit regular monthly reports as nearly as in form VIII;(v)to take children, wherever possible, from the court or a competent authority or an observation home to children's home, special school or fit person;(vi)to bring before the competent authority immediately children who have not been of good behaviour during the period of supervision.(3)A Probation Officer shall not employ a child placed under his supervision, for his own private purposes or take any private service from home.

## **22. Power and duties of Chief Child Welfare Officer. Section 67(2)(h).**

(1)The Chief Child Welfare Officer may visit any institution at any time, hear complaints of the children and make suggestions to the Superintendent thereof.(2)The Chief Child Welfare Officer shall superintend and control the working of the Act and the rules. He shall have general control over the staff in the institutions established under the Act.

## **23. Duties of inspecting staff. Section 67(2)(h).**

- Any officer appointed by the Government in this behalf shall, during his inspection or visit to an institution or fit person give, every child committed or remanded to its care, an opportunity to make any complaint or application to him which such child may wish to make. Every such officer shall, at the conclusion of his inspection, note in the inspection book of the institution, the fact that he has inspected it on a particular date and also submit a detailed report of his inspection to the Chief Child Welfare Officer.

## **24. Escort of children. Section 67(2)(j).**

(1)In the case of a child where the competent authority deems it expedient to send the child back to his native place under Section 33, the competent authority shall inform the relative or the fit person who is to receive the child accordingly and shall invite the said relative or fit person to come to the observation home to take charge of the child on such date as may be specified by the competent authority.The competent authority inviting the said relative or fit person under sub-rule (1), may also direct, if necessary, the payment to be made to him by the Superintendent of the observation home of the actual expenses of the relative or fit person's journey both ways by the lowest class and of the child's journey from the observation home to his ordinary place of residence at the time of sending the child.(3)If the relative or the fit person fails to come to take charge of the child on the appointed date, the child shall be taken to his ordinary place of residence by the escort of the observation home :Provided that in the case of a girl, the escort of the observation home shall be a female escort.

## **25. Contribution to be paid by parent or other person. Section 67(2)(k).**

(1)The competent authority making an order under sub-section (1) of Section 55 may direct the parent or other person liable to maintain the child to pay to the competent authority in advance in the beginning of each month such sum of money not exceeding fifty rupees in the aggregate per mensem, as the competent authority may think fit towards the maintenance of such child.(2)All such recoveries shall be credited by the competent authority into Government Treasury as miscellaneous receipts of Government.

## **26. Conditions for boarding out and placing on licence of children. Sections 51, 52 and 67(2)(1)**

- The conditions under which a child may be boarded out or placed on licence under Sections 51 and 52 respectively shall be those as are specified in the licence in form IX.

## **27. Form and conditions of licence. Sections 52 and 67(2)(1).**

(1)The licence to be granted under sub-section (1) of Section 52 shall, as far as possible, be in form IX.(2)On the release of any child on licence, the information shall be sent by the Superintendent of an institution to the competent authority under whose orders the child was kept in the institution of the actual date of release of the child.(3)When a licence has been revoked under sub-section (3) of Section 52 and the child refuses or fails to return to the institution to which he was directed so to return, any police officer may on the advice of the authority revoking the licence arrest the child without warrant and send him to the institution.

## **28. Conditions for placing children under a care of Parent, guardian or other fit person. Sections 15, 20 and 67(2)(m).**

(1)The competent authority making an order placing a child under the care of a parent, guardian or other fit person, as the case may be under sub-section (1) of Section 15 or under clause (b) of sub-section (1) of Section 20, may direct such parent, guardian, relative or fit person to enter into a bond in form X, with or without sureties and in such sum of money as the competent authority may think fit, to keep the child under proper care and control, and to be responsible for his good behaviour. In addition to the conditions prescribed in form X, the competent authority may impose such other conditions as it may think fit for securing that the child is properly cared for and leads an honest and industrious life.(2)Where a child has been placed under the supervision of a probation officer, the competent authority shall impose a condition that all necessary assistance shall be rendered by the parent, guardian or other fit person, as the case may be, to the probation officer to enable him to carry out the duties of supervision.

## **29. Obligation of parent, guardian or other fit person. Sections 15, 20 and 67(2)(m).**

- The parent, guardian or other fit person under whose care a child has been placed under sub-section (1) of Section 15 or under clause (b) of sub-section (1) of Section 20 by a competent authority shall -(a)make arrangements for teaching, training, lodging, clothing, feeding of the child properly;(b)arrange for the proper medical care of the child whenever necessary;(c)see that the child is not assaulted, abandoned, exposed or wilfully neglected in a manner likely to cause the child unnecessary mental or physical suffering;(d)provide the child with facilities for the development of character and abilities;(e)protect the child against moral danger and exploitation;(f)be responsible for the good behaviour and conduct of the child;(g)prevent the child from being associated with undesirable persons or societies; and(h)protect the child from all types of social vices and ensure the general welfare of the child.

## **30. Procedure to be followed while sending child outside jurisdiction of competent authority. Section 67(2)(n).**

(1)In the case a child whose ordinary place of residence lies outside the jurisdiction of the competent authority and the competent authority deems it necessary to take action under Section 33 it shall direct a Probation Officer to make enquiries as to the fitness and willingness of the relative or other persons to receive the child at his ordinary place of residence and whether such relative or other fit person can exercise proper care and control over the child.(2)On being satisfied on the report of the Probation Officer, the competent authority may send the child, if necessary, on execution of a bond by the child as nearly as in form XI, to the said relative or fit person on giving an undertaking by the said relative or fit person in form XII.(3)A copy of the order passed by the competent authority under Section 33 shall be sent to.....(a)the Probation Officer who was directed to submit a report under sub-rule (1);(b)the Probation Officer, if any, having jurisdiction over the place where the child is to be sent;(c)the court having jurisdiction over the place where the child is to be sent;(d)the relative of the person who is to receive the child.(4)Any breach of the bond or undertaking given under sub-rule (2) shall render the child, if found at any time at any place within the State of Haryana, liable to be brought before the competent authority who may make an order directing the child to be sent to an institution.(5)During the pendency of the orders under sub-rule (3), the child shall be sent by the competent authority to an observation home.

## **31. Manner of keeping children received in observation home. Sections 17 and 67(2)(n).**

- Whenever a child, is received in an observation home under sub-section (3) of Section 17, shall -(a)be cleansed properly'(b)be provided with such clothing and bedding as may be prescribed from time to time;(c)be given such food as may be prescribed from time to time;(d)be contacted by a Probation Officer as soon as may be after his admission for the purpose of recording his history and taking such steps as will relieve suspense and fear from the child; and(e)not, if he is over twelve, be kept with a person of a different sex.

### **32. Recognition as an approved place Sections 30 and 67(2)(n).**

- Any hospital, surgery or any other suitable place or institution, the occupier or manager of which is willing temporarily to receive a child suffering from dangerous disease or mental disorder for so long a period as may be necessary, may be recognised by the Government to be an approved place for the purposes of sub-section (1) of Section 30 and rule 8.

### **33. Power of manager to transfer child to another branch of institution. Section 67(2)(n).**

- After committal of a child by a competent authority to an institution the manager of such institution may send the child to any of the branches of such institution after giving an intimation to the competent authority under whose orders the child was committed and to the Chief Child Welfare Officer.

### **34. Police officers to be in plain clothes. Section 67(2)(n).**

- While dealing with children under the provisions of the Act or these Rules, except at the time of arrest, the Police Officers shall wear plain clothes and not the police uniform.

### **35. Use of hand-cuffs or fetters. Section 67(2)(n).**

- No child dealt with under the provisions of the Act or these rules shall be hand-cuffed or fettered.

### **36. Conduct of business, tenure etc. of Board. Section 67(2)(n).**

(1) In the absence of the chairman, the members present shall elect a chairman from amongst themselves for conducting the business of the Board. (2) Every member shall hold office for a period of two years from the date of appointment and for such further period, if any, as the Government may be general or special order direct in that behalf. (3) The tenure of appointment of a member may be terminated by the Government at any time without assigning any reason. (4) A non-official member may at any time resign his appointment by giving, as far as possible one month's notice in writing. (5) Every member shall be eligible for re-appointment on the expiry of his term of office. (6) Any casual vacancy among the members may be filled by appointment of another member who shall hold office so long as the person in whose place he is nominated would have held it if the vacancy had not occurred.

### **37. Visits to and communication with child. Section 67(2)(n).**

(1) No child shall be allowed to meet the visitors or receive letters without permission of the Superintendent and no visitor shall be permitted to interview any child except in the presence of the Superintendent or other officer of the institution so authorised by the Superintendent in this behalf. (2) The visitors may be allowed to meet the children on Saturday and Sunday between 4 p.m.

to 6 p.m., but in case of urgency, they may be allowed on other days and at other times with the special permission of the Superintendent. The privilege of receiving visitors may be refused on the orders of the Superintendent as a punishment for misconduct by the child, or if it is used to introduce any prohibited article into the institution or if the visitor has, or is likely to have, in the opinion of the Superintendent, a bad influence on child or for any other sufficient cause. The Superintendent shall record the reasons for such refusal in the office journal.(3)Every child shall be allowed to write or receive a letter once a month during the period of his stay in the institution subject to the condition of good conduct.(4)If the address of the parents or guardian is known, they shall be given notice of any serious illness of the child and the superintendent shall answer any reasonable queries made by the parents or guardians.(5)No letter shall be delivered to or sent by a child unless the Superintendent has satisfied himself that its transmission is un-objectionable.(6)The Superintendent may at his discretion grant interviews or allow the despatch or receipt of letters at short intervals than those provided in sub-rule (3) inspite of the child's misconduct if he considers that special or urgent grounds exist.(7)A register in form XIII shall be maintained by the Superintendent for recording the visits of visitors. Cases of refusal to permit visits shall be recorded in the said register together with reasons.(8)A register of correspondence between the children and their parents and guardians shall be maintained in form XIV.

### **38. Discipline and punishment. Section 67(2)(n).**

(1)The following acts are forbidden in the institutions, namely :-(a)quarrelling with any other child;(b)an assault or use of criminal force;(c)use of insulting, abusive or threatening language;(d)immoral or indecent or disorderly behaviour;(e)disabling himself for work;(f)damage to the property of institution;(g)interference in the management of institution.(h)receiving, possessing or transferring any prohibited articles;(i)conspiring to escape or to assist in escaping;(j)answering untruthfully any question put by an officer of institution or a visitor;(k)refusing to eat food or destroying food;(2)The Superintendent may award any of the following punishments to a child who commits any of the acts mentioned in sub-rule (1) :-(a)deprivation of playing hours;(b)temporary cessation of visits from parents or guardian;(c)change to work of severe nature, for a period of not exceeding three months;(d)segregation from rest in a separate room of institution for a period not exceeding two days in twelve months.(3)The Superintendent shall maintain a register in which he shall record full particulars of the punishment inflicted by him, together with the nature of offences, the names of the defaulters and the number of previous punishments awarded to them. The Superintendent shall send an extract from the register to the Chief Child Welfare Officer before the tenth of every month.

### **39. Short leave of absence to children.**

(1)The Superintendent of an institution or a fit person to whose care a child has been committed, may, on sufficient cause being shown to its satisfaction, grant permission in writing to a child to absent himself for short period not exceeding fifteen days in the aggregate in a year exclusive of the time required for going to and returning from the destination, for the purpose of visiting parents or relations :Provided that as far as possible previous approval of the Chief Child Welfare Officer shall

be obtained for granting permission for a period exceeding seven days at a time.(2)The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the Superintendent and the child may be recalled by him without giving reason therefor.(3)The Chief Child Welfare Officer may on the application of parents recommended by the Superintendent of an institution or fit person grant vacation leave up to six weeks, excluding the days of journey at a time in a year to a child. Such leave may be cancelled by the Chief Child Welfare Officer by an order in writing and the child may be recalled by him without giving any reasons therefor.(4)The period during which child is absent from the institution under sub-rule (1) or sub-rule (3) shall be deemed to be part of the period of his detention in the institution.

#### 40. Prohibited articles. Section 67(2)(n).

- No intoxicating liquor or dangerous drug shall be allowed to be received or possessed by a child in the institution. Form I[See rule 9](Order requiring a Probation Officer to make Enquiries)ToThe Probation Officer, \_\_\_\_\_ Whereas(1)a report/complaint under Section..... of the Haryana Children Act, 1974, has been received from ..... in respect of.....(name of the child)son/daughter of ..... residing at.....or(2)..... son/daughter of .....(name of the child)....., residing at ..... has been produced before this Board under sub-section (1) of Section 14 of the Haryana Children Act, 1974.Now, therefore, you are hereby directed to inquire into the character and social antecedents of the said child and submit your report of social enquiries on or before ..... or within such further time as may be allowed to you by this Board.Date this ..... day of.....19.....Seal(Signatures)Chairman, Chief Child Welfare OfficerForm II[See rule 11]Warrant of Detention under sub-section (2) of Section 14 or under clause (c) of sub-section (1) of Section 20 of the Haryana Children Act, 1974.ToThe Superintendent, \_\_\_\_\_ Whereas on the ..... day of..... 19, .....(name of the child)son/daughter of....., aged ..... , residing \*at..... being found in case No.....\*to be a neglected child-----\*to have committed an offence under Section ..... was ordered by me,\*Chairman, Chief Child Welfare Officer-----\*Children Court under Section of the Haryana Children Act, 1974, Children's home to be detained in the ..... \*Special School ..... for a period of .....This is to authorise and require you to receive the said child into your custody, and \*Children's Home to keep him/her in the\*Special School for the aforesaid order to be there carried into executing according to law.\*Child Welfare Board/Given under hand and the seal of the ----- Children CourtThis..... day of..... 19...Seal\*Chairman, Child Welfare Board-----\*Children's Court.Encl.Copy of the judgment,if any, or orders,particulars of home and previous record.\*Strike which is not required.Previous history under the Haryana Children Act, 1974.Order passed including .....Section..... Competent authority, Date..... period of detention, if

any.....Form III[See rule 12(1)]Form of Application for Recognition

- 1. Full name of the applicant or association (if registered a copy of the registration certificate and particulars of all members of the association shall be given)**
- 2. Residence (town or village)..... Police Station..... District.....**
- 3. Name of the Institution.....**
- 4. Aims and objects of the institution.....**
- 5. Details about financial condition of the institution, funds, property and source of income.....**
- 6. Arrangements made or proposed to be made for boarding and lodging. Also details of the building, whether owned by the institution or rented.....**
- 7. Arrangements in respect of general health of children and facilities for their medical treatment and arrangements proposed to be made for the education and vocational and moral training designed to make them fit for rehabilitation in life as normal citizens.**
- 8. Full address of the proposed institution including the name of the city or town and the locality.....**
- 9. If any such application has been made previously, its result together with its date, month and year.....**
- 10. If the institution exists at present, the date of its commencement, annual report of its working if prepared or its working to date.....**
- 11. Number and particulars of Children at the time of opening the institution.....**

## 12. Maximum number of accommodation for children.....

## 13. Any other particulars.....

I/We..... hereby solemnly affirm and declare that the above and annexed particulars are true and correct to the best of my/our knowledge and belief. Signatures with date and place and name in block letters. Form IV[See rule 17(1)]Supervision Order(When the child is placed under the care of a parent, guardian or other fit person)Case No..... of..... 19.....Whereas ..... has this day..... (name of the child) to be neglected child ..... been found ----- to have committed an offence under Section..... and has been placed under the care of (name) ..... (address) ..... on executing a bond by the said .....;And whereas this Board/Court is satisfied that it is expedient to deal with the said child by making an order placing him/her under supervision;Now, therefore, it is hereby order that the said child be placed under, the supervision of..... a Probation Officer for a period of..... subject to the following conditions namely :-(1)that the child along with copies of the order and the bond executed by the said ..... will be produced before the Probation Officer named therein;(2)that the child will be submitted to the supervision of the Probation Officer;(3)that the child will reside at..... for a period of.....;(4)that the child will not be allowed to quit the district jurisdiction of..... without the written permission of the Probation Officer;(5)that the child will not be allowed to associate with bad characters;(6)that the child will live honestly and peaceably;(7)that the child will attend the Attendance Centre regularly;(8)that the person under whose care the child is placed will arrange; for the proper care, education and welfare of the child;(9)that preventive measures will be taken by the person under whose care the child is placed to see that the child does not commit any offence punishable by any law in force in India;(10)that the child will be prevented from taking intoxicants;\*(11) ..... \*(12)..... \*(13)\*(14) that the directions given by the Probation Officer from time to time, for the due observance of the conditions mentioned above will be carried out.Dated this..... day of..... 19SealChairman, Child Welfare BoardChildren's Court\*Additional conditions, if any, may be inserted by Child Welfare Board/Children's Court.\*To be renumbered if necessary. Form V[See rule 17(2)]Supervision Order(When the child is ordered to pay fine under clause (d) of sub-section (1) of Section 20 of the Haryana Children Act, 1974)Case No..... of..... 19.....Whereas ..... (name and percentage of the child)resident of ..... (Give full address such as house No. Road, Village/Town/District etc.)has this day been found guilty of an offence under Section..... and has been ordered to pay a fine of Rs..... and the Court is satisfied that it is expedient to deal with the said child by making an order placing him/her under supervision :Now, therefore, it is hereby ordered that the said child be placed under the supervision of..... a Probation Officer for a period of..... and he shall observe the following conditions, namely :-(1)that he will present himself within fourteen days from the date of this order, before the Probation Officer named herein, and will produce copy of the order;(2)that he will submit himself to the supervision of the Probation Officer;(3)that he will, during the period specified herein, keep the Probation Officer advised of his place of residence and means of livelihood/place of work/place of education and progress in education;(4)that he will attend the attendance centre regularly;(5)that



he will not associate with bad characters to lead a dissolute life;(6)that he will live honestly and peaceably and will go to school regularly/endeavour to earn an honest livelihood;(7)that he will not commit any offence punishable by any law in force in India;(8)that he will abstain from taking intoxicants;\*(9)..... \*(10)..... \*(11)\*\*(12) that he will carry out such directions as may, from time to time, be given by the Probation Officer, for the due observance of the conditions mentioned above.Dated this..... day of..... 19SealChildren's Court\*Additional conditions, if any, may be inserted by Children's Court if necessary..\*To be renumbered, if necessary.Form VI[See rule 12]Register of Admission and Discharge(Name of the Institution)

**1. Name of the child**

**2. Father's name**

**3. Age**

**4. Cast or religion, previous occupation, if any**

**5. Previous place of settled residence, if any (town or village), tehsil and district**

**6. Height**

**7. Weight on admission**

**8. Marks of identification**

**9. General health**

**10. Ability to do any skilled work**

**11. Calendar number of the case and sentencing authority**

**12. Period and date of order of committal**

**13. Date of admission.**

**14. Date of expiry of period of detention or transfer to another Institution.**

**15. Work on which employed**

**16. Particulars and value of property delivered with or found on the child on admission, or subsequently received on his/her account with signatures or left thumb print in acknowledgement of correctness on each such occasion and on disposal**

**17. Initials of Superintendent (with dates) in token of having received the property into his/her charge.**

**18. Remarks showing how the inmate has been disposed of after expiry of the period of detention or transfer, Initials of the Superintendent in token of accuracy of the entries .....**

**19. State of health and weight on the date of discharge.....**

Note :- Particulars about health should be entered by the Medical Officer. Form VII[See rule 21(1)] Report on Preliminary Enquiry Serial number.....Submitted to the Children's Court/Child Welfare Board.

In the court of	Probation Deptt.		
Court Case No.	Case No.		
Title of Case			
Police Station	Under Section		
Nature of offence charged.			
(in the case of delinquent children only)			
Name	Religion		
Father's name	Caste		
Permanent address	Year of birth		
Last address before arrest	AgeSex		
Previous court or institutional history			
Family			
Members of family	Name	Age	Health
			Occupation or School
			Wages if any
Father			
Step-father			
Mother			
Step-mother			
Siblings			

If married, relevant particulars

Other near relatives or agencies interested

Attitude towards religion, moral and ethical code of the home etc.

Social and economic status

Delinquency record of members of family

Living conditions

Relationship between parents/parent and children especially with the child under investigation.

Other facts of importance, if any

Child's History

Mental conditions, Past and Present

Physical conditions, Past and Present

Habits, interests (moral, recreational, etc.) Outstanding characteristics and personality traits

Companions and their influence

Truancy from home, if any

Previous delinquency, if any

School (attitude towards school teachers, class-mates and vice versa) Work record (jobs held, reasons for leaving, vocational interest, attitude towards job or employers)

Neighbourhood and neighbour's report

Parents attitude towards discipline in the home and child's reactions

Any other remarks

Result of Enquiry

Emotional factors

Physical conditions Intelligence

Social and Economic factors Religious factors Suggested causes of the problems.

Analysis of the case giving an idea as to how the delinquency behaviour

developed Recommendations regarding treatment and its plan by Probation Officer Signature of

Probation Officer Form VIII [See rule 21(1)(iv)] Monthly report of progress

## Part I – { |

| - | Name of the Probation Officer | For the month of | Register No. | - | Competent authority | Case No. | Name of the child. | - | Date of supervision order | Address of the child | Period of supervision. | }

## Part II – Places of interview Dates

**1. Where the child is residing.**

**2. Progress made if any educational/training course.**

**3. What work he/she is doing and his/her monthly average earning, if employed.**

**4. Savings kept in the post office, Savings Bank Account in his/her name.**

**5. Health of the child.**

**6. Remarks on his/her general conduct and progress.**

**7. Whether properly cared for**

**Part III – 8. Any proceedings before the competent authority for -**

(a) variation of conditions of bond (b) change of residence (c) other matter

**9. Period of supervision completed on**

**10. Result of supervision work remarks (if any)**

**11. Name and address of the parent or guardian or fit person under whose care child is to live after the supervision period is over.**

Date of report Signatures of the Probation Officer To The ..... Form IX [See rule 27(1)] Form of Licence I, (Name and designation of the licensing authority) Haryana State, do by this licence permit. .... son/daughter of. .... caste. .... residence ..... number. .... who was ordered to be detained in a Children's Home/Special School by the Child Welfare Board/Children's Court. .... under Section. .... of the Haryana Children Act, 19, for a term of ..... on the ..... day of ..... 19, and who is now detained in the ..... at ..... to be discharged from the said ..... on conditions that he/she be placed under the supervision and authority of. .... during the remaining portion of the aforesaid period of detention. This licence is granted subject to the conditions endorsed on the reverse, upon the breach of any of which it shall be liable to be revoked. Date the Signatures and designation of the Licensing Authority. Conditions

**1. The licensee shall proceed ..... and live under the supervision and authority of ..... until the expiry of the period of his/her detention unless the licence is sooner cancelled.**

- 2. He/she shall not, without the consent of the said..... remove himself/herself from that place or any other place which may be named by the said.....**
- 3. He/she shall obey such instructions as he/she may receive from the said..... with regard to punctual and regular attendance at employment or otherwise.**
- 4. He/she shall attend the attendance centre at ..... regularly.**
- 5. He/she shall abstain from committing any offence and shall lead a sober and Industries life to the satisfaction of.....**
- 6.**

\* 7.\* 8.\* 9.\*, \*Additional conditions, if any, to be imposed may be inserted by the licensing authority.

**10. \*In the event of his/her committing a breach of any of the above conditions, the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub-section (3) of Section 52 of the Haryana Children Act, 1974.**

I hereby acknowledged that I am aware of the above conditions which have been read over/explained to me and that I accept the same. Signatures or mark of the licensee). Certified that the conditions specified in the licence have been read over/explained to (Name)..... and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been released accordingly on the..... Signatures and designation of the Certifying authority, (i.e. Superintendent of the Institution)\*To be renumbered where necessary Form X[See rule 28] Bond to be executed by a Parent/Guardian/relative or fit person to whose care a child is committed under Section 15(1) or Section 20(1) of the Haryana Children Act, 1974. Whereas I, ..... being the parent, guardian, relative or fit person under whose care..... has been ..... (name of the child) ordered to be placed by the Children Welfare Board/Children's Court..... have been directed by the said Child Welfare Board/Children's Court to execute a bond the sum of rupees..... (Rupees.....) with one surety\*/two sureties, I hereby bind myself on the said..... being placed under my care. I shall have the said ..... properly taken care of and I do further bind myself to be responsible for the good behaviour of the said ..... and to observe the following conditions for a period of ..... years commencing from..... (1) that I shall not change my place of residence without giving previous intimation in writing to the Board/Court through the Probation Officer; (2) that I shall not remove the said..... from the limits of the jurisdiction of the

Board/Court without previously obtaining the written permission of the Board/Court;(3)that I shall send the said..... daily to school/to such daily work as is approved by the Board/Court unless prevented from so doing by circumstances beyond my control;(4)that I shall send the said..... to an attendance Centre regularly unless prevented from so doing by circumstances beyond my control;(5)that I shall report immediately to the Board/Court through the Probation Officer, if the said..... misbehaves or absconds from my custody;(6)that I shall produce the said..... before the Board/Court whenever so required by it;(7)that I shall render all necessary assistance to the Probation Officer to enable him to carry out the duties of supervision :(8)(9) (10)\*Omit which is not applicable.\*Omit where no surety is required.\*To be retained in the case of a child of school age.\*Omit if the supervision by a Probation Officer has not been ordered.\*Additional conditions, if any, by the Court/Board may be entered, numbering the properly.(11)+in the event of my making default herein, I bind myself to forfeit to Government the sum of Rupees..... (Rs.....) dated this the ..... day of..... 19.Before me(Signed)Signatures of person executing the Bond).To be renumbered where necessary.Where a Bond with Sureties is to be Executed add)I/We..... of..... (place of residence with full particulars) hereby declare myself surety/ourselves sureties for the aforesaid..... (Name of the person executing the bond)that he shall do and perform all that he has undertaken to do and perform and in case of his making defaulting therein, I/we hereby bind myself/ourselves jointly and severally to forfeit to Government the sum of Rupees..... (Rs.....).Dated this the..... day of.....19..... In the presence of(Signed)Form XI[See rule 30(2)]Bond to be signed by a child who has been ordered under Section 33 of the Haryana Children Act, 1974 to be a relative or a fit persons to has ordinary place of residence.Whereas I..... inhabitant of..... give full particulars such as House number, road, village/town, tehsil, district, State) have been ordered to be sent back to my native place by the Child Welfare Board/Children's Court..... under Section 33 of the Haryana Children Act, 1974 on my entering into a bond under sub-rule (2) of Rule 30 of the Haryana Children Rules, 1974, to observe the conditions mentioned herein below :-Now, therefore, in do solemnly promise to abide by these conditions during the period..... I hereby bind myself as follows :-(1)that during the period..... I shall not ordinarily leave the village/town/district to which I am sent and shall not ordinarily return to the State of Haryana or go anywhere else beyond the said district without the prior permission of the Board/Court;(2)that during the said period I shall attend work/school in the village/town or in the said district to which I am sent;(3)that in case of my attending work/school at any other place in the said district shall keep the Board/Court informed of my ordinary place of residence;(4)that I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me;(5)that during the period specified in the order I shall particularly observe the following conditions :-(a)that I shall accept the guidance and assistance of the relative or fit person to whom I am sent as named in the order and will obey the directions given to me from time to time by the said person;(b)that I shall not play truant from home, school, work or place to which I am sent;(c)that I shall live honestly and peaceably and will endeavour to earn an honesty livelihood/attend school regularly and obey the authorities and shall not changes my employment/school without the permission of the relative or fit person to whom I am sent;\*(d) \*(e) \*(f)(6)In the case of my making default in observing any of the condition specified above I shall on my re-appearance before the competent authority receive such order as the competent authority deems fit.Dated this..... date of..... 19Signature or mark\*Additional conditions, if any, may be entered by the

Court/Board. Form XII[See Rule 30(2)] Undertaking to be given by the person, to whose care the child is to be sent to his native place. I, ..... resident of..... (give full particulars such as house No..... road, village/town, district, State) do hereby declare that I am willing to take charge of..... aged..... under the orders of the Child Welfare Board/Children's Court/..... subject to the following terms and conditions; (i) I shall do my best for the welfare and education of the said..... as long as he/she remains in my charge and shall make proper provision for his/her maintenance. (ii) If his/her conduct is unsatisfactory I shall at once inform the Competent Authority. (iii) In the event of his/her illness, he/she shall have proper medical attention in the nearest hospital. (iv) I undertake to produce him/her before the competent authority when so required. Dated this....., day of..... 19..... Signatures. Signatures and address of witness(es) (1) (2) Form XIII[See Rule 37(7)] Visitors Register

Serial No.	Date of visit	Name and address of the visitor	Particulars of the child visited	Relationship of the visitor with the child	Purpose of visit	Time taken	Whether permitted or not. If refused permission, reason of the same	Remarks
1	2	3	4	5	6	7	8	9

Form XIV[See Rule 37(8)] Register of Correspondence by the Inmates

Serial No.	Name of the child	Date of correspondence	Nature of correspondence	To whom sent	Relationship of the addressee with the child	Whether allowed or not	Remarks
1	2	3	4	5	6	7	8