Provisional Decree, Child Act, 2004

Pursuant to provisions of Article 90 (1) of the Constitution of the Republic of Sudan 1998, the President of the Republic issued the following Provisional Act:

Chapter One
Preliminary Provisions
Title and application

1. This provisional decree shall be cited as “Child Act 2004, Provisional Decree” and shall go into force upon signature thereon.

Repeal and Exemption

2. Juvenile Welfare Act 1983 is repealed, all regulations and orders issued thereupon shall be valid until repealed or amended

Supremacy of the Provisional Decree

3. Provisions of this decree shall be supreme to any other contrary provisions interpreted in favor of child in any other Act to the extent that deter such conflict

Interpretation

4. In this provisional decree, unless the context otherwise requires, the following words shall have the meanings set against them.

“Child” shall mean any male or female child whose age is below eighteen years unless the applicable law stipulates that the child has reached maturity.

“Delinquent” shall mean any child whose age is more than seven years and below fifteen years when committing an act violating a law

“Inclined to delinquency” shall mean any child vulnerable to the danger of delinquency in accordance with provisions of Article 59.

“Court” shall mean children’s court established in accordance with provisions of Article 59

“Prosecution” shall mean children’s Prosecution established in accordance with Article 69.

“Children’s Police” shall mean children’s police established in accordance with provisions of Police Force Act 1999.
Remand Home” shall mean the Home established in accordance with article 70.

“Welfare Home” shall mean the Home established in accordance with the Child Welfare Act 1971.

“Education Home” shall mean the Home established to keep children sentenced to corrective measures in accordance with judicial judgment.

“Social Monitor” shall mean person in charge of social monitoring

“Social Monitoring” shall mean ways through which the court will obtain important information about the delinquent child or child vulnerable to delinquency provided that that includes pre and post trial corrective arrangements.

“Minister” shall mean Minister of social welfare and Development

“Ministry” shall mean Ministry of Social Welfare and Development

“State Minister” shall mean the State Minister in charge of social welfare.

“State Council” shall mean Child State Council established in accordance with provisions of Article 7.

“Custody House” shall mean any suitable place earmarked to cater for the welfare of children below four and subject to supervision and monitoring of a competent body.

Chapter Two
Protection of Children
General Principles

5. Application of provisions of this Provisional Decree and interpretation of clauses contained herein shall adhere to principles enshrined in the Child Rights Act 1990, and to policies, decisions and directives set by the National Council of Child Welfare established in accordance with provisions of the Higher Council of Child Welfare Act 1991 and, without prejudice to the above, the following general principles and regulations shall be the basic principles in the enforcement of provisions of this Act, these are:
a) The state shall guarantee the welfare and protection of children and shall endeavour to create circumstances conducive to child overall and proper upbringing within the framework of freedom, human dignity and spiritual and social values and in a healthy environment.

b) Child’s protection and their utmost interest shall have the priority in all decisions or measures concerning childhood, family or environment by whosoever issue or enforce these decisions and measures.

c) Any other applicable legislation shall not clash with the provisions of this act concerning rights of child to enjoy all general rights and freedoms, protection and welfare guaranteed for man in general and child in particular, without prejudice to applicable provisions of guardianship over self and property.

d) The state shall guarantee all legitimate rights of child particularly their right to lineage, life, growing, name, nationality, breast-feeding, custody, clothing, shelter and welfare in accordance with law.

e) The responsibility of child upbringing shall be laid on the shoulders of parents and the state shall do its best to provide suitable assistance and to ensure the development of child welfare-related institutions.

f) Accused child shall be innocent until proved otherwise, their prosecution shall aim at reintegrating him socially and shall not be held criminal unless he attains the age of seven, instead he shall be subject to any corrective arrangements in accordance with provisions of this Act.

g) Development of childhood and their welfare shall be a religious, patriotic, national and humanitarian obligation and normal family shall be the nucleus of society which is the initial best environment for child upbringing and shall be replaced, if need be, with alternative family.

Tasks of Minister

6. The Minister shall have, within the framework of general policies laid down by the National Council of Child Welfare and in addition to any other functions assigned to him and in execution of rights and protection of child, the following tasks:
a) To monitor the implementation of the Agreement of Child Right and to ensure all rights guaranteed in accordance with the Agreement and provisions of this Provisional Act.

b) To organize and coordinate relations, to ensure provision of resources in kind and manpower between the Centre and States and to utilize them to achieve the objective of this Provisional Decree.

c) Submission of periodic reports to the National Council of Child Welfare on all rights of child and their implementation.

d) Any other talks necessary for implementation of provisions of this Provisional Act.

Chapter Three
Childhood Councils in States


(2) State law shall determine formation of the State Council, its tasks, jurisdiction and concerned committees.

Chapter Four
Health Care
Implementation

Except as otherwise specified herein, provisions of Public Health Act 1975 and Civil Records Act 2000 or any other Act concerning public health shall be implemented.

Child Right to Natural Breast-feeding

8. Child shall have the right to be breast-fed from breast of mother for six months, except in certain cases specified by doctor, and shall continue being breast-fed for two years and state shall accord working mother maternity leave for a period specified by law and regulations of public service.

Child vaccination

10. (1) Child shall be immunized and vaccinated with anti-infectious disease vaccines available in health offices and health units free of charges and that in accordance with regulations and timings specified by a decision from the Minister of Health which shall indicate the diseases for which vaccination is done. The state shall provide vaccination facilities.

(2) Immunization or vaccination of child shall be the duty of the father or the person in whose custody or guardianship the child is.
Health Card

11. The Ministry of Health shall issue a health card for every child and details shall be kept in a special record in the concerned health office and shall be handed over to the child father or his guardian within a month from the date of birth in accordance with rules and regulations of public health.

Presentation of health card

12. The health card shall be presented to whenever child is taken to child welfare centres or health units or any other medical unit. Details of child health condition and immunization and vaccination done and dates shall be indicated in the card.

Attachment of card when child goes to school

13. Father or guardian of child shall present the health card along with other documents when child goes to school, doctor shall indicate in the card results of regular medical check undergone by the child and the diseases and infections detected.

Regular medical check up

14. The Minister of Health shall determine by decree the regular medical check required to be undergone by school children and schedule in accordance with provisions of School Health Act, 1983.

Prohibition of addition of unlawful material in child food

15. (1) Any material protective or otherwise should not be added to child food except if such material is in conformity with conditions and standards accredited by concerned bodies.

(2) Child food and nutrition shall not be advertised except after registration and authorization of marketing.

Child food should be free of germs

16. Child food and nutrition and containers shall be free of germs and material harmful to health.

Child right to psychological care

17. Child shall have the right to psychological care including mental and emotional growing and social and linguistic components and the state shall provide necessary facilitations to that end.
Chapter Five  
Social welfare  
License to nursery houses

18. (1) No body shall establish or change the location of a nursery house without obtaining a prior license from a competent body in the concerned State.

(2) Rules shall organize nursery houses, their licensing, specification, their monitoring and supervision.

Objectives of nursery houses

19. Nursery houses aim at achieving the following objectives:

a. To provide social care to children and to promote their abilities and talents.

b. To prepare children physically, psychologically, culturally and morally in conformity with objectives of the society and its religious values.

c. To spread awareness among families of children so that they are brought up in the right way.

d. To strengthen and promote social links between nursery houses and children families and nursery houses shall have all the facilities and means necessary for realization of such goals.

Purposes of Child clubs

20. (1) Child clubs aim at bringing up the child socially, educationally and culturally by filling his leisure time with sound education.

(2) Without prejudice to the above mentioned, child clubs shall have the following purposes:

a) Child’s social, educational and cultural welfare during his leisure availed by leaves before commencement of daily class and after class.

b) Completion of family and school message to provide care to child and assist working mother to protect her children from physical and psychological negligence and to protect them from being prone to delinquency.

c) To create a healthy atmosphere to ensure an integrated growth of child from all physical, mental and emotional aspects to acquire new skills and to ensure maximum development possible for his potentialities.

d) To assist child to increase his school learning and cultural knowledge.

e) To strength links between club and child family.
f) To provide child family with the knowledge and awareness on child education and factors of his upbringing in conformity with sound educational styles.

Provision of alternative welfare

21. Alternative welfare shall be provided to child who experiences difficult family circumstances which prevented their natural growing in their normal families and that through the following:

a) Alternative families in accordance with provisions of Article 24.

b) Social welfare institution in accordance with provisions of Article 25.

c) Social solidarity institutions.

Alternative families

22. (1) The alternative family system shall provide social, psychological and health welfare to children whose circumstances prevented their upbringing in their natural families for the purpose of ensuring their sound education and upbringing.

(2) Law shall determine the regulations, conditions and rules of alternative families and beneficiary categories.

Alternative welfare institutions

23. (1) Alternative welfare institutions shall provide shelter to children deprived of family care or those whose families broke up or failed to provide them with sound care.

(2) Child shall continue in the institution if he joins higher education until graduation if the reasons for being attached to the institution still exist and has been successful in years of his education.

(3) Law shall determine how alternative welfare institutions are organized.

Establishment of houses for correction of delinquent children and children prone to delinquency

24. (1) Houses for correction of delinquent children and children vulnerable to delinquency shall be established under the supervision of the Minister.

(2) Houses of correction of delinquent and those prone to delinquency shall ensure education and upbringing of delinquent children and children vulnerable to delinquency on various professional skills.

(3) These Houses shall be equipped with qualified specialists in this area.
(4) Rules shall regulate Houses providing care to delinquent children and children vulnerable to delinquency.

**Chapter Six**

**Education**

**Objectives of education of Sudanese child**

25. Education of the child shall aim at ensuring his religious, moral, emotional, patriotic and spiritual upbringing and his scientific, physical and cultural formation and, building him a character that shall worship Allah in freedom, responsibility and belief and, make him aware of his heritage and rehabilitation of himself by implanting in him the love for his motherland, his people and the entire humanity and also to make him aware of advantages of goodness, peace, cooperation and devotion and to build his capacity to the extent of making him capable of effective contribution towards all aspects of development on the basis of equal opportunities.

**Pre-school education**

26. (1) Pre-school education shall be one of the stages of general education and shall include Khalawi (religious schools) and kindergartens.

(2) Pre-school education aims at bringing up children in the age group 4-5 years spiritually, socially and physically and to prepare them for the stage of basic education.

**Right to free education in the basic stage**

27. Free education in the basic stage shall be a fundamental right guaranteed by state to every child attained the age of six years and the state shall create conducive atmosphere.

**Stages of general education**

28. The state shall guarantee education in all stages of general education in accordance with approved educational curriculum.

**Informal Education**

29. The state shall avail opportunities for informal education to enable children at education age to enjoy right of education outside school.

**Prohibited punishments**

30. The following penalties shall not be meted out against children in schools:

(a) Physical punishment whether by hand or otherwise.

(b) Rebutting with abusive words.
(c) To deprive him from attending class unless he is proved an obstacle to progress of class.

(d) Expulsion from school while study is study.

**Remuneration**

31. School children may be remunerated for academic, cultural and technical excellence in accordance with rules.

**School record**

32. Each child shall have a school record containing the following:

(a) Birth certificate.

(b) Health condition, type of disability and social status.

(c) Educational learning.

**Education statistics**

33. (1) One “education statistics day” shall be observed and shall be called the “School Record Day” on which day all pupils and students across the country shall be registered.

(2) School assessment, evaluation and educational plan shall be flexible to the extent of enabling students to continue their study and to assist their families.

**Chapter Seven**

**Child culture**

**Satisfying child cultural needs**

34. The state shall guarantee satisfaction of child’s cultural needs in various fields such as literature, arts, knowledge and information and linking that with society values in a context of human heritage and modern scientific and technical progress.

**Establishment of bookshops**

35. (1) The state shall establish bookshops for children to be attached to child clubs in cities, blocks and villages.

(2) Rules shall determine conditions and procedures for establishing child bookshops and regulation of work therein.

**Prohibition of publications and literary works**
36. Release, display, circulation, photographing or possession of any child publications or artistic works whether visual or audio, which appeal to child's instincts or urging him to indulge in behaviors contrary to society's values and traditions or encouraging delinquency shall be prohibited.

**Organization of premieres viewing**

37. Rules shall organize premieres/shows to be displayed to children at cinema halls and public places, responsibility of directors and monitors of such halls and those responsible for public admission.

**Advertisement of prohibited shows**

38. Directors of Cinema Halls and similar public places shall advertise in a visible place and in Arabic language and by all means of advertisement the images that are prohibited to be seen by children.

**Chapter eight**

**Working child**

**Employment of children**

39. (1) For the purpose of application of this chapter: “working child” means a child whose age ranges between 14-18 years.

(2) Notwithstanding the provisions of clause (1) child may be attached for:

   a) Apprenticeship in industrial schools, institutes, educational and training centres which are supervised by state after completing basic education and in accordance with the laws regulating that.

   b) Agricultural work which is not harmful to health and that in accordance with regulations specified by the Minister.

**Employment of child in industrial work**

40. (1) Child shall not be employed in industrial works before reaching the age of 15 years.

(2) Notwithstanding provisions of clause (1) the child who reaches the age of 14 may be employed in light industrial works but that shall not affect his study, health or morals.

(3) Industrial works and light industrial works shall be determined by a decision from the Minister.

**Prohibition of employment of children in some unlawful works**

41. Child shall not be engaged in forced labour, sexual or licentious exploitation, illicit trade or exploitation or use in armed conflicts.
Medical check

42. (1) Employer shall ensure medical check of employed children before they report for duty to ascertain their medical fitness.

(2) Medical check shall be conducted every year.

(3) A decision from a competent body shall determine kind of aforesaid medical check and the medical body that should conduct it and the requirements of a medical certificate.

(4) Inspector may demand medical recheck of the child before its next due date if deemed necessary.

(5) In all cases child shall not bear the cost of conducted medical check.

Working hours

43. (1) Working hours per day for child shall not exceed six hours with break or breaks the amount of time of which shall not be less than one hour, child shall not work for more than four continuous hours and shall not remain at work place for a period exceeding seven hours.

(2) Child shall not be made to work beyond office hours or be made to work on weekly days of rest or official holidays.

(3) In all cases children shall not be made to work during the night between 8:00 pm to 7:00 am.

Weekly rest hours

44. (1) Working child shall be entitled to at least a weekly paid 24 hours mandatory rest.

(2) Working child shall be entitled to a paid annual leave the duration of which shall be longer than other employees’ entitlement and in all cases shall not be less than 21 days.

Social services

45. (1) Child shall be entitled to benefit from social services rendered to workers in conformity with his age.

(2) The employer shall ensure insurance of child in the Social Insurance Fund, to provide health and medical assistance in the manner specified by the authorities concerned, to train him on how to use professional health safety facilities, monitor application and making use of such facilities.

Records of working children
46. (1) Employer who is employing children shall maintain registers containing the following:

(a) Names of employed children, age and date of joining.

(b) Duties assigned to them, working hours, duration of breaks and annual leaves.

(c) Date of their medical check and medical certificates ensuring their medical fitness.

(2) Employer shall notify concerned body of the names of children working for him, their ages and date of joining the work and any other information related to the children and names of persons assigned to supervise their work.

**Display of terms and conditions on employment of children in a visible place**

47. The employer who is employing one or more children shall display visibly at work place the terms and conditions concerning child employment contained herein and rules and orders issued thereupon.

**Payment of wages to child**

48. Employer shall pay the child their salary or remuneration or any other dues.

**Keeping child informed of professional hazards**

49. The employer shall keep the child informed of profession’s hazards, prevention and taking of necessary precautionary measures to protect him from industrial accidents and profession-induced diseases.

**Training of employed child**

50. Employer shall not assigned work to child before providing child with sufficient training or placing child under monitoring of experienced person or persons.

**Chapter Nine**

**Welfare of disabled child and rehabilitation**

51. (1) disabled child shall have the right to social, health and scientific care with a view to train him to rely on himself, state shall protect shall from any act harmful to his education, health or his physical, mental, spiritual or social growing.

(2) Child shall have the right to rehabilitation by providing him with social, psychological, medical, educational and professional services as well as artificial limbs free of charge to enable him to overcome effects of disability.
Establishment and licensing of schools for disable children

52. (1) The Ministry of Education shall establish or license the establishment of schools or classes for education of handicapped children in a manner that suits their capacity and readiness as per conditions and specifications determined by a decision from the Minister of Education.

(2) The Ministry of Education shall determine admission requirements, curricula and system of educations.

Issuance of certificates

53. Any disabled child being rehabilitated shall be awarded a certificate indicating his profession in which he is trained as well as any other information the Minister deems necessary to be included.

Registration in Labour Office

54. (1) The concerned labour office shall register name of qualified disabled child in a special register at the request of the quarter that carried out the rehabilitation.

(2) The Labour Office shall assist disabled children registered with it to get jobs that suit their ages, efficiency and residence provided the Labour Office notify the Ministry’s Social Welfare Department.

Earmarking of jobs

55. The Minister of Labour, in consultation with the concerned Minister and on the basis of his decision allocate jobs in the state’s administrative organ and public utilities to disabled children who are issued qualification certificates.

Employment of disabled children

56. (1) The employer who employs more than 50 employees whether in one or different places in a one town or village shall employ disabled children to be nominated by the labour office at the rate of minimum 2% of the total number of employees.

(2) Employer may meet the requirement specified in (1) by employing disabled children on a basis other than nomination of Labour Office.

(3) Employer shall notify labour office concerned about the names of disabled children employed within one week from report for duty.

Exemption from tax and custom duty

57. Artificial limbs, facilities and means of transportation for disabled children shall be exempted from all kinds of tax and duties pending sanction of the Minister of Finance and National Economy.

Chapter Ten
48. For the purposes of this Chapter a child shall be deemed delinquent or vulnerable to delinquency and shall be confined to care and corrective measures if found in an environment that exposes his moral, psychological, physical and educational safety to danger, in any of the following cases:

a) If the child is a beggar or indulging in improper means of livelihood.
b) If not under the control of his father or guardian.
c) If he is repeatedly running away from home, school or institute.
d) If used to spend nights in improper places.
e) If frequenting suspicious places.

Corrective arrangements

58. (1) Following corrective measures shall be imposed on delinquent child or child vulnerable to delinquency:

a) Shall be placed under the care of any of the following care-takers:
   i. His parents or one of them.
   ii. A person who has custody over him.
   iii. One of his family members or a relative.
   iv. Alternative family which shall undertake to look after him.
   v. A competent body working in the area of child care.

b) Shall be rebuked and warned.
c) Shall be prevented from frequenting certain places.
d) Shall be prevented from practicing certain jobs.

(2) Court may impose corrective arrangements for duration it deems necessary and suitable provided it shall not exceed the point at which the child attains the age of 18.

Corrective arrangements

59. The following corrective arrangements shall be imposed on a delinquent child or child prone to delinquency:

a) Shall be sent to a reformatory.
b) Shall be placed under social observation in his social environment.
c) Shall be committed to undergo suitable professional, cultural, sport or social training.

Consideration of child age when arrangements are to be imposed

60. Court shall take into consideration the age of delinquent child or child vulnerable to delinquency when imposing corrective arrangements for social rehabilitation.

Power of court to impose the arrangements
61. The court may, in consideration of case of delinquent child or child vulnerable to delinquency, take the following measures:

a) Exempt child from corrective arrangements on reasonable ground.
b) Impose one or more arrangements or replace it with another.
c) Stop the measure if established that the child is corrected and needs no further correction.

**Correction report**

62. Director of Corrections shall submit a report to the court every three months indicating condition of delinquent child or child vulnerable to delinquency as well as its recommendations concerning the case.

**Chapter Eleven**

**Concerned Justice and Judicial Organs**

**Establishment of Child Police**

63. Pursuant to provisions of Police Forces Act, 1999 a police force titled “Child Police” shall be established and shall have all independent sections and units to carry out jurisdictions specified in this Act.

**Jurisdictions of Child Police**

64. (1) Child Police shall have the following jurisdiction:

a) Investigate offenses attributed to children in accordance with what is specified in this or any other law.

b) Taking of necessary measures to safeguard and protect children from all forms of violations and conduction of investigations which shall be submitted to child prosecution.

c) Search for children who are missing, decoyed or fleeing from their families, educational or charity institutions or any other institutions concerned with children.

d) To conduct researches and statistics in collaboration with bodies in charge of delinquency and violations on the part of children and the same shall be submitted to concerned bodies along suitable recommendations.

**Child interrogation**

65. Child shall only be interrogated in press of guardian, caretaker or representative and in presence of delegate of social service office.

**Social Service Office**

66. (1) In each Child Police station there shall be an office for social and psychological service having enough number of social and psychological researchers whether they are government employees or volunteers.
(2) Social and psychological office shall undertake the preparation of social and psychological file for child.

**Arrest and imprisonment**

67. (1) Measures shall not be taken against a child except in presence of his guardian and warrant of arrest against child shall only be carried out by child police.

(2) Magistrate or judge who issued the warrant of arrest shall maintain a record of reasons for doing so and indicate all social, psychological and educational arrangements that must be taken by child police to carry out the warrant of arrest.

(3) Upon arrest of child, Child Police shall inform child’s parents or guardians or caretakers forthwith.

(4) Child shall not be jailed or made to stay with persons unfairly.

(5) Child shall be imprisoned only after consideration of and exhaustion of all reasonable alternatives provided imprisonment shall be the shortest possible term not exceeding seven days.

**Remand homes**

68. (1) In each jurisdiction there shall be established a remand home for children awaiting investigation or prosecution, all specifications shall be taken into consideration in accordance with rules.

(2) While in remand homes children shall get individual, social, educational, professional, psychological and medical help they need with due consideration to their gender, character and peculiar circumstances.

**Child prosecution**

69. (1) pursuant to provisions of Justice Ministry Organization Act, 1983 and any other Act replacing it a prosecution shall be established titled “Child Prosecution” to supervise investigation conducted by child police in accordance with provisions of this Act.

(2) Child Prosecution shall give due consideration to good treatment of child in interrogation it supervising.

(3) Employees of Child Prosecution shall receive sufficient training in social and psychological sciences and international conventions and laws on child before assigning to any of them a child-related job.

(4) Child Prosecution shall take the help of psychologist and sociologists to assist it in its investigations whether the experts belong to official quarters or volunteers.

**Prosecution**

Formation of Child Court
70. (1) Pursuant to provisions of the Judiciary Act, 1986 a court shall be set up in every State and panel shall consist of at least first class judge assisted by two members specialized in child affairs to be appointed by the chief justice on the recommendation of the judge.

(2) Child Court judge shall have received adequate training in social, educational and psychological science and familiar with ways of dealing with children as well as international agreements on child to which Sudan is a party.

**Jurisdictions of Child Court**

71. Child court shall decide the following:

   a) Cases referred to it concerning delinquent child.

   b) Cases referred to it from the Prosecution or Social Service Office or family of child concerning children vulnerable to delinquency or those subjected to violations.

**Child apprehension**

72. Child may by order from Child Court during investigation or prosecution by apprehended as precaution in a remand home if that is necessitated by child circumstances or nature of offense for which he is being punished.

**Prosecution procedures**

73. (1) Child Court shall apply the procedures concerning the prosecution specified in this Act and, in the event of absence of specification of any procedural case the court shall follow UN model regulations for juvenile and Beijing regulations.

(2) Notwithstanding what laid down in this Act concerning procedures that shall be followed by the Court, the procedures may be informal and prosecution may occur in any place if the court deems that that in favour of child.

(3) Child shall only be prosecuted in presence of guardians or representative and a delegate from Social Service Office.

(4) Child shall only be prosecuted in presence of lawyer and court may allow the presence of any other person as a friend.

(5) Court may not insist on presence of child being prosecuted if court deems that that is in the interest of child.

(6) Any procedure that required by law to be informed to child shall be communicated to his father, guardian, caretaker or lawyer who shall have by law every right to appeal against the judgment passed against the child.
(7) If court deems that health, physical, mental and psychological condition of child entails that child should be medically checked before the case is decided it shall refer the child to the concerned hospital and decision of case shall be suspended until completion of medical check and receiving of report.

(8) Judge of child court and child prosecution magistrate shall visit remands, education houses and social welfare institutions falling within their jurisdictions at least once a month to get acquainted with circumstances of detained or convicted children and either of them may issue directions deemed necessary.

(9) If a wrongdoing is done by mature children they shall be prosecuted by a normal criminal court, children shall not be made to appear before the criminal court, a representative may attend on behalf of the child.

Reference of cases from criminal courts to child court

74. (1) Criminal court shall pass any sentence or corrective measures against child if already convicted and file shall be referred to competent child court for decide what it deems suitable.

(2) The child court to which copy of minutes is sent pursuant to provisions of this Section shall order the conduction of any investigation or social research and may summon the child before it to consider suitable action.

correction concerning delinquent child

75. (1) Court may take the following corrective measures in the case of delinquent child:

   a) To influence him morally in a suitable way as directed by concerned expert.
   b) To be handed over to parents or any of them or to a lawful guardian who undertakes to look after him.
   c) To be taken to a child charity society or to any other charity.
   d) Place him under social observation or under the observation of the environment in which he lives.
   e) To send child to a reformatory for a suitable period provided not exceeding the point when child attains the age of 18.

(2) Court may on the basis of recommendation from Welfare home or any other competent body amend or cancel any duration specified in (e).

Correction in case a victim child

76. (1) If Court established that child is exposed to danger or any harmful influence it may ask any competent bodies to study his case and make recommendations of suitable correction and determine the competent body that will make the correction.
(2) If the criminal court or any other court deciding a case involving a child discovered that a wrongdoing is done to a child shall take the necessary action and refer the case to Child Court for decision pursuant to (1).

(4) Court shall pass a suitable judgment on the recommendation of body referred to in (1).

**Principles of verdicts**

77. The competent court shall take into consideration the following principles when issuing the following verdicts:

a) The correction shall be suitable to child circumstances, needs, wrongdoing and circumstances of needs of society.

b) Restrictions shall not be imposed on child’s personal freedom except after adequate study provided such restrictions shall be the minimum possible.

c) Child shall not be denied personal freedom except if established that the offense involved violence and likelihood if recurrence and if there is no other suitable correction.

d) Child shall not be sentenced to death.

e) Child interest shall be the objective of correction.

**Execution of sentence**

78. (1) Child Court shall supervise execution of judgments passed by it.

(2) Social Service Office shall submit to Child Court periodic report every three months on development of child behaviour and Court may demand a report about the child every three months if need be and this period may be shortened on reasonable ground.

(3) Court may in the light of reports submitted from Social Service Office amend the corrective measures taken by it in accordance with general principles of Child Agreement, 1990 whenever that is necessary.

**Confidentiality of sessions**

79. Child rights to privacy shall be respected during prosecution to avoid causing child any harm and information about child appearance before court shall not be released without prior permission.

**Decision of case outside judicial system**

80. (1) Child Court may refer the case involving a delinquent child to be decided outside the judicial system provided Court specifies the criteria and terms and conditions that shall be applied for such a decision.

**Appeal**
81. (1) Judgments and orders issued by Child Appeal Court shall be subject to court of appeal and its rule shall be final but court of appeal may reconsider its judgment on reasonable grounds.

(2) Concerning formation of court, its judges’ familiarity with child affairs shall be taken into consideration.

**Records**

82. (1) Records of cases involving child shall be maintained in total secrecy and shall not be accessed without court’s permission and shall be accessible to persons specified in this Act.

(2) If child appears before any child court that court shall ensure that papers of previous prosecutions by other court shall be attached for the purpose of child’s background and circumstances.

(3) Notwithstanding any other rules concerning burning of papers of cases, papers of cases involving children shall be burned upon attainment of child of the age of 18.

(4) Records of case involving a child shall not be used against the same child after reaching the age of maturity.

**Exemption from judicial fees and charge**

83. Child shall be exempted from payment of judicial fees and charges.

**Chapter twelve**

**General rules**

**Penalties**

84. (1) without prejudice to any major penalty specified by any other Act, the following shall be punished:

a) Violator of provisions of Article 15 and 16 shall be sentenced to imprisonment not less than six months or fine or both and in all cases the food items, containers and tools used shall be confiscated.

b) Violator of provisions of Article 18 (1) shall be sentenced to imprisonment not exceeding one year or fine or both and house may also be closed.

c) Violator of provisions of Articles 38 and 39 shall be sentenced to imprisonment not exceeding one month or fine or both.

d) Employer or manager that violates any of the provisions of Chapter Eighth and decisions issued thereupon shall be sentenced to imprisonment not exceeding one year or fine or both.

(2) Court shall enforce the fine as per the number of children who are victims of the violation and if recurred fine shall be redoubled.
(3) The competent court may earmark part of fine to victim.

**Penalty of delinquent child**

85. (1) If a delinquent child who has completed the age of 15 but whose age does not exceed 18 commits an offense shall be punished thus:

a) If crime is punishable by death sentence child shall be sentenced to imprisonment not less than six years and shall not exceed ten years.