

The Sikkim Children Act, 1982

Chapter 2 - In this Act, unless the context otherwise requires

(a) "authorised person" means a person authorised by the Government under sub-section (1) of section 16;(b) "begging" means(i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune telling performing tricks or selling articles or otherwise; or(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal; or(iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;(c) "brothel", "prostitute", "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956;(d) "child" means .a person who has not attained the age of eighteen years and when used with reference to a child sent to a children's home or special school applies to that child during the whole period of the stay, notwithstanding that during the period of such stay, the child may have attained the above age limit;(e) "children's court" means a court constituted under section 4;(f) "children's home" means an institution established or certified by the Government under section 8 as a children's home;(g) "competent authority" means a children's court and includes in respect of any area for which no children's court has been constituted any magistrate empowered under subsection (2) of section 6 to exercise the powers conferred on a children's court by or under this Act;2 of 1930(h) "dangerous drug" shall have the meaning assigned to it in the Dangerous Drugs Act, 1930;(i) "delinquent child" means a child who has been found to have committed an offence;(j) "fit person" or "fit institution" means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a child entrusted to his or its care and protection on the terms and conditions specified by the competent authority;(k) "Government" means the State Government of Sikkim;(1) "guardian", in relation to a child, includes any person who, in the opinion of the competent authority having cognizance of any proceeding in relation to a child, has, for the time being; the actual charge of, or control over, that child;(m) "neglected child" means a childwho(i) is found begging; Or(ii) is found without any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or(iii) has a parent or guardian who is unfit or unable to exercise or does not exercise proper care and control over the child; or(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose ,of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;(n) "observation home" means any institution or place established or recognized by the Government under section 10 as an observation home;(0) "offence" means an offence punishable under any law for the time being in force;(p) "place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a child and which in the opinion of the competent authority may' be a place of safety for the child;(q) "prescribed" means prescribed by rules made under this Act;20 of 1958.(r) "probation officer" means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958;(s) "special school" means an institution established or certified by the Government under section 9;(0) "supervision", in relation to a child placed under the care of any parent, guardian or other fit person under this Act, means the supervision of that child by a probation officer for the purpose of ensuring that the child is' properly looked after and that the conditions imposed by the competent authority are complied with;(u) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.Continuation of inquiry in respect of child who has ceased to be child.