

## **The Goa Children's Act, 2003 and Rules, 2004**



### The Goa Children's Act, 2003 and Rules

1. <b>The Goa Children's Act, 2003 (Goa Act No.18 of 2003)</b> published in Official Gazette (Extraordinary No. 5), Series I, No. 15, dated 14-7-2003. The Act came into force on 8-7-2003
2. <b>The Goa Children's (Amendment) Act, 2004 (Goa Act No. 12 of 2004)</b> published in Official Gazette (Extraordinary), Series I, No. 8, dated 20-5-2004. The Act came into force at once.
3. <b>The Goa Children's Act, 2005 (Goa Act No. 20 of 2005)</b> published in Official Gazette (Extraordinary), Series I, No. 37, dated 21-12-2005. The Act came into force at once.
4. <b>The Goa Children's Homes Rules, 2004.</b>

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**THE GOA CHILDREN'S ACT, 2003**  
(Goa Act 18 of 2003) ( 8-7-2003)

AN

ACT

*to protect, promote and preserve the best interests of Children in Goa and to create a society that is proud to be child friendly.*

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-fourth Year of the Republic of India, as follows:—

**1. Short title, extent and commencement.**— (1) This Act may be called the Goa Children's Act, 2003.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

**2. Definitions.**— In this Act, unless the context otherwise requires,—

(a) <sup>1</sup>["Special officers"] means officers that are appointed as such under the provisions of this Act;

(b) "A care giver" is a person who is responsible for looking after the well being of the child. This person may be a staff member of any residential facility for children, an employee of an educational institution, a nursery, crèche, a clinic, a hospital, a sports club, a recreational facility or an employee of any facility which provides services to children;

(c) "A place of care" of children are all the places mentioned in clause (b) and any other place which is a place for the care and custody of children;

(d) "Child" means any person who has not completed eighteen years of age unless any other law in force specifies otherwise or unless otherwise indicated in specific provisions in this Act;

<sup>2</sup>[Provided that in so far as a victim in an offence of rape is concerned, "child" shall mean any person who has not completed sixteen years of age;]

(e) "Child in case of child labour", shall be a person who has not completed his fourteenth year of age;

(f) "Children's Home" means an institution, whether called an orphanage, home or by any other name and where one or more children reside, either fully or partly <sup>3</sup>[and shall include all crèches, boarding schools, orphanages, protective homes and hostels which provide for care or custody or education or rehabilitation of a child];

(g) "Chief Secretary" means the Chief Secretary to the Government of Goa;

(h) "Children's Court" means the Court constituted under section 27;

<sup>1</sup> In place of words "authorized officer" the words "special officers" substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>2</sup> Inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>3</sup> Inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(i) "Competent authority" means the Secretary to the Government in charge of the Department of Women and Child Development;

(j) "Child labour" means all forms of labour involving children below the age of fourteen;

<sup>4</sup>[(jj) "commercial sexual exploitation of children" means all forms of sexual exploitation of a child including visual depiction of a child engaged in explicit sexual conduct, real or stimulated, or the lewd exhibition of the genitals intended for sexual gratification of the user, done with a commercial purpose, whether for money or kind. It includes implying, allowing, using, inducing or coercing any child to engage in sexual conduct, it also includes the use of the child in assisting with other persons to engage in explicit sex;"]

(k) "Certificate" means the certificate of registration granted under section 6;

(l) "Child in need" means all children including those whose rights are being violated or who need special attention and/or protection and shall include, for the purposes of this Act:—

(i) Child in need of care and protection and juvenile in conflict with law as defined in the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

(ii) Child labour;

(iii) Street Children;

(iv) A child who has been dedicated;

<sup>5</sup>(v) omitted

<sup>6</sup>(vi) omitted

(vi) A child in a Home, registered or otherwise;

(vii) <sup>1</sup> Omitted vide Act 20 of 2005.

(viii) A child in foster-care;

(ix) Child in situation of abuse;

(x) A differently abled child;

(xi) Children of prisoners;

(xii) Children of commercial sex workers;

(xiii) A child who is vulnerable;

(xiv) A child whose parents are separated or divorced;

(xv) A child who has an illness or disease or ailment which has a social stigma attached to it e.g. HIV, Leprosy.

<sup>4</sup> Inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>5</sup> Omitted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>6</sup> Omitted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>7</sup>[ (ll) “child in difficult circumstances” means a child in need which is exposed to or is likely to be exposed to child abuse or sexual offences or child trafficking or commercial sexual exploitation or violation of his or her rights”];

(m) “Child abuse” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:—

(i) psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

(ii) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

(iii) unreasonable deprivation of his basic needs for survival such as food and shelter; or failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death;

(n) “Dedication” means the performance of any act or ceremony by whatever name called, by which a girl child is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship;

(o) “Director” means the Director of the Directorate of Women and Child Development;

(p) “Fund” means the State Children’s Fund constituted under section 14;

<sup>8</sup>[(pp) “Government or State Government” means the Government of Goa;”]

(q) “guardian” in relation to a child means his natural guardian or any other person who is legally authorised for the purpose of having the actual charge or control over the child;

(r) “High risk” areas means those areas in which children are vulnerable to exploitation as notified by the Government in the Official Gazette;

(s) “Offence” means an act or omission made punishable under any law for the time being in force;

<sup>9</sup>[(t) “medical authority” means such authority as notified by the Government by order or notification published in the Official Gazette and whose certificate on the age of a child shall be conclusive evidence as to the age of the child to whom it relates;]

(u) “prescribed” means prescribed by rules under this Act;

<sup>10</sup>[(uu) “principle of best interest of child” means the principle which seeks to ensure the physical, emotional, intellectual, social and moral development of the child, and to provide him safe environment from all kinds of child abuse;”]

(uv) “rape” means rape as defined in section 375 of the Indian Penal Code, 1860 ( Act V of 1860);]

<sup>7</sup> Inserted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985

<sup>8</sup> Inserted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>9</sup> substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>10</sup> Clause “uu” and “uv” inserted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

(v) “registered children’s home” means a children’s home which has been registered under this Act;

(w) “Secretary” means the Secretary to the Government in charge of the Department of Women and Child Development;

(x) “Sexual Offence” covers all forms of sexual abuse which constitute offences under this Act;

(y) ‘Sexual offences’ for the purposes of awarding appropriate punitive action means and includes,—

<sup>11</sup>[(i) “Grave Sexual Assault” which covers different types of intercourse; vaginal or oral or anal, use of objects with children, forcing minors to have sex with each other, deliberately causing injury to the sexual organs of children, making children pose for pornographic photos or films, and also includes rape;]

(ii) Sexual Assault which covers sexual touching with the use of any body part or object, voyeurism, exhibitionism, showing pornographic pictures or films to minors, making children watch others engaged in sexual activity, issuing of threats to sexually abuse a minor, verbally abusing a minor using vulgar and obscene language;

(iii) Incest which is the commission of a sexual offence by an adult on a child who is a relative or is related by ties of adoption.

(z) “child trafficking” means the procurement, recruitment, transportation, transfer, harbouring or <sup>12</sup>[receipt of children] legally or illegally, within or across borders, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise.

(za) ‘Differently Abled Children’ includes children with disabilities, learning difficulties and associated disorders like Autism.

<sup>13</sup>[(zb) The words “complaint”, “bailable offence”, “non-bailable offence”, “cognizable offence”, “charge-sheet”, “police report”, “warrant”, “search warrant”, “remand”, “trial”, “Judicial Magistrate”, “District Magistrate”, “offence”, “compounding”, “officer in charge of Police Station” and “Cognizance” shall have the same meaning as assigned to them under the Code of Criminal Procedure, 1973 ( Act 2 of 1974).]

**3. Rights of the Child.**— (1) <sup>14</sup>[The State shall ensure that children are protected from child abuse, sexual offences, child trafficking, child prostitution and violation of their rights] against exploitation and that they are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity.

<sup>15</sup>[(2)] omitted

<sup>11</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>12</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>13</sup> Inserted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>14</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>15</sup> Omitted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

(3) The State shall promote with special care the educational interests of children from the weaker sections of society including the Scheduled Castes and Scheduled Tribes.

(4) The State shall regard the raising of the level of nutrition and the standard of living as well as the improvement of public health as among its primary duties.

(5) The provisions of the Convention of the Rights of the Child as acceded to by the Government of India are hereby declared to be part of the law of the land and it shall be the duty and responsibility of the State Government to respect and ensure that the Rights of the Child as declared and enumerated in the Convention, are protected and guaranteed to every child within the territory of Goa.

(6) For the proper implementation of the Rights of the Child included in the Convention and to prevent any discrimination, exploitation or abuse of the child on any ground, government shall take adequate measures;

(7) All the authorities, whether public or private, <sup>16</sup>[ ] shall, while undertaking any action concerning children, take the best interest of the child as the primary consideration.

(8) The provisions of the Convention on the Rights of the Child are taken as rights of the child in Goa and are legally enforceable, except where they pertain to the central government or to any other authority which is outside the purview of the state government provided that nothing in this section shall restrain the government from specifying higher standards for children.

**4. Education.**— (1) That State shall endeavor to promote holistic education. Universal application of joyful learning processes should be ensured.

(2) The State accepts the concept of zero rejection for children. No child shall therefore be denied admission to any school on any ground including that the name of the father is not available; the absence of relevant documentation; the child is suffering from HIV or AIDS; belongs to marginalized communities; suffers from any illness or that the child is differently abled.

(3)<sup>17</sup>[Counseling facilities by trained personnel shall be provided to the child in all schools];

(4) All schools <sup>18</sup>[shall preferably include ] child rights and gender justice in their curriculum and at least 48 hours of instruction every year shall be exclusively devoted to teaching and discussing all matters related to these. The duties of the child should also be discussed during these sessions. This will apply to all students from Standard V and above.

(5) The school curriculum <sup>19</sup>[shall preferably also include] health awareness including malaria, AIDS, personal hygiene, nutrition, family life education, communicable diseases,

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<sup>16</sup> The words “social welfare institutions, or legislative bodies” omitted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985].

<sup>17</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>18</sup> Substituted in place of “shall include” by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>19</sup> Substituted in place of words “shall also include” by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

alcoholism, substance abuse, <sup>20</sup>[sexuality education, ]etc. irrespective of the stream of education. This will apply to all students from Standard V and above.

(6) Health applied education towards holistic health shall be <sup>21</sup>[preferably ] included in all schools with, among other things, yoga, pranayama and meditation, in the physical education curriculum. This will apply to all students.

(7) All schools shall have <sup>22</sup>[ ] mechanism such as School Parliament to foster participatory democratic processes. This will apply to all students from Standard VIII and above.

(8) The Government <sup>23</sup>[shall strive to work] towards the goal of universal elementary education and eradication of child illiteracy within a period of <sup>24</sup>[seven years] from the commencement of this Act. The State shall prepare a comprehensive Plan of Action for achieving this which may include provision for alternate schooling including non-formal education, vocational and livelihood- skills training, and shall create the necessary infrastructure and an enabling environment in order to realise the goal.

(9) The State shall lay down guidelines for early childhood care and education and for all pre-school educational institutions for children, including registration and regulation of standards.

(10) Every school shall have safe drinking water, toilet facilities and adequate physical infrastructure <sup>25</sup>[including barrier free access].

(11) Every school shall be equipped with appropriate and adequate teaching aids.

(12) Corporal punishment is banned in all schools.

(13) The State shall, in the manner prescribed, provide support to all children with disabilities and challenges.

(14) A participatory evaluation and learning process rather than the exam system based on learning by rote and ensuring that all children have attained minimum levels of learning should be evolved.

<sup>26</sup> [(15) Any contravention or non-adherence of the provisions of this section shall be dealt with by the Competent Authority only and shall be punishable with a fine which may extend to Rs. 50,000/-.]

**5. Health & Nutrition.—** (1) Mandatory immunisation with MMR vaccine in children, Rubella vaccine in adolescent in girls and Hepatitis B vaccine in infancy should

<sup>20</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>21</sup> Substituted in place of words "compulsorily" by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>22</sup> The words "elected Students Councils or any other" omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>23</sup> Substituted in place of words "shall work" by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>24</sup> In place of words "three years" substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>25</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>26</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

be introduced <sup>27</sup>[in a phased manner] as part of the on going <sup>28</sup>[free Immunisation programme] of the State.

(2) The State shall endeavour to make possible Maternity leave of 6 months in all sectors of employment including for adoptive mothers and single parents.

(3) Creches and day care centers for infants and children of working mothers in all sectors of employment <sup>29</sup>[may] be set up at the work site or close to the same, in cities and villages, to the maximum extent of available resources.

(4) The State should ensure the creation and maintenance of comprehensive Health cards inclusive of growth and developmental, immunisation and other records for all infants and children including those in crèches, homes and schools, and migrant children.

(5) The State shall seek to provide for palliative and terminal care for infants and children with life threatening and terminal illnesses like cancer and HIV/AIDS.

(6) That State shall take effective steps so that parents do not transmit the HIV virus to their child.

(7) It shall be the duty of all individuals, organizations, institutions etc., to keep their immediate environment clean and free of garbage, faeces, and other items harmful to children. Non-observance of the provisions of this sub-section will carry a penalty which may range from Rs. 100/- to Rs. 1000/-.

(8) The State shall strive to reach higher standards for children by protecting them from malaria and from all avoidable illness and diseases.

(9) Special provisions shall be made for the treatment, education and integration of all children with leprosy.

(10) Special attention shall be given to issues of substance <sup>30</sup>[psycho – social well being] drug and alcohol abuse in children.

<sup>31</sup>[(11) No medical institution or clinic or hospital or nursing home shall reject admission or treatment of a child or pregnant mother who has any illness or disease or ailment which has a social stigma attached with it, such as Leprosy, AIDS, etc.

(12) Any contravention or non-adherence of the provisions of this section, except for sub-section (7), shall be dealt with by the Competent Authority only and shall be punishable with a fine which may extend to Rs. 50,000/-.]

**6. Children's Homes.**— (1) All Children's Homes must be registered under this Act. Such Children's Homes as have already been set up prior to the commencement of this Act shall apply and must register themselves with the Director in the prescribed form within three months from the commencement of this Act.

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<sup>27</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>28</sup> In place of words "immunisation programme" substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>29</sup> In place of words "should" substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>30</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>31</sup> Sub-section 11 and 12 Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

- (2) The provisions of this section shall not apply to:—
- (a) any hostel, etc., directly regulated by a recognised educational institution;
  - (b) any school, home, or any other institution for children which is recognized by any other Act in force in the State;
- (3) The State shall set up District Inspection Teams for the regulation, supervision and control of all Children's Homes in the State.
- (4) The members of the District Inspection Team shall be appointed by the Secretary;
- (5) The term of Office of a Member of the District Inspection Team shall be two years.
- (6) A Member may at any time resign by giving notice in writing to the Secretary. The vacancy so created shall be filled in by the Secretary within two months.
- (7) If, for any reason, the State Government considers it necessary to remove a Member, then it shall do so after recording its reasons in writing.
- (8) On and from the commencement of this Act, no person shall maintain or conduct any Home except under, and in accordance with, the conditions of a certificate of registration granted under this Act.
- (9) Every person desiring to maintain or run a home shall make an application for a certificate of registration to the Director in such form and containing such particulars as may be prescribed <sup>32</sup>[and the Director shall forward the applications to the District Inspection Team for inspection of such Children Home and checking of all other requirements]
- (10) Provided that a person maintaining or conducting a home at the commencement of this Act shall be allowed a period of three months from such commencement to apply for such certificate get themselves registered under this Act.
- (11) <sup>33</sup>[The District Inspection Team shall, after scrutiny of application form and after checking all other requirements, forward its report to the Director. The Director shall issue or refuse to issue a Certificate of Registration, with approval of the Competent Authority, to the Children's Homes on the basis of such report of the District Inspection Team. Criteria for granting or for revoking registration shall be as prescribed.]
- (12) The Chief Functionary of the Children's Home can be authorized to surrender the registration by the Governing Body or Trust through a resolution passed, and can give an application to the District Inspection Team stating the desire to surrender the registration. However, the application has to be made six months in advance. The District Inspection Team has to arrange for another management to take over or entrust the Home/Institution to the State.
- (13) Functions of the District Inspection Team shall include:
- (a) Supervision and control generally of all matters relating to the management of homes in accordance with the provisions of this Act.

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<sup>32</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>33</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(b) <sup>34</sup>[Checking the applications of those parties who have applied for registration and inspecting the institutions before making a recommendation to the Director;]

(14) After a child completes 18 years, a report has to be prepared and submitted to the District Inspection Team, indicating the progress and mental state of the child and provisions for further support.

(15) In the event of death of an inmate, the Home shall submit a comprehensive report to the District Inspection Team.

<sup>35</sup>[(16) The District Inspection Team shall consider the report submitted under sub-section (14) or (15), as the case may be, and make suitable recommendations to the Director.

(17) No Children's Home shall reject or refuse admission of any child in difficult circumstances for care or custody or education or rehabilitation when expressly directed by the Competent Authority or Director or Special Officer in writing.

(18) Every Children's Home shall ensure that no child under its care or custody is exposed to child abuse, or sexual offences or child trafficking or child prostitution or violation of its rights and that the best interest of all children are protected. Care givers shall also be personally responsible for the same.

(19) Any contravention or non-adherence of any provisions of this section by any Children's Home shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to a fine which may extend to Rs. 1,00,000 /-.]

**7.** <sup>36</sup>[**Child Labour and trafficking**].— (1) Child Labour shall be prohibited in the State of Goa for all children who have not completed their 14<sup>th</sup> year of age;

(2) For the purpose of this Act, Child labour shall include:—

(a) all forms of hazardous employment as defined in the Child Labour (Prohibition and Regulation) Act, 1986;

(b) all forms of non-hazardous employment as defined in the Child Labour (Prohibition and Regulation) Act, 1986 (Act 61 of 1986) and Goa, Daman and Diu Shops and Establishments Act, 1973 (Act No. 13 of 1974) <sup>37</sup>[ ];

(c) all forms of domestic employment, meaning employment in households, doing work of a domestic nature, either temporarily, permanently, piece-rated or part time;

(d) all forms of self employment meaning labour such as rag picking, plastic bag selling, nut selling, running errands, carrying load of shoppers etc.

<sup>34</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>35</sup> Sub-section (16) to (19) inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>36</sup> Original title "Child Labour" Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>37</sup> The existing words "and Goa, Daman & Diu Shops and Establishments Rules, 1975" omitted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(3) All Children who are identified as child labourers shall be immediately released therein and placed in a registered Children's Home or a State run institution or any other place identified under the Plan of Action.

(4) The State shall ensure that a satisfactory Rehabilitation Programme is in position before taking action on this.

(5) The punishment for <sup>38</sup>[contravention] of the provisions of this Section shall be as under:—

- (a) for all forms of hazardous employment, a fine of Rs. 50,000/- ( Rupees fifty thousand only ) with simple imprisonment of one year for the employer;
- (b) for all forms of non-hazardous employment, a fine of Rs. 25,000/- ( Rupees twenty five thousand only) and simple imprisonment of three months for the employer;
- (c) for all forms of domestic labour, a fine of Rs. 50,000/-(Rupees fifty thousand only) for the person employing the domestic child labour;

(6) The State shall formulate a comprehensive Plan of Action to eradicate all forms of Child Labour <sup>39</sup>[in a phased manner.] The Plan shall include schemes for the identification, release and rehabilitation of the child labourers, their education, integration into society and imparting skills and vocational training to them and for the prevention of child labour <sup>40</sup>[the plan of action shall be published in the Official Gazette every year.]

(7) The Plan of Action shall be implemented phase-wise <sup>41</sup>[ ] and the Government shall specify the dates from which each of the penal action in sub-section (5) above shall be effective and full publicity to this shall be given by the Director.

(8) There shall be <sup>42</sup>[Special Officers] to monitor the implementation of the Plan of Action to eliminate child labour, and to carry out such other duties as the Government may specify. The Officer shall be assisted by a Task Force of such other persons as may be prescribed.

(9) <sup>43</sup>[The district police, airport police, traffic police, border police, Labour Inspectors and railway police shall immediately take cognizance of all reports or information's or petitions or complaints of offences of child labour or child trafficking and shall investigate into the matter for further necessary action. They shall also intimate in writing every such suspected case or report or information or petition or complaint of child labour and of child trafficking to the nearest Special Officer. The Special Officer may pass such orders, under section 15, as deemed fit in the best interest of such victim child.".]

<sup>38</sup> In place of words "Violation" substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>39</sup> The existing words "within a period of 2 years from the commencement of this Act" substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>40</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>41</sup> The words "over this period of 2 years" omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>42</sup> In place of words " a Child Labour \vigilance Officer in each Taluka" present entry substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>43</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

**8. Child Abuse** <sup>44</sup>[**and trafficking**]. — (1) All children should be assured of a safe environment. A safe environment is an environment in which he/she will not be abused in any way and his/her development will be nurtured.

<sup>45</sup>[(1A) Child Trafficking shall be an offence punishable under this Act. Any person who commits or aids or abets in the child trafficking shall be punishable with imprisonment for a term which may extend to seven years and a fine which may extend to Rs.1,00,000/-;]

(2) Whosoever commits any <sup>46</sup>[child abuse or sexual assault] as defined under this Act, shall be punished with imprisonment of either description for a term that may extend to three years and shall also be liable to fine of Rs. 1,00,000/-. Whoever commits any Grave Sexual Assault shall be punished with imprisonment of either description for a term that shall not be less than <sup>47</sup>[ten years] but which may extend to <sup>48</sup>[life imprisonment]<sup>49</sup> and shall also be liable to a fine of Rs. 2,00,000. Whoever commits incest shall be punished with imprisonment of either description for a term that shall not be less than ten years but which may extend to life imprisonment and also a fine which may extend to Rs.2,00,000/- <sup>50</sup> [Statement of the child victim shall be treated on par with the statement of a child rape victim] under Section 375 of the IPC, as laid down by the Supreme Court of India.

(3) <sup>51</sup>[In cases of sexual assault on a child, the investigating authorities shall ascertain the need to medically examine the child victim in consultation with the medical authority. In cases of child abuse or grave sexual assault on a child, such medical examination of the victim child shall be compulsorily done.]

(4) <sup>52</sup>[No person shall reside with or keep with him, either wholly or partly, one or more children who are not related to him by blood, unless prior permission has been obtained by him from the Director after furnishing due information to the Director in the prescribed form. It shall be the responsibility of such person, desirous to reside with or keep child or children not related to him by blood, to inform the Director and to obtain prior written permission from the Director for doing so.]

(5) Provided that a period of 3 months from the commencement of this Act will be allowed to inform the Director.

(6) <sup>53</sup>[The Competent Authority, the Director and the Special Officers shall have the powers to authorize the Officer-in-charge of the nearest police station or District Inspection Team to inspect and check] the child/children in each case under sub-section (4) and to submit a report with recommendations, if he considers it necessary.

<sup>44</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>45</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>46</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>47</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>48</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>50</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>51</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>52</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>53</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(7)<sup>54</sup> [The Competent Authority or the Director or the Special Officer, as the case may be, shall, after considering the report of the police or the District Inspection Team and having been satisfied of the necessity to do so, issue an order to remove the child and place him in a registered Children's Home or a State run Institution.].

(8) Provided further that nothing in this section shall apply to cases where reasonability exists such as when the child/children are staying with their friends or visiting them on holidays for short period, or students are in a group, or the child is legally adopted etc.

(9)<sup>55</sup> [Whoever resides with or keeps with himself one or more children not related to him by blood without the prior written permission of the Director or whoever prevents officers from discharging their duties under sub-section (6) shall be punishable with imprisonment for a term which may extend to three years and to a fine which may extend to Rs. 1,00,000/-.]

(10) Onus on Establishment:— (a) All Hotels, and other establishments which provide boarding or lodging or any similar facility shall ensure that children are safe and not at risk of child abuse within their premises including all adjoining beaches, parks etc. if they have access from such establishment.

(b) No child shall be allowed to enter any room of any hotel or establishment which provides boarding or lodging or any similar facility unless the child is registered as staying in that room with family, relatives or person related by blood:

Provided that nothing in this sub-section will be deemed to apply to reasonable areas such as group of school children accompanied by a teacher(s), children who may be staying with their friends and their families, etc.

(c) All Hotels and other establishments which provide boarding or lodging or any similar facility shall ensure that no child has access to any internet facilities which are not fitted with filters and to any objectionable material including through film or videos, disc-players, cable or any other medium provided by that establishment.

(d) The Owner and the Manager of the hotel or establishment shall be held solely responsible for any <sup>56</sup>[contravention] of this section.

[<sup>57</sup>(e) Whoever fails to comply with or contravenes the provisions of this sub-section shall be liable for punishment with imprisonment for a term which may extend to three years and a fine which may extend to Rs. 1,00,000/-.]

(11)<sup>58</sup>[omitted ]

(12) Any form of soliciting or publicizing or making children available to any adult or even other children for purposes of commercial exploitation is prohibited. This includes hosting websites, taking suggestive or obscene photographs, providing materials, soliciting customers, guiding tourists and other clients, appointing touts, using agents, or any other form which may lead to abuse of a child.

<sup>54</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>55</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>56</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>57</sup> New clause inserted Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>58</sup> Omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(13) Whosoever commits the offence of sale of children or aids or abets the sale of a child or the body part/organ of a child, or where there is sufficient reason to believe is keeping a child for the purpose of using or selling any body part of the child including its blood, shall be punished by <sup>59</sup>[imprisonment of either description for a period of not less than three years and extendable to seven years and a fine which may extend to Rs. 1,00,000/-.]

(14) It shall be mandatory for a developer of photographs or films, if he finds that the photos/films developed by him contain sexual/obscene depictions of children, <sup>60</sup>[to report this to the Officer-in-Charge of the nearest police station], Failure to report the discovery of such photos/films shall attract a penalty of an imprisonment of either description which shall not be less than one year but which may extend to three years and/or a minimum penalty of Rs. 50,000/-.

(15) <sup>61</sup> [The District police, airport authorities, border police, railway police and traffic police shall report any suspected case of (a) child abuse or (b) an adult travelling with or keeping a child under suspicious circumstances or (c) sale of children or (d) sexual offence with a child or (e) child trafficking, to the Officer in-charge of the nearest police station who shall immediately take cognizance of such case and proceed with investigation. He shall also report the case to a Special Officer or to the Director for action under sections 14 and 15, if so required.]

(16) Sale of children <sup>62</sup>[ ] shall be prohibited. For the purposes of this Act, sale of children takes place,—

(a) when there is trading, i.e. selling children;

(b) when a pregnant mother executes an affidavit of consent for adoption for a consideration;

(c) when a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purposes of child trafficking;

(e) when a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person creates birth records for the purpose of child trafficking;  
or

(f) when a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centres, or other child-caring institutions, who can be offered for the purposes of child trafficking;

(17) <sup>63</sup> [ omitted ]

(18) In all matters, the consent or willingness or otherwise of the child to be party to <sup>64</sup>[any offence under this Act] will not be a consideration.

<sup>59</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>60</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>61</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>62</sup> The words "under the grab of adoption or otherwise" omitted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>63</sup> Sub-section 17 omitted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(19) The State shall provide for the setting up of one or more Victim Assistance Units which shall facilitate the child to deal with the trauma of abuse and assist the child in processes involved with appearing as a witness before any Court or authority handling a case of abuse of a child.

(20) The State shall carry out child sensitisation programmes for police officers at all levels which shall include an orientation on child rights laws. Child rights laws and methods of handling child abuse related cases shall also be specifically included in the Police Training School curriculum.

(21) The State shall undertake child sensitization training for those involved in healing and rehabilitation and other assistance programmes for children who are victims and promote programmes of information support and training for such children.

(22) The Tourism Department of the Government shall collaborate with the Travel and Tourism Trade of Goa to evolve a Child Friendly Tourism Code for Goa;

(23) The Government shall have the power to appoint persons to go undercover and pose as prospective clients for child prostitutes, as employers of child labour etc. and nothing done in the course of such operations shall be construed as a <sup>65</sup>[contravention] of the provisions of this Act.

**9.<sup>66</sup> [“Commercial Sexual Exploitation and Dedication”]**— (1) <sup>67</sup>[Commercial sexual exploitation] shall be prohibited.

(2) It shall be the duty of the State to remove all <sup>68</sup>[commercially sexually exploited children] from their existing place of exploitation and to ensure that they are rehabilitated and integrated into society.

(3) The State shall prepare a comprehensive Plan of Action for this purpose which shall include providing education and livelihood skills to such children and the prevention of <sup>69</sup>[commercial sexual exploitation]

(4) Any person who exploits a child for commercial sexual exploitation shall be liable to pay a penalty which may extend to Rs. 1,00,000/- <sup>70</sup>[and imprisonment for a term which may extend to seven years]. This will be in addition to any penalty or punishment that may be enforced under any other Act in force.

(5) All steps shall be taken at the protective home to restrict or even deny the visiting rights of any one who may be considered to be a perpetrator, including the parent of the child.

(6) Notwithstanding any custom or law to the contrary, the dedication of a minor girl child as a devadasi, whether before or after the commencement of this Act, and whether

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<sup>64</sup> In place of words “sexual abuse” substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>65</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>66</sup> The existing title “Child Sexual Trafficking” substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>67</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>68</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>69</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>70</sup> Substituted by Goa Children’s(Amendment) Act 2005 [Act No. 20 of 1985]

she has consented to such dedication or not, is hereby declared unlawful, void, and to be of no effect and any minor girl child so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.

(7) Any person who, after the commencement of this Act, abets the performance of any ceremony or any act for dedicating a <sup>71</sup>[minor girl child] as a devadasi or and ceremony or act connected therewith shall, on conviction, be punished with imprisonment of either description for a term which may extend to 3 years and with fine which may extend to two thousand rupees:

Provided that where the person referred to in this Section is the parent or guardian or a relative of the [ minor girl child]<sup>36</sup> so dedicated, he shall be punishable with imprisonment of either description which may extend to 5 years but which shall not be less than 2 years and with fine which may extend to five thousand rupees but which shall not be less than two thousand rupees.

**10. Children in Difficult Circumstances.**— <sup>72</sup>[(1) The State shall endeavour, to protect all children in difficult circumstances;]

(2) <sup>73</sup> [All children in difficult circumstances shall, wherever required, be placed] in a Registered Children's Home or a State run institute or any other place provided that a satisfactory rehabilitation programme is in place before this is started.

(3) The Government shall formulate a Plan of Action for the education, rehabilitation, education and integration into society of these children.

(4) The State Government shall establish and maintain, either by itself or in association with the voluntary organizations <sup>74</sup>[Children's Home] for the reception of children in difficult circumstances, their rescue and support and for coordinating subsequently their care, treatment, education, training, development and rehabilitation.

**11. Girl Child.**— The State shall develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl-child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls and all these plans should form an integral part of the total development process.

(2) The State shall ensure elimination all forms of discrimination against the girl-child which result in harmful and unethical practices, such as pre-natal sex selection and female foeticide and infanticide and towards this the State shall promote and support all endeavours that help give the girl child a sense of self-esteem, which would include gender sensitisation programmes at all levels. Special attention will be focused on taking strict action against eve teasing and on all conditions which create an unsafe atmosphere for girls.

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<sup>71</sup> In place of the word " women" the word "minor girl child" substituted by the Goa children (Amendment) Act 2004

<sup>72</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>73</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>74</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(3) The State shall encourage educational institutions and the media to adopt and project non-stereo typed images of girl and boys and to eliminate child pornography and degrading and violent portrayals of the girl-child;

(4) The State shall ensure dissemination of information and education to girls, regarding the physiology of reproduction, reproductive and sexual health.

**12. Differently Abled Children.**— (1) The State shall endeavour to ensure that disabilities which can be prevented in children are prevented. Schemes to take timely preventive measures may be introduced and these may separately cover women during pregnancy, mothers during lactation, children below the age of one, children between the ages of one and six years, and adolescent boys and girls. Initiatives may include mandatory screening of all new born babies and rubella vaccination of all pregnant women;

(2) The census of all disabled children in the State shall be updated;

(3) As far as possible, appropriate initiatives for each child shall be taken in a time bound manner to be prescribed;

(4) A scheme for providing counseling and support to parents of differently abled children shall be launched.

(5) A special plan of action on prevention, early detection and early intervention programs, inclusive education and vocational training, central/institutional and community based programmes shall be evolved by the State at the earliest.

**13. Other Provisions.**— (1) The Government shall create the State Children's Fund for raising and coordinating resources for achieving the purposes of this Act.

(2) There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organization.

(3) All fines imposed under this Act shall be credited to the Fund.

(4) The fund created under sub-section (1) above shall be administered in such manner and for such purposes as may be prescribed.

(5) There shall be a State Level Authority which may be called the State Commission for Children to promote and maintain the best interests of all the children in Goa and which will carry out such functions as may be prescribed. The functions may include the following:—

(a) The creation of a Child Friendly Society;

(b) Preparing and implementing a systematic plan for spreading awareness amongst different groups, mobilization action and dialogue within civil society on Child Rights;

(c) Develop a capacity development strategy for the progressive implementation of Child Rights covering amongst others the training of teachers, police, judiciary,<sup>75</sup>[prosecution] etc.;

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<sup>75</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(d) Review all State Legislations, Rules, Orders, Notifications, Schemes and all other provisions pertaining to children and recommend necessary amendments therein, to ensure that the Rights of the Child are protected;

(e) To monitor the implementation of the Convention on the Rights of the Child;

(f) To ensure that children become fit citizens and that all children are given the opportunity and encouraged to learn and develop thinking and participatory skills as well as skills of developing and articulating ideas;

(g) Set up a mechanism to hear complaints from child victims;

(h) Establish norms for good parenting and evolve a strategy for achieving this.

(i) undertake and promote research in the field of Child Rights;

(j) Prepare disaggregated data on all children in Goa in terms of category, age, sex, etc.

(k) Examine the situation regarding children particularly the status of the girl child, assess the reasons for discrimination and recommend strategies for their removal;

(6) The State Level Authority shall be constituted within a period of <sup>76</sup>[one year] from the commencement of this Act.

<sup>77</sup>[(6A) The constitution, the terms and conditions of service of the members, the regulation of the procedure of meetings and the powers in relation to inquiry and investigation into complaints against the children by the State Commission for Children shall be such as may be prescribed.]

(7) For finalizing all the Plans of Action, Government shall set up separate Steering Committees comprising persons with experience in that particular area, social workers, Government officers and others. Officers of the Central Government should participate in the deliberations leading up to the Plans, and Government shall carry out visits to other States to see best practices specially in terms of rehabilitation, education and integration of children. The Steering Committees shall oversee the implementation of the Plans of Action.

(8) There shall be a Village Child Committee which shall be constituted by each village panchayat. The committee shall comprise not less than five persons of whom one shall be a child above the age of 15 years and the other members shall comprise representatives from the village panchayat and social workers of whom at least 2 should be women. The Village Child Committee shall ensure the best interests of the child and will pay particular attention to providing recreational and play facilities for children. The Village Committees will also interact with the departments of the State Government in the implementation of the Plans of Action for elimination of child illiteracy, children on the streets, child prostitution and child labour, and will carry out such other functions as may be laid out from time to time.

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<sup>76</sup> In place of word "six month" substituted by the Goa children (Amendment) Act 2004

<sup>77</sup> Inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(9) There shall be 4 or more such Child Committees in each Municipal/Corporation areas.

(10) The Government shall institute a system for recognizing and recording appreciation of outstanding work done by individuals, organizations or departments in achieving the best Interests of the Child under this Act.

(11) The Government shall carry out an awareness campaign after the commencement of this Act to appraise the public about the provisions and to solicit their cooperation. Sustained media advocacy will be taken up with NGOs, Womens Groups and others to create public awareness on the issues involved. Doordarshan, the Print Media, Radio, Private Television Channels and cable networks and all other forms of media will be used.

(12) Appropriate guidelines for the protection of children from information and material injurious to their well being as well as harmful exposure in the mass media shall be prepared and implemented. For this purpose, the Government, with the assistance of the State Information Department,<sup>78</sup> may set up a State Council comprising persons from the media, and others, as may be prescribed. The State Council may also suggest ways to protect children from the harmful influences of the internet and media.]

(13) All persons appointed by the Government under this Act as Members of District Inspection Teams <sup>79</sup>[Task Forces, Special Officers, Labour Inspectors, State Commission for Children, State Council and others]<sup>40</sup> shall be persons with the highest credentials and integrity. Their proposed appointment and details shall be printed in the Official Gazette wherever they are non-Government staff and the members of the public shall be given two week's time to file any complaint against any proposed appointment. The Government shall consider all complaints received before reaching a final decision and the appointments made will be notified in the Official Gazette.

(14) The Police Department shall formulate an exclusive Child Code including issues of Child Friendly Police Stations, interaction and behaviour with children, mandatory sensitization programmes, etc.

(15)<sup>80</sup>[omitted ]

(16) No child below the age of 14 shall be allowed unaccompanied inside any cyber café or any other establishment which provides any computer services to the general public against a cost.

(17) All establishments providing training to children through computers shall ensure that child friendly safeguards are installed and that no child below the age of fourteen has access to internet facilities other than in the presence of an adult from that establishment.

[<sup>81</sup>(18) The owners of the establishments referred to in sub-sections (16) and (17) shall be held responsible for any contravention of the provisions thereof and shall be punishable for such contravention with an imprisonment for a term which may extend to one month and a fine which may extend to Rs. 3,000/- on each occasion.]

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<sup>78</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>79</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>80</sup> Omitted Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>81</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(19) All such establishments under sub-sections 16 and 17 shall make their premises freely available to the Special Officers for inspection at any time.

(20) The use of children in the illicit procurement, trafficking and sale of narcotic, psychotropic and alcoholic substances is prohibited and anyone found guilty of transgression shall be <sup>82</sup>[punishable with imprisonment for a term which may extend to five years and fine which may extend to Rs. 50,000/-.]

(21) Anyone inducing a child to gamble or to assist in the gambling trade shall be liable to a punishment of imprisonment of either description for a period <sup>83</sup>[which may extend to three years ] and a fine of not less than rupees fifty thousand.

(22) The State shall make special provision for the children of prisoners and commercial sex workers <sup>84</sup>[in a phased manner ].

(23) The Competent Authority shall have the power to direct any registered Children's Home to accept any child/children in distress provided that the said Home has the facilities for taking care of the extra child/children.

(24)<sup>85</sup>[omitted ]

**14. <sup>86</sup>[Violation, Contravention] and Penalties.—** (1) The following shall be deemed to be <sup>87</sup>[contraventions] of the Rights of the Child:—

(a) non-adherence to or <sup>88</sup>[contravention of the provisions of sections 3, 4 and 5 of this Act and the rules made thereunder.]

(b) If the Competent Authority is satisfied, after considering the facts and for reasons to be recorded in writing, that any act of omission or commission constitutes a non-adherence to or <sup>89</sup>[contravention] of any of the provisions of this Act including those in Section 3.

(2) There shall be a Competent Authority which for the purpose of this Act shall be the Secretary to the Government in charge of the Department of Women and Child Development.

(3) The Competent Authority shall have the power to impose penalties for any <sup>90</sup>[contravention] ranging from Rs. 100/- to Rs. 50,000/- on every occasion.

(4) If such fine is imposed on any Government servant for violation of the rights of a child, the fine so imposed shall be paid by the defaulting employee or recovered from his salary or wages.

<sup>82</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>83</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>84</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>85</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>86</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>87</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>88</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>89</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>90</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

(5) The decision of the Competent Authority as to whether an action or inaction constitutes a violation of the rights of the child shall be final and binding.

(6)<sup>91</sup>[omitted ]

(7) <sup>92</sup>[The Government may authorize Special Officers to entertain representations or petitions regarding contravention of or non-adherence to the rights of a child. The Special Officer may refer the petitioner to the police or may call for information from any person in Goa regarding such alleged contravention or non-adherence and may conduct inquiry into the representation or petition. The Special Officer shall submit his report on each violation, with recommendations and justifications for the same, to the Competent Authority through the Director.]

(8) The Competent Authority may take action under the provisions of this Act in any case of a child.

(9) <sup>93</sup>[Any person may give information as regards contravention of any provision of this Act or the rules made there-under to a Special Officer, Labour Inspector or to the Director

**15. Powers of the <sup>94</sup>[Competent Authority, Director and Special Officer].—** (1). If the <sup>95</sup>[Competent Authority or Director or Special Officer, as the case may be,] is satisfied, whether upon information received <sup>96</sup>[or otherwise or in any other fit case,] of the violation of the rights of a child, he shall issue a notice, requiring the person or persons who the <sup>96</sup>[Competent Authority or Director or Special Officer, as the case may be,] deems to be responsible for the violation <sup>97</sup>[to appear before him and to show cause why action should not be taken against him] and take one or more of the following steps, within a period as may be fixed in the notice, and not exceeding sixty days in any case:—

(a) to dismiss the <sup>98</sup>[representation or petition];

(b) direct the person or persons to take such steps as may be necessary in the best interests of the child;

(c) <sup>99</sup>[omitted ]

(d) refer the matter to any other authority including the Police;

<sup>100</sup>[(dd) may pass an order in the interest and welfare of the child including to place the child in a children's home, boarding school or other safe place.]<sup>48</sup>

(e) any other action the Competent Authority may deem fit and necessary including calling the person(s) for a personal hearing and directing that a child be removed:

<sup>91</sup> Omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>92</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>93</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>94</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>95</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>96</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>97</sup> Inserted by the Goa children (Amendment) Act 2004

<sup>98</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>99</sup> Omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>100</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

Provided that the Competent Authority, for reasons to be recorded in writing, may extend the period specified in such notice.

(2) The Officer-in-charge of the Police Station of the area concerned where the violation reportedly took place shall be duty bound and responsible, when called upon by the <sup>101</sup>[Competent Authority, Director or any Special Officer] to provide all possible assistance including removing a child. The officer-in-charge of the police station, shall be answerable and responsible for non-compliance of the requisition made <sup>102</sup>[by the Competent Authority or by the Director or by any Special Officer.]

(3) The failure to comply with the directions contained in the notice under sub-section (1) shall be cognizable offence punishable with simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both:

<sup>103</sup>[Omitted ]

<sup>104</sup>[(4) The Competent Authority or the Director or any Special Officer or any officer-in-charge of a police station may enter and inspect any premises, after obtaining a search warrant from the District Magistrate, for the purpose of enforcing any provision of this Act, including removal of a child from such premises:

Provided that all such entries shall be made by group of a minimum of four persons which shall include at least one woman:

Provided further that if such officer has reason to believe that obtaining a search warrant or authorization will afford an opportunity to the offender to conceal evidence or to escape, he may enter, inspect and rescue the victim from any premises at any time between sunset and sunrise, without such search warrant or authorization, after recording grounds of his belief in writing, which shall be forwarded to the Competent Authority and to the President of the Children's Court.]

**16. Penalty for preventing entry of the <sup>105</sup>[Competent Authority or Director or Special Officer or any officer in charge of a police station].—** Every person who prevents the <sup>106</sup>[Competent Authority or Director or any Special Officer or any officer in charge of a police station] from exercising his lawful power of entering thereon or there into, shall be punished with <sup>107</sup>[simple imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both.]

**17. <sup>108</sup>[Competent Authority's , Director's and Special Officer's] powers in case of default.—** If the person on whom a notice is served under sub-section (1) of Section 15 refuses to take necessary action as specified in such notice within the time specified therein, <sup>109</sup>[the Competent Authority or the Director or the Special Officer, as the case may be,] may himself take such measures or adopt such treatment and recover the cost of

<sup>101</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>102</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>103</sup> Omitted Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>104</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>105</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>106</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>107</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>108</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>109</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

doing so from such person as <sup>110</sup>[the Competent Authority or the Director or the Special Officer, as the case may be] may decide including the employer or relative of the person, in the form of salary or wages, property tax or any other tax.

**18.** <sup>110</sup>[**Appeals.**— An appeal against any decision of the Director or of any Special Officer shall lie to the Competent Authority and an appeal against any decision of the Competent Authority shall lie to the Chief Secretary.]

**19. Method of serving notices.**— (1) The notice under Sub-Section (1) of Section 15 shall be given—

- (a) by giving or tendering the notice to such person; or
- (b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or
- (c) if such persons does not reside in the local area and his address elsewhere is known to the local authority, by sending the same to him by post, registered; or
- (d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

**20.** <sup>111</sup> [**Cognizance of offences.**— No cognizance of any offence under this Act shall be taken except,—

- (a) on a complaint made by the child victim or his or her parent(s), and in their absence, his or her guardians or close relatives, or police or the Competent Authority or the Director or a Special Officer or Labour Inspector or any authority or Officer authorized in this behalf by the Government; or
- (b) on a report or charge-sheet made by the police.]

**21.** <sup>112</sup>[**Compounding of offences.**— (1) Any offence punishable with fine only under this Act may, either before or after the institution of the prosecution, be compounded by such officer or authorities and for such amount as the Government may, by notification in the Official Gazette, specify in this behalf.

2) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, [if in custody, shall be released forthwith.]

**22. Power to police officers to arrest offenders against Act, etc.**— Any police officer who sees a person committing a <sup>113</sup>[contravention] against any of the provisions of this Act or of any rules made thereunder, may arrest such person.

<sup>114</sup>[**22A. Compulsion to appear as witness.**— Every employee or officer of the Government, Government Corporation, Government undertaking, etc. shall be duty bound to appear as a witness whenever called upon to do so by a police officer or a Special Officer or the Director or the Competent Authority in any proceeding under this

<sup>110</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>111</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>112</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>113</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>114</sup> Inserted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

Act. Any refusal or non-adherence to appear as witness shall be an offence punishable with imprisonment for a term which may extend to one month and a fine which may extend to Rs. 10,000/-.]

**23. Powers of the Special Officer to arrest offender against Act, etc.—** Any Special Officer who sees a person committing a <sup>114</sup>[contravention] against any of the provisions of this Act may arrest such person. Any person so arrested shall be handed over to the officer-in-charge of the nearest police station as expeditiously as possible.

**24. Procedure after arrest.—** <sup>115</sup>(1) Any person arrested for an offence under this Act shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest <sup>116</sup>[Judicial Magistrate] within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the [Judicial Magistrate]<sup>53</sup> and no such person shall be detained in custody beyond the said period without the authority of a [Judicial Magistrate.]<sup>53</sup>

<sup>117</sup>[(2) The first remand under this Act shall be given by the Judicial Magistrate before whom the accused is produced. However, the second and subsequent remands of the accused can only be granted by the Children's Court.

(3) Only the Children's Court shall take cognizance of all offences under this Act which are punishable with imprisonment of either description and of any term. Offences under sections 3, 4, 5 and clause (c) of sub-section (5) of section 7 may be taken cognizance of and tried by the Competent Authority.]

**25. Punishment for malicious abuse of powers.—** Any person who maliciously abuses any powers conferred on him by, or under this Act shall be punished with imprisonment which may extend to <sup>118</sup>[three years] or with fine which may extend to <sup>119</sup>[fifty thousand rupees] or with both.

**26. <sup>120</sup>[Delegation of powers.—** The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any rule made there under may, in relation to such matter and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.]

**27. Children's Court.—** (1) The State Government shall, after consultation with the High Court, by Notification in the Official Gazette, constitute a Children's Court for the State of Goa.

(2) In all aspects of its functioning, the Children's Court shall be guided at all times by the best interests of the child and all its procedures, the office, the dress worn by the Members of the legal profession and all others shall be consciously and deliberately Child friendly.

<sup>115</sup> Re-numbered "(1)" by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>116</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>117</sup> Sub-section (2) and (3) inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>118</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>119</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>120</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

**28.** <sup>121</sup>[**Composition of the Children's Court.**— The Children's Court shall consist of a person who is or has been or is qualified to be a District Judge, who shall be its President:

Provided that the Government may also appoint any Sessions or Additional Sessions Judge as the President of the Children's Court, but no appointment under this section shall be made except after consultation with the High Court.]

**29. Term of Office.**— (1) The President of the Children's Court shall hold office for a term of five years or upto the age of 65 years, whichever is earlier, and shall not be eligible for reappointment:

Provided that he may resign his office in writing under his hand-addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by the appointment of a person possessing the same qualifications.

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service of the President <sup>122</sup>[ ] of the Children's Court shall be as may be prescribed.

(3) <sup>123</sup>[The Government shall frame rules regarding the detailed functioning and procedure of the Children's Court.]<sup>155</sup>

**30. Jurisdiction of the Children's Court.**— (1) Subject to the provisions of this Act, the Children's Court shall have jurisdiction to try all offences against children whether such offence is specified under this Act or not,

(2) <sup>124</sup>[Omitted]

(3) The powers of the Competent Authority and the Special Officers under this Act shall not fall within the jurisdiction of the Children's Court.

**31. Powers of the Children's Court.** — (1) The Children's Court shall have all the powers of—

(a) the Court of Sessions under the Code of Criminal Procedure, 1973 (2 of 1974);

(b) a Civil Court for the purpose of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, and administering oath and recording evidence.

(2) Every proceeding of the Children's Court shall be deemed to be a judicial proceeding within the meaning of sections 195 and 228 of the Indian Penal Code, 1860 (45 of 1860).

**32. Procedure of the Children's Court.**— (1) The Children's Court shall follow such procedure as may be prescribed:

<sup>121</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>122</sup> The words "and the jury members" omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>123</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>124</sup> Omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

Provided that the procedure so prescribed shall be child friendly and shall be deemed to include the following.—

<sup>125</sup> [(a) [omitted]

(b) [Omitted]

(c) [Omitted]]

(c) **Avoidance of harm:** At all stages, from the initial contact till disposition, extreme care shall be taken to avoid any harm to the sensitivity of the child.

(d) **Principle of Best interest:** This principle seeks to ensure physical, emotional, intellectual, social and moral development of the child, so as to make him a useful and good citizen by ameliorating the impediments to healthy development.

(e) Principle of non-stigmatizing semantics, decisions and actions. Non-stigmatizing semantics must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody, etc., is prohibited in the processes pertaining to the child under this Act.

(f) **Principles of non-waiver of rights:** No waiver of rights of the child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the child is either permissible or valid. Non-exercise of a fundamental right does not amount to waiver.

(h) **Principle of equality.**— Equality of access, equality of opportunity, equality under the said Act, is guaranteed to the child; and as such there shall be no discrimination on the basis of age, sex, place of birth, disability, race, ethnicity, status, caste, cultural practices, work, activity or behaviour of the child or that of his parents or guardians, or the civil and political status of the child.

(i) **Principle of right to privacy and confidentiality:** The child's rights to privacy and confidentiality shall be protected by all means and through all stages of the proceedings.

(j) **Principle of Fresh Start:** The principle of fresh start promotes new beginning for the child by ensuring erasure of his past records.

(k) **Principle of last resort:** Institutionalization of a child will be the last resort after reasonable enquiry and that too for the minimum possible duration.

(l) **Burden of Proof:** Whenever any offence is alleged to have been committed against a child, the burden of proving that such offence has not been committed by the accused <sup>126</sup>[shall lie on the accused if the child was in his custody at the time of his arrest or at the time of committal of offence or at the time of rescue or removal of the child victim, as the case may be.]

(m) **Procedure for Children's evidence:** Whenever a child <sup>127</sup>[who is a victim of a crime or a witness to a crime ] is required to depose before any authority including this Court, the child shall not be exposed to the presence of the accused or the

<sup>125</sup> Clause (a),(b) and (c) omitted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>126</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>127</sup> Substituted by Goa Children's(Amendment) Act 2005 [Act No. 20 of 1985]

<sup>128</sup>[perpetrators of the crime but the Advocate for the accused shall be allowed to be present.]

(n) **Cross examination of child witness:** Whenever there is a need to cross examine a child witness, care shall be taken to see that the tender age or in case of a victim, the psychological condition of the child is taken into consideration and the Children's Court may adopt such procedures which are fair and suitable to the child.

(o) **Deposit of fine prior to trial:** Whenever the offence alleged involves a fine, in order to ensure the attendance of the accused during the proceeding and compliance of the Court's directives and others thereafter, the Court may direct the accused <sup>129</sup>[to deposit, in cash, any amount as deemed fit by the Children's Court and his or her passport] at the beginning of the trial itself.

(2) In all dealings with children, the Children's Court shall follow the following guidelines:—

(a) Child victims/witnesses are informed of their role in regard to court proceedings;

(b) Their views are allowed to be heard and respected;

(c) Inconvenience to them is minimized and their privacy is respected;

(d) Delays in the proceedings are reduced;

(e) Aggressive questioning or cross examination of child victims is avoided and the same, if necessary, is done through the judge;

(f) Provisions are made for trials in camera;

(g) The identity of the child victim is protected;

(h) Child victims are prepared for the judicial process and prosecution of alleged abusers is not rushed if a child is not ready to go to court;

(i) The investigator ascertains the need for medical examination of the child victim and when examination is undertaken, ensures that multiple re-examination is avoided;

(j) The medical examination should be conducted in the presence of the parent/guardian and social worker/counsel or as far as possible;

(k) Child's <sup>130</sup>[testimony or statement] should be recorded in the presence of a social worker/counsellor as early as possible after the abusive incident with other witnesses at hand;

(l) Adequate translation/interpretations and translators/interpreters who are sensitive to the children's needs should be provided wherever needed.

(m) In case of a mentally challenged child, the competent service provider should depose on behalf of the child;

<sup>128</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>129</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>130</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

(n) The special needs of the child victims/witnesses should be catered for. These should include the following:-

- (i) Enable children to familiarise themselves with the court surroundings;
- (ii) Inform children of the different roles of the key persons at court, such as the judge, the defence lawyer and the prosecutor;
- (iii) Inform the court of the special needs of children in general and of individual children in specific cases;
- (iv) Help children to be comfortable in the proceedings;
- (v) Encourage questionings to be short and clear so as not confuse child witnesses;
- (vi) Permit children below eight years of age to respond to leading questions facilitated by a social worker.

**33.<sup>131</sup> [Offences to be cognizable and non-bailable].—** Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974), all offences punishable under this Act shall be cognizable and non-bailable; except those under sections 3, 4, 5 and clause (c) of sub-section (5) of section 7.<sup>55</sup>

**34. Exclusion.—** No other Court, civil or criminal, shall have jurisdiction to decide or deal with any offence or any question or any dispute or any liability which by or under this Act is to be decided by the Children's Court, except by appeal to the High Court or Supreme Court.

**35. Act to override<sup>132</sup>[State Laws].—** Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other [State law]<sup>55</sup> for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

**36. Duty of Government to ensure effective implementation of the Act.—** The State Government shall take such measures as may be necessary for the effective implementation of this Act.

**37. Powers to make rules.—** The State Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**38. Power to remove difficulties.—** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by Order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removal of the difficulty:

Provided that no order shall be made under this section after the expiry of <sup>133</sup>[five years] from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

<sup>131</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>132</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

<sup>133</sup> Substituted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

**39. Jurisdiction of Civil Courts barred.**— No Civil Court shall have jurisdiction in respect of any matter in relation to which the Competent Authority or the Director or any other person authorized by the Competent Authority or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

**40. Protection of action taken in good faith.**— No suit, prosecution or other legal proceedings shall lie against the Competent Authority, Director or any other person authorized by the Competent Authority or Director for anything which is done in good faith or intended to be done in pursuance of this Act or any rule made there under.

**41. Bar of suits and prosecutions.**— No suit, prosecution or other proceedings shall lie against the Government or any officer of the Government, or against any person appointed under this Act, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

<sup>134</sup>**[(42) Power to issue directions.**— The Government may, by general or special order, issue such directions as it may deem necessary in respect of matters not provided for in this Act and not inconsistent therewith.]<sup>135</sup>

Secretariat Annexe,  
Panaji – Goa  
Dated:- 14<sup>th</sup> July, 2003.

(L. S. SHETTY)  
Secretary to the Govt. of Goa,  
Law Dept. ( Legal Affairs).

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<sup>134</sup> Inserted by Goa Children's (Amendment) Act 2005 [Act No. 20 of 1985]

**GOVERNMENT OF GOA**  
**Department of Social Welfare**  
**Directorate of Women & Child Development**

—  
**Notification**

2-61(1)-97/ICDS/1332

**The Goa Children's Homes Rules, 2004**

In exercise of the powers conferred by section 37, read with sections 6 and 38 and of all other powers conferred by the Goa Children's Act, 2003 (Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa Children's Home Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003);

(b) "Children's Home" means the Children's Home registered under rule 5;

(c) "Director" means the Director, Department of Women & Child Development;

(d) "Form" means the Form annexed to these rules;

(e) "Inspection Team" means the District Inspection Team set up under sub-rule (1) of rule 3;

(f) "Secretary" means the Secretary in charge of the Department of Women and Child Development;

(g) "Section" means section of the Act.

(2) Words and phrases used but not defined in these rules shall have the meanings respectively assigned to them under the Act.

**3. District Inspection Team.**— (1) There shall be set up two District Inspection Teams, one each for North Goa and South Goa.

(2) Each District Inspection Team (hereinafter in these rules referred as "Inspection Team") shall consist of such number of members as the Secretary may deem fit depending upon the work load of the Inspection Team.

(3) The term of office of the members of the Inspection Team shall be two years.

(4) The Secretary may, after giving a reasonable opportunity of being heard and after recording reasons, remove any member referred to in sub-rule (2).

(5) All expenditure to be incurred on the functioning of the Inspection Team shall be met from the grants placed at the disposal of the Director by the State Government.

**4. Functions of Inspection Team.**— The Inspection Team shall have the following functions, namely:—

(a) to inspect, regulate and supervise all Children's Homes in its area;

(b) to arrange the transfer of management of those Children's Homes which surrendered their registration or whose registration has been cancelled.

(c) to prepare annual reports of its activities and submit them to the Director for further necessary action as he may deem fit.

**5. Registration of Children's Homes.**— (1) Any society, association or body which,—

(a) maintains or runs any Children's Home at the commencement of these rules, within three months; or

(b) intends to establish, maintain or run any Children's Home, on or after the commencement of these rules, immediately, shall apply for registration of the Children's Home to the Director in "Form A".

(2) Every application for registration of Children's Home shall be accompanied by a fee of rupees one hundred and the following particulars along with certified copies of the supporting documents:—

(i) Certificate of registration or articles of incorporation, trust documents of the body which maintains or runs the Children's Home or is intending to set up one;

(ii) area of operation of the Children's Home;

(iii) names, designation and qualifications of the Managerial staff who will run the Children's Home;

(iv) facilities, such as, educational, recreational, medical, vocational, etc. available at the Children's Home;

(v) accommodation available at the Children's Home;

(vi) information regarding separate residential and other facilities for boys and girls;

(vii) such other particulars as may be required by the Director.

**6. Inspection of Children's Homes.**— (1) The Director on the receipt of the application for registration of any society, association or body for continuance or establishment of a Children's Home under rule 5, shall cause it to be scrutinized in his office, and if it is found correct in all respect, direct the Inspection Team to inspect the said Children's Home.

(2) The Inspection Team shall take the following aspects into account before recommending the Children's Home for registration and shall ensure that,—

(a) separate residential accommodation is available for male and female children between age group of 5 years to 10 years.

(b) boys and girls above the age of ten years are accommodated in separate buildings segregated by proper compound wall and proper security arrangements are in place;

(c) each Children's Home is a comprehensive child care centre with primary objective to promote an integrated approach to a child care involving the community and the local non-governmental organizations;

(d) the Children's Homes have the following main activities, namely:—

- (i) family based services, such as, foster family care and sponsorship;
- (ii) linking up with the Integrated Child Development Services to cater to the needs of children below six years;
- (iii) to establish linkages with organizations and individuals to provide support services to children;
- (iv) to encourage volunteers to provide for various services for children and families to become guardian.

(e) every Children's Home have the following facilities:—

- (i) there shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and toilets;
- (ii) the minimum standard of accommodation shall be,—
  - (A) Dormitory— 40 square feet per child;
  - (B) Classroom— sufficient accommodation;
  - (C) Workshop— sufficient work space;
  - (D) Playground— sufficient playground area shall be provided in every home according to the total number of children in the home with provision for Indoor games.
- (iii) the dormitories, classrooms and workshops shall have sufficient cross ventilation and lighting;
- (iv) every Children's Home shall provide for the necessary medical facilities so as to ensure,—
  - (A) regular facilities for medical treatment;
  - (B) arrangements for the immunization coverage; and
  - (C) a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognized treatment centres;
- (v) no surgical treatment shall be carried out on any child without the previous written consent of the parent or guardian, unless either the parent or the guardian cannot be found and the condition of the child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the child;
- (vi) a health record of each child in the Children's Home shall be maintained on the basis of monthly medical check up;
- (vii) appropriate clothing and bedding shall be provided according to season and age;
- (viii) Sanitation and Hygiene.— Every Children's Home shall have the following facilities, namely:—
  - (A) sufficient drinking water.

(B) sufficient water for bathing and washing clothes and sufficient space for washing clothes;

(C) maintenance and cleanliness of the premises;

(D) proper drainage system;

(E) arrangements for disposal of garbage;

(F) protection from mosquitoes;

(G) sufficient number of latrines/bathrooms;

(H) clean and hygienic kitchen;

(I) sunning of bedding and clothing.

(ix) the Children's Home shall have the following arrangement for the medical facility, with doctor and nurse:—

(A) all Children brought into the Children's Home shall be medically examined initially within 24 hours of arrival;

(B) the routine medical checkup of the children must be done on monthly basis;

(C) the sick children shall constantly be under medical supervision;

(D) in the event of break out of contagious or infectious diseases segregation of children must be ensured;

(E) the medical service shall include immunization facility as specified under the National Immunization Schedule;

(F) the medical record of each child shall be meticulously maintained.

(x) the Children's Home shall provide education to all children according to age and ability, either both inside the Children's Home or outside as per the requirement;

(xi) every Children's Home shall facilitate useful vocational training under the guidance of trained instructors.

**7. Certificate of Registration.**— (1) If, on the inspection under rule 6, the Inspection Team comes to the conclusion that the Children's Home under consideration have met with the conditions broadly specified in sub-rule (2) of rule 6, it shall recommend the registration of Children's Home, subject to such terms and conditions as it lays down,

(2) The Director shall, on the recommendation of the Inspection Team, grant registration to the Children's Home for a period of five years subject to the terms and conditions laid down by the Inspection Team.

(3) The Director may refuse the grant of Certificate of Registration or revoke the existing one if it is brought to his notice that the Children's Home is not having required facilities or is not functioning in accordance with the terms and conditions of the Certificate of Registration:

Provided that no Certificate of Registration is cancelled unless the management of the concerned Children's Home is given a reasonable opportunity to explain its case.

(4) The management of the Children's Home, if aggrieved by the decision of the Director, may within 30 days of such decision, appeal to the Competent Authority.

(5) The Competent Authority may after hearing both sides decide the appeal and the decision given by the Competent Authority shall be final.

**8. Death of a Child.**— (1) In the event of death of a child in any Children's Home, the circumstances of the death shall be recorded in the case file of the child, by the person in charge and the counsellor giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be.

(2) The Children's Home shall send the information to the Director, the Registrar of Births and Death, and the relatives of the child, if known.

(3) The last rites shall be performed according to the religion of the child.

**9. Custodial rape or sexual abuse.**— (1) Every Children's Home shall take the following immediate action in case of happening of an event of custodial rape or sexual abuse of a child, namely:—

(i) in case any resident makes any complaint of occurrence of any event of custodial rape or sexual abuse of a child, or any such event comes to the knowledge of any concerned individual, he shall intimate it to the Director immediately, who shall order for special investigation by the Inspection Team of the said incidence.

(ii) based on the report of the Inspection Team, the Director shall with the approval of the Competent Authority, lodge a complaint to the local police station against the person suspected to have committed an offence under the relevant provisions of the Goa Children's Act, 2003 or any other law in force, for further necessary action.

(iii) the Competent Authority shall on receipt of the information of the child abuse under this rule, proceed to take action under section 15 of the Act, as he deems fit.

**10. Supervision by Inspection Team.**— The Inspection Team shall supervise the functioning of the Children's Home in their respective area and shall observe the following norm, namely:—

(i) to visit and oversee the functioning of the Children's Homes and give suitable directions to be followed by them;

(ii) to make suggestions for the improvement and development of the institution;

(iii) to visit Homes by prior intimation or by surprise;

(iv) to interact with the children during the visits to the Homes to determine their well-being;

(v) to take follow up action on the findings and suggestions of the children and give suitable directions to the management;

(vi) to determine personnel strength of a Home according to the duty, posts, hours of duty per day as the case for each category of staff.

**Explanation:**— The normal staffing pattern for a Children's Home with a capacity of 100 children shall have:—

S. No.	Designation	Number of Posts
(1)	Project Manager	1
(2)	Counsellor	2
(3)	House Mother or House Father	4
(4)	Case Worker	3
(5)	Educator	2 (part time)
(6)	Vocational Instructor	1
(7)	Doctor	1 (part time)
(8)	Paramedical Staff	1
(9)	Store keeper cum Accountant	1
(10)	Driver	1
(11)	Cook	2
(12)	Helper	2
(13)	Sweeper	2
(14)	Art and Craft cum Music Teacher	1 (part time)
(15)	Gardener	1 (part time)
(16)	Security Guard	1

By order and in the name of Governor of Goa.

H. D. Mashelkar, Director (Women & Child Development).

Panaji, 21st October, 2004.

FORM A

[See Rule 5(1)]

Application for registration of Children's Home

(1) Name of the Applicant.—

Society/Association/Body/Individual.

(2) Address in full.—

(3) Nature of Institution— whether Society or Association or other Body.

(4) Whether incorporated or not.—

(5) Incorporation under what law.—

(6) Registration Number and other related details in case of registered societies/companies/statutory bodies.—

(7) Financial status of the Institution.—

(8) Certified copies of the relevant documents such as registration certificates/trust documents/incorporation document/copies of the last two years of audited Accounts and balance sheets.—

(9) Number of children housed.—

- (10) Present accommodation available.—
- (11) Facilities available at the existing or proposed home.—
- (12) Area of operation of the Home.—
- (13) Facilities such as educational, recreational, medical, vocational and the like available at Home.
- (14) Accommodation available at the Home.
- (15) Information regarding separate residential and other facilities for boys and girls.

Yours sincerely

.....  
(Office bearer of the Institution/Organization)

—————  
**Notification**

2-61(1)-97/ICDS

**The Goa Children (Child Labour Vigilance Officer, Task Force,  
Victim Assistance Unit and other Authorities) Rules, 2004**

In exercise of the powers conferred by section 37 read with sub-section (8) of section 7, sub-section (19) of section 8, sub-sections (7), (8), (9) and (12) of section 13, section 38 and all other powers conferred by the Goa Children's Act, 2003 (Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa Children (Child Labour Vigilance Officer, Task Force, Victim Assistance Unit and other Authorities) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003);

(b) "Competent Authority" means the Secretary to the Government in charge of the Department of Women and Child Development;

(c) "Council" means the State Council for Mass Media constituted under rule 9;

(d) "Director" means the Director of Women & Child Development;

(e) "Section" means section of the Act;

(f) "Unit" means the Victim Assistance Unit set up under sub-rule (1) of rule 4.

(2) Words and phrases used but not defined herein shall have the same meaning as assigned to them under the Act.

**3. Child Labour Vigilance Officer.**— (1) The Competent Authority shall appoint an officer known as Child Labour Vigilance Officer for each Taluka.

(2) The Child Labour Vigilance Officer shall be responsible to monitor the implementation of the Plan of Action prepared by the State Government to eliminate Child Labour.-

(3) The Child Labour Vigilance Officer shall attend to complaints relating to violation of the provisions of the Act relating to prevention of Child Labour in his Taluka and after due investigation into the complaint refer the matter to the Competent Authority for necessary action.

(4) The Child Labour Vigilance Officer shall be assisted in his investigation in the complaint under sub-rule (3), by the Task Force appointed by the Competent Authority in this behalf.

(5) The Task Force placed at the disposal of the Child Labour Vigilance Officer shall consist of such officers and staff as the Competent Authority may think proper after taking into consideration the workload in each Taluka.

(6) (a) Every person who has in his custody any child residing with him for part time or whole time not related to him by blood shall inform the fact to the Director in Form 'A' annexed to these rules.

(b) Failure to inform the Director in terms of clause (a) within three months of the commencement of these rules shall make the person liable to be prosecuted in terms of sub-section (9) of section 8 of the Act.

**4. Victim Assistance Unit.**— (1) There shall be set up one or more Victim Assistance Units in each district to facilitate the child, who is victim of the child abuse, to deal with the trauma of abuse and also to appear before the Children's Court or any other authority before whom the child victim is to be produced.

(2) The Unit shall consist of such co-ordinators and case workers as the Competent Authority may, after taking into consideration the nature of the case decide.

(3) The members of the Unit shall be entitled to such honorarium as the State Government may notify from time to time.

**5. Functions of the Unit.**— (a) The Unit shall have the following functions, namely:—

(i) Case Conferencing: A case conference shall be arranged by the case-worker entrusted with the responsibility of the case within 24 hours of the reporting of the case and as often as necessary till the case is instituted in the Children's Court or the child is produced before the Competent Authority.

(ii) After the institution of the case in the Children's Court, the case conference shall be held once in a month till the case is disposed of so as to assist the normalisation of the child.

(b) Referrals: Where the child victim is found to be needing extremely specialised services, the case worker shall refer the matter to the Child Labour Vigilance Officer, who shall refer the child victim with the guardian ad litem to persons or organizations identified to be in a position to give such services.

(c) Documentation:—

(i) A case file shall be maintained in each case that is handled by the Unit.

(ii) General documentation and reference books of material necessary for the co-ordination shall be maintained with regard to day to day functioning and up-dated developments relating to every case.

(d) The Unit shall maintain a panel of doctors, forensic experts, pedestrians, psychologists, gynaecologists, lawyers and other professionals necessary to facilitate proper investigations into the case and to provide proper and immediate special and support services to the child victim.

(e) An assistance shall be provided to every child victim at the time of medical examination and the concerned case-worker shall escort the child to the place of medical examination and also in respect of other matters such as Panchnama or giving evidence before any other authority.

(f) The co-ordinator or any of the case-worker or other staff of the Unit shall be deputed to attend hearing in court in the best interest of the child.

**6. Quarterly Report.**— (1) The Unit shall prepare quarterly report and submit them to the Director of Women and Child Development and copy of the reports to the State Commission for Children.

(2) The quarterly report shall give a true and correct account of the work done by it and the nature of cases and kind of assistance being sought and provided by the Unit to the victims.

**7. Village and Municipal Child Committees.**— (1) There shall be a Village Child Committee constituted for every Village Panchayats consisting of the following members,—

(a) four persons out of whom two shall be women residing in the Village Panchayat to be appointed by the Village Panchayat by Resolution.

(b) one child above the age of fifteen years but below eighteen years of age residing in Village Panchayat.

(2) Every Municipality of Municipal Corporation shall be divided into four geographical units by a Resolution passed by the Municipality or the Municipal Corporation in that behalf.

(3) For each geographical unit there shall be established a Child Committee consisting of,—

(a) four persons out of whom two shall be women, residing in the geographical area for which the Committee has been constituted;

(b) one child above the age of fifteen years and below eighteen years residing in the area.

**8. Procedure for the Committee and allowances of their Members.**— (1) The Committees shall ensure the best interest of the child and provide recreational and play facilities for children in their respective area of operation.

(2) The Committees shall follow their own rules of procedure.

**9. State Council for mass media.**— (1) There shall be constituted a Goa Children Council for mass media consisting of,—

- |   |                          |
|---|--------------------------|
| (a) Secretary, Women and Child Development  | — ex officio Chairperson |
| (b) Director, Information Department  | — ex officio Member      |
| (c) One eminent journalist  | — Member                 |
| (d) One expert from electronic media, who is specialized in internet and information technology               | — Member                 |
| (e) Chairperson of the State Commission for Children  | — ex officio Member      |
| (f) The Deputy Superintendent of Police, preferably acquainted with the information technology and mass media | — ex officio Member      |
| (g) Director, Women and Child Development   | — Member Secretary.      |

(2) The Council shall observe its own procedure in respect of conducting its meetings.

(3) The non-official members of the Council shall be paid such honorarium as the State Government may from time to time decide.

**10. Council to prepare guidelines.**— (1) The Council shall prepare appropriate guidelines for the protection of children from information and materials injurious to their well-being, and for preventing children from harmful exposure of the material appearing in mass media.

(2) The guidelines prepared by the Council shall be submitted by way of report to the State Government.

(3) The State Government shall approve the guidelines, with such changes as it may deem fit and publish the guidelines in the Official Gazette.

**11. Council to be Advisory Group for internet.**— (1) The Council constituted under sub-rule (1) of rule 9, shall also function as Special Advisory Group for suggesting ways to protect children from harmful influences of the internet.

(2) The suggestions of the Council made under sub-rule (1) shall be included in the guidelines prepared by the Council under sub-rule (1) of rule 10 and published in the Official Gazette under sub-rule (3) of that rule.

By order and in the name of Governor of Goa.

*H. D. Mashelkar*, Director (Women and Child Development).

FORM—A  
[See Rule 3(6) (a)]

**Information in respect of custody of child/s in terms of sub-section (4) of section 8**

To,  
The Director,  
Women & Child Development,  
Government of Goa,  
Panaji.

Dear Sir,

This is to inform you that I/We .....  
Resident of ..... Have in my/our custody the following  
child/children, who is/are not related to me.

The said child/children are in my/our custody for part time i.e. from ..... to  
...../ for whole time and reside with me/us.

Yours sincerely,

1. ....  
( )

2. ....  
( )

at .....  
(place of residence)

Dated : .....

**Notification**

2-61(1)-97/ICDS/637(A)

**The Goa State Commission for Children  
Rules, 2004**

In exercise of the powers conferred by section 37 read with sub-sections (1) to (6) (both inclusive) of section 13 and section 38 of the Goa Children's Act, 2003 (Goa Act 18 of 2003) and all other powers conferred by the said Act, the Government of Goa hereby makes the following rules, namely:—

CHAPTER - I

**Preliminary**

**1. Short title and commencement.**— (1) These rules may be called the Goa State Commission for Children Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires:

(a) “Act” means the Goa Children’s Act, 2003 (Goa Act 18 of 2003);

(b) “Chairperson” means the Chairperson of the Commission and “Vice-Chairperson” means the Vice-Chairperson of the Commission;

(c) “Commission” means the Goa State Commission for Children;

(d) “Committee” means the Committee for administration of the Fund, established under rule 16;

(e) “Fund” means the Children’s Fund established under rule 15;

(f) “section” means the section of the Act.

(2) Words and phrases used but not defined herein shall have the same meaning as assigned to them under the Act.

## CHAPTER - II

### The State Commission for Children

**3. Constitution of State Commission for Children.**— (1) The Government of Goa hereby constitutes a State Level Authority to be called the “State Commission for Children” to exercise the powers conferred upon, and to perform the functions assigned to the Commission under the Act;

(2) The Commission shall consists of:

(a) a Chairperson who is qualified with a degree and has a distinguished and eminent record of atleast five years, in promoting the welfare and development of children;

(b) a Vice-Chairperson elected by the Members from amongst themselves;

(c) one Member, who is an eminent educationist specially in the field of school education;

(d) one Member, who is an eminent child specialist in the area of children’s health;

(e) two Members with proven commitment and contribution in the area of child rights and child welfare, particularly in the area of child labour, child abuse and street children;

(f) one Member who is qualified and experienced in the field of law, in particular relating to children’s issues, juvenile justice and welfare homes;

(g) one member who is an experienced and qualified counsellor or psychologist having experience in child psychology;

(3) The Chairperson and the Members shall be appointed by the State Government;

(4) Members will elect a Vice-Chairperson from amongst themselves, who will exercise all the powers of the Chairperson in his or her absence.

(5) There shall be a Member-Secretary of the Commission to be nominated by the State Government who shall be an officer of the Civil Service of the State with appropriate experience, not below the rank of the Joint Secretary in the Government;

(6) As far as possible the majority of Members shall be women;

(7) The Headquarters of the Commission shall be in Panaji.

(4) Removal of a Chairperson and Member of the Commission.— The State Government may, by order, remove from the office the Chairperson, or any other Member if the Chairperson, or such other Member, as the case may be,—

(a) becomes an undischarged insolvent;

(b) is unfit to continue in office by reason of infirmity of mind or body; or

(c) becomes of unsound mind and stands so declared by a competent court; or

(d) refuses to act or becomes incapable of acting; or

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude; or

(f) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(g) in the opinion of the State Government has so abused the position of the Chairperson or Member so as to render that person's continuance in office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such Chairperson or Member:

Provided that no person shall be removed under this rule unless that person has been given a reasonable opportunity of being heard in the matter.

**5. Term of office of the Chairperson and Members of the Commission.**— (1) A Chairperson and every Member shall hold office for a term of three years from the date on which he assumes office.

(2) The Chairperson or Member may, at any time, in a communication in writing addressed to the Member-Secretary resign from office.

(3) Any vacancy that is caused shall be filled in by fresh appointment and the persons so appointed shall hold office for the remainder of the term of office of the person in whose vacancy such person has been appointed:

Provided that if the vacancy of a Member, other than that of the Chairperson, occurs within three months preceding the date on which the term of office of the Member expires, the vacancy shall not be filled in.

(4) A person appointed as a Member shall be eligible for re-appointment for another term of three years:

Provided no appointment is made if the Member is beyond 65 years of age.

**6. Vacancies etc. not to invalidate proceedings of the Commission.**— No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Commission.

**7. Procedure to be regulated by the Commission.**— (1) The Commission shall meet at such time and place as the Chairperson or the Vice-Chairperson in the absence of Chairperson, may deem fit.

(2) The Commission shall meet atleast once a month, in normal circumstances.

(3) The Commission shall regulate its own procedure.

(4) All orders of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Commission in this behalf.

**8. Officers and other staff of the Commission.**— The State Government shall make available to the Commission,—

(a) an officer not below the rank of Class I who shall be the Member-Secretary of the Commission; and

(b) Such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.

### CHAPTER - III

#### Functions of the Commission

**10. Functions of the Commission.**— The Commission shall, in addition to the functions laid down in sub-section (5) of section 13 of the Act, perform all or any of the following functions:—

(a) review and monitor all services in the area of children's health, education, well-being and rehabilitation of child victims (be it in the area of child labour, trafficking, child abuse or any other inhuman treatment of children) in order to promote the fulfilment of children's rights to protection, survival and the full development in all areas physical, social and psychological;

(b) frame plan of action and schemes for more effective implementation of this Act and for the promotion of the rights of children particularly street children, children in difficult circumstances, child victims of abuse, differently abled children, etc.;

(c) initiate and encourage study, research and documentation about child abuse and labour and offences committed by and against the child and make appropriate recommendations including legal processes to develop a child friendly jurisprudence which will respond to the best interest of the child;

(d) initiate and sustain representation and participation of all children, including street and other marginalized children, in its approach, formulation and execution of policies and programmes.

**11. Investigation.**— The Commission shall call for investigations into specific problems or situations arising out of discrimination and atrocities committed against children and identify the constraints so as to recommend strategies for their removal.

## CHAPTER - IV

**Procedure**

**12. Inquiry into complaints against atrocities committed against children.—** (1) The Commission while inquiring into the complaints against atrocities committed against children or of violations of child rights may call for information or report from the State Government or any other authority or organization subordinate thereof within such reasonable time as may be specified by it:

Provided that—

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the Commission is of the opinion that the atrocities committed against children requires to be investigated it may initiate an inquiry.

**13. Powers relating to Inquiries.—** (1) The Commission shall, while inquiring into complaints under rule 12, have all the powers as that of a Civil Court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely:

(a) summoning and enforcing the attendance of witnesses and examining them upon oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission may, for the purpose of conducting any investigating any investigation pertaining to the inquiry, utilize the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(3) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilized under sub-rule (2) may, subject to the direction and control of the Commission—

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document;

(c) requisition any public record or copy thereof from any office;

(4) The officer or agency whose services are utilized under sub-rule (2) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-rule (4) and for this purpose the Commission may make such inquiry as it thinks fit.

(6) No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceeding except at the prosecution for giving false evidence by such statement:

Provided that the statement—

(a) is made in reply to the question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

(7) If, at any stage of the inquiry, the Commission—

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry; it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence.

**14. Steps after inquiry.**— (1) The Commission shall take following steps on the completion of an inquiry held under rule 13,—

(a) send a copy of its inquiry report with its recommendation to the Government or concerned authority and the Government or the concerned authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(b) the Commission shall publish its inquiry report together with the comments of the Government or concerned authority, if any, and the action taken or proposed to be taken by the Government or concerned authority on the recommendations of the Commission in the Official Gazette; and

(c) subject to the provisions of clause (b), provide a copy of the inquiry report to the complainant or his representative;

(2) Where the inquiry discloses commission of atrocities or a violation of child rights of a serious nature and in contravention of provisions of the Act the Commission may,—

(a) recommend to the Government or the concerned authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(b) grant such relief from the fund to the victim or the members of his family as the Commission may deem proper.

(c) recommend to the Government or concerned authority for the grant of such immediate relief to the victim or the members of his family as the Commission may consider appropriate.

## CHAPTER - V

### The Children's Fund

**15. The Children's Fund.**— (1) There shall be established a Fund, to be called “the Children's Fund”, and there shall be credited thereto,—

- (a) grants or advances made by the Central Government;
- (b) grants or advances made by the State Government;
- (c) any sum received by way of penalties or fines realized under the Act;
- (d) any grant received from international bodies like United Nations;
- (e) any fee paid to the State Government under the provisions of the Act;
- (f) voluntary donations, contributions, subscriptions received from members of the public or any organizations in Goa and
- (g) income derived from investment.

(2) The Fund shall vest in the Commission.

**16. Committee for administration of the Fund.**— (1) The Commission shall constitute a Committee to advise the Commission on the matters of administration of the Fund including matters relating to the application of the Fund. Member-Secretary of the Commission shall be the Member-Secretary of the Committee.

(2) The Chairperson of the Commission shall be the Chairperson of the Committee.

(3) The Commission shall appoint two members on the Committee from amongst the Members of the Commission by rotation.

(4) The term of the Chairperson and the members of the Committee shall be co-terminus with their term of office as the Chairperson and Members of the Commission.

(5) The Director, Directorate of Women & Child Development and the Joint Secretary to the Government in the Finance Department shall be the Ex Officio members of the Committee.

(6) The Committee may, at any time and for such period as it thinks fit, co-opt any person or persons for getting necessary input and information needed for deciding application of the Fund.

(7) The co-opted members shall attend the meeting, but shall not entitled to vote.

(8) The co-opted members shall be paid daily and travelling allowance as may be admissible to the Class I Officers of the State Government.

**17. Application of Fund.**— (1) Subject to the directions given by the Commission, the Committee shall administer the Fund for,—

- (a) setting up of Children's Home and shelter;
- (b) running of Children's Home and shelter;
- (c) disbursement of the compensation to the child victim;
- (d) conducting training programmes or any other programmes for meeting the objectives of the Act and these rules;
- (e) conducting surveys and studies as directed by Commission; and
- (f) any other expenditure that may be incurred for the purpose of the Act.

(2) The Member-Secretary of the Commission shall be the drawing and disbursing officer of the Fund and shall be responsible for keeping the proper accounts relating to income and expenditure out of the Fund.

**18. Mode of payment.**— (1) All payments from the Fund amounting to,

- (a) rupees five hundred shall be made in cash;
- (b) more than rupees five hundred shall be made by cheque:

Provided the Commission may in any particular case, for any special reasons, authorized the payment of an amount exceeding rupees five hundred in cash.

(2) All Cheques shall be issued under the signature of the Member-Secretary of the Commission or such other officer as the Commission may by general or special order direct.

**19. Accounts of Fund.**— All money and receipts forming part of the Fund shall be deposited in the State Bank of India or any other Scheduled Bank as may be directed by the Commission.

## CHAPTER - VI

### Funds — Accounts and Audit

**20. Grants by the State Government.**— (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilized by the Commission for carrying out its functions under the Act and these rules.

(2) The Commission may spend such sums as it thinks fit for performing its functions under the Act and Rules.

**21. Accounts and Audit.**— (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in the format laid down by the Director of Accounts.

(2) The annual accounts of the Commission shall be audited by the Director of Accounts at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Director of Accounts.

(3) The Director of Accounts or any person appointed by him in connection with the audit of the accounts of the Commission shall have the same rights and privileges and the authority in connection with such audit as the Director of Accounts has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Director of Accounts or any other person appointed by him in this behalf, together with the audit report, thereon shall be forwarded annually to the State Government by the Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

**22. Annual and special reports of the Commission.**— (1) The Commission shall submit an annual report on its activities and on the administration of the Fund to the State Government and may, at any time, submit special reports on any matter, which in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the Commission to be laid before the State Legislature, alongwith a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

## CHAPTER - VII

### Miscellaneous

**23. Matters not subject to Jurisdiction of the Commission.**— The Commission shall not inquire into any matter which is pending before any other Commission duly constituted under any law for the time being in force.

**24. Protection of action taken in good faith.**— No suit or other legal proceeding shall lie against the Commission or any Member thereof or any person acting under the direction of the Commission in respect of anything which is, in good faith, done or intended to be done in pursuance of the Act or these rules or order made thereunder, or in respect of the publication by or under the authority of the Commission of any report, paper or proceedings.

**25. Members and officers to be public servants.**— Every Member of the Commission and every officer appointed or authorized by the Commission to exercise functions under these rules shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

By order and in the name of the Governor of Goa.

*H. D. Mashelkar*, Director (Women & Child Development)/ex officio Jt. Secretary.

Panaji, 7th July, 2004.

**Notification**

2-61(1)-97/I.C.D.S./637(B)

In exercise of the powers conferred by section 37 read with sub-section (2) and (3) of section 29, section 32 and section 38 of the Goa Children's Act, 2003 (Goa Act 18 of 2003) and all other powers conferred by the said Act in this behalf, the Government of Goa hereby makes the following Rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa Children's (Court) Rules, 2004.

(2) They shall come into force at once.

**2. Definitions.**— In these rules, unless the context requires otherwise,—

(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003);

(b) "Jury" means Jury of the Court referred to in clause (b) of section 28;

(c) "Court" means the Children's Court constituted under sub-section (1) of section 27;

(d) "Section" means the section of the Act;

(e) "President" means the President of the Court appointed by the State Government under clause (a) of section 28.

Words and expressions used in these rules but not defined shall have the same meaning as assigned to them under the Act.

**3. Appointment of Members of Jury.**— (1) The State Government shall appoint not less than three members of the Jury.

(2) Atleast two members of the Jury shall be women.

(3) No member of the Jury shall be appointed unless he/she has been actively involved in health, education, child care or welfare activities pertaining to children for not less than seven years or has a special knowledge and training in child psychology.

**4. Term of office and other conditions of Members of Jury.**— (1) The term of office of member of the Jury shall be three years.

(2) The members of the Jury shall be entitled to an honorarium of Rs. 400/- per effective hearing of the Court daily and travelling allowances as applicable to Class I officers of the State Government.

(3) No person will be appointed as a member of the Jury for more than two terms.

**5. Salary, Allowances and other conditions of service of the President.**— Salary, allowances and other terms of conditions of service of the President shall be governed by service rules framed by the State Government for the members of the State Judiciary, from time to time.

**6. Termination of Appointment of Members of Jury.**— The appointment of any member of the Jury may be terminated after holding an inquiry, by the State Government, if—

(a) he has been found guilty of misuse of power vested under the Act;

(b) he has been convicted of an offence involving moral turpitude; and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(c) he fails to attend the proceedings of the Court for consecutive three months without any valid reason or he fails to attend atleast three-fourth of the sitting in a year.

**7. Procedure of the Court.**— (1) The Court shall be presided over by the President.

(2) The quorum for the proceedings of the Court shall be the President and one member of the Jury.

(3) The Court shall meet at such times and observe such rules of conduct as the President, in consultation with the High Court, lays down.

(4) A child victim or a child in conflict with law may be produced before an individual member of the Jury or the President, when the Court is not sitting.

(5) the Court may act notwithstanding the absence of any member of the Jury, and no order made by the Court shall be invalid by reason only of the absence of any member during any stage of proceedings:

Provided that there shall be atleast two members including the President present at the time of final disposal of the case.

(6) In the event of any difference of opinion among the members of the Jury in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the President shall prevail.

**8. Procedure to be followed by a Magistrate not empowered under the Act.**— (1) When any Magistrate not empowered to exercise the powers of the Court under the Act is of the opinion that a person brought before him under any of the provisions of the Act (other than for the purpose of giving evidence), is a child, he shall without any delay record such opinion and forward the child and the record of the proceedings to any member of the Jury or to the President of the Court or to the Competent Authority under the Act.

(2) The Competent Authority to which the record of the proceedings is forwarded under sub-rule (1) shall hold the inquiry as if the child has been brought before him originally and if found fit refer the child to the Court for necessary action.

**9. Proceedings to be conducted in child friendly atmosphere.**— (1) The President shall follow a procedure which is child friendly and in the best interest of the child while examining any child who is a victim of any crime or accused of or a witness to any crime, and shall give such instructions to the members of the Jury and members of legal profession appearing before him, as he deems fit.

(2) The President may, where necessary, issue general instructions in this behalf and duly notify them in the Official Gazette.

By order and in the name of the Governor of Goa.

*H. D. Mashelkar*, Director (Women & Child Development)/ex officio Jt. Secretary.

Panaji, 7th July, 2004.

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### Notification

2-94-2004/DW&CD/1009

In exercise of the powers conferred by section 37 read with sub-sections (1) to (6) (both inclusive) of section 13 and section 38 of the Goa Children's Act, 2003 (Goa Act 18 of 2003), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to amend the Goa State Commission for Children Rules, 2004, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa State Commission for Children (Amendment) Rules, 2005.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Substitution of new rule for rule 9.**— For rule 9 of the Goa State Commission for Children Rules, 2004 the following rule shall be substituted namely:—

**“9. Salaries and allowances of Member Secretary and other staff:**— The administrative expenses including salary, allowances and pension payable to the Member Secretary of the Commission shall be paid out of the grants placed at the disposal of the Commission by the State Government.

The salaries allowances and pensions payable to the officers and staff referred to in clause (b) of rule 8 shall be paid by the Government.”

By order and in the name of the Governor of Goa.

*T. S. Sawant*, Director Women and Child Development ex officio Joint Secretary.

Panaji, 20th July, 2005.