

The Goa Children's (Court) Rules, 2004

GOA

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Rule THE-GOA-CHILDREN-S-COURT-RULES-2004 of 2004

- Published on 7 July 2004
- Commenced on 7 July 2004
- [This is the version of this document from 7 July 2004.]
- [Note: The original publication document is not available and this content could not be verified.]

The Goa Children's (Court) Rules, 2004 Published vide Notification No. 2-61(1)-97/I.C.D.S./637(B), dated 7th July, 2004

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) At least 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.