



Legislative Assembly of the State of Goa

**The Goa Children's
(Amendment) Bill, 2005**

(Bill No. 19 of 2005)

(As passed by the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
AUGUST, 2005.**

The Goa Children's (Amendment) Bill, 2005

(Bill No. 19 of 2005)

A

BILL

further to amend the Goa Children's Act, 2003.

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

1. *Short title and commencement.*- (1) This Act may be called the Goa Children's (Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Amendment of section 2.*- In section 2 of the Goa Children's Act, 2003 (Act 18 of 2003) (hereinafter referred to as the "principal Act"),-

(i) in clause (a), for the words "authorized officers", the words "special officers" shall be substituted;

(ii) in clause (d), the following proviso shall be inserted, namely :-

"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.";

(iii) in clause (f), after the words "either fully or partly", the expression " , and shall include

all creches, boarding schools, orphanages, protective homes and hostels which provide for care or custody or education or rehabilitation of a child" shall be inserted;

(iv) after clause (j), the following clause shall be inserted, namely :-

"(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;"

(v) in clause (l), sub-clause (v) and (vi) shall be omitted;

(vi) after clause (l), the following clause shall be inserted, namely :-

"(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

(vii) after clause (p), the following clause shall be inserted, namely :-

"(pp) "Government or State Government" means the Government of Goa;";

(viii) for clause (t), the following clause shall be substituted, namely :-

"(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;"

(ix) after clause (u), the following clauses shall be inserted, namely :-

"(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);";

(x) in clause (y), for item (i), the following shall be substituted, namely :- "(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 sexual organs of children, making

children pose for pornographic photos or films, and also includes rape.”

(xi) in clause (z), for the words “receipt of persons”, the words “receipt of children” shall be substituted;

(xii) after clause (za), the following clause shall be inserted, namely :-

“(zb) The words “complaint”, “bailable offence”, “non-bailable offence”, “cognizable offence”, “chargesheet”, “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. Amendment of section 3.- In section 3 of the principal Act,

- (i) in sub-section (1), for the words “The State shall ensure that children and the young are protected against exploitation”, the words “The State shall ensure that children are protected from child abuse, sexual offences, child trafficking, child prostitution and violation of their rights” shall be substituted;
- (ii) sub section (2) shall be omitted ;
- (iii) in sub-section (7), the words and figure “social welfare institutions, or legislative bodies” shall be omitted.

4. Amendment of section 4.- In section 4 of the principal Act,-

(i) for sub-section (3), the following sub-section shall be substituted, namely :

“(3) Counseling facilities by trained personnel shall be provided to the children in all schools.”;

(ii) in sub-section (4), for the words “shall include”, the words “shall preferably include” shall be substituted ;

(iii) in sub-section (5), for the words “shall also include”, the words “shall preferably also include” shall be substituted; and after the words and figure “substance abuse,”, the words and figure “sexuality education,” shall be inserted;

(iv) in sub-section (6), for the word “compulsorily”, the word “preferably” shall be substituted;

(v) in sub-section (7), the words “elected Students Councils or any other” shall be omitted;

(vi) in sub-section (8), for the words “shall work”, the words “ shall strive to work” shall be substituted and for the words “three years”, the words “seven years” shall be substituted;

(vii) in sub-section (10), after the words “physical infrastructure”, the words “including barrier free access” shall be inserted;

(viii) after sub-section (14), the following sub-section shall be inserted, namely :-

"(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. *Amendment of section 5.* - In section 5 of the principal Act,

(i) in sub-section (1), after the words "should be introduced", the words "in a phased manner" shall be inserted, and for the words "Immunisation programme", the words "free Immunisation programme" shall be substituted;

(ii) in sub-section (3), for the word "should", the word "may" shall be substituted.

(iii) in sub-section (10), after the words and figure "issues of substance," the words and figure "psycho - social well being," shall be inserted;

(iv) after sub-section (10), the following sub-sections shall be inserted, namely :-

"(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. *Amendment of section 6.* - In section 6 of the principal Act,-

(i) in sub-section (9), after the words "and containing such particulars as may be prescribed", the words "and the Director shall forward the applications to the District Inspection Team for inspection of such Children Home and checking of all other requirements" shall be inserted;

(ii) for sub-section (11), the following sub-section shall be substituted, namely :-

"(11) 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.";

(iii) for clause (b) of sub-section (13), the following clause shall be substituted, namely:-

(b) Checking the applications of those parties who have applied for registration

and inspecting the institutions before making a recommendation to the Director.”;

(iv) after sub-section (15), the following sub-sections shall be inserted, namely :-

“(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. Amendment of section 7. — In section 7 of the principal Act,

(i) in the title, for the words “Child Labour”, the words “Child Labour and Trafficking” shall be substituted;

(ii) in sub-section (2), in clause (b), the words and figures “and Goa, Daman and Diu Shops and Establishments Rules, 1975” shall be omitted;

(iii) in sub-section (5), for the word “violation”, the word “contravention” shall be substituted;

(iv) in sub-section (6), for the words “within a period of two years from the commencement of this Act”, the words “in a phased manner” shall be substituted; and after the words “for the prevention of child labour”, the words “the plan of action shall be published in the Official Gazette every year” shall be inserted;

(v) in sub-section (7), the words and figures “over this period of 2 years” shall be omitted;

(vi) in sub-section (8), for the words “a Child Labour Vigilance Officer in each Taluka”, the words “Special Officers” shall be substituted;

(vii) for sub-section (9), the following sub-section shall be substituted, namely:

“(9) The district police, airport police, traffic police, border police, Labour Inspectors and railway police shall immediately take cognizance of all reports or informations

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."

8. **Amendment of section 8.**—In section 8 of the principal Act,

(i) in the title, after the word "Abuse", the words "and Trafficking" shall be inserted ;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :-

"(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/-."

(iii) in sub-section (2),

(a) for the words "sexual assault", the words "child abuse or sexual assault" shall be substituted,

(b) for the words "seven years", the words "ten years" shall be substituted and for the words "ten years" the words "life imprisonment" shall be substituted;

(c) for the expression "punished with imprisonment of either description for a term of one year plus fine of Rs. 1,00,000/-", the expression "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/-" shall be substituted; and

(d) for the words "Testimony of the child victim shall be treated on par with the testimony of a child rape victim", the words "Statement of the child victim shall be treated on par with the statement of a child rape victim" shall be substituted;

(iv) for sub-section (3), the following sub-section shall be substituted, namely :-

"(3) 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.";

(v) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) 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.

(vi) in sub-section (6), for the words "The Director shall have the power to authorize the District Inspection Team to inspect and check", the words "The Competent Authority, the Director and the Special Officers shall have powers to authorize the Officer-in-charge of the nearest police station or District Inspection Team to inspect and check" shall be substituted;

(vii) for sub-section (7), the following sub-section shall be substituted, namely :-

"(7) 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."

(viii) for sub-section (9), the following sub-section shall be substituted, namely :-

"(9) 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/-";

(ix) in sub-section (10), -

(a) in clause (d), for the word "violation", the word "contravention" shall be substituted;

(b) after clause (d), the following clause shall be inserted, namely :-

"(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/-";

(x) sub-section (11) shall be omitted;

(xi) in sub-section (13), for the expression "imprisonment of either description for a period of not less than one year extendable to three years and a fine of not less than Rs. 50,000/-", the expression "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/-" shall be substituted;

(xii) in sub-section (14), for the words "to report this to a police officer not below the rank of a

Deputy Superintendent of Police to be specified by the Government", the words "to report this to the Officer in-charge of the nearest police station" shall be substituted;

(xiii) for sub-section (15), the following sub-section shall be substituted, namely:-

"(15) 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."

(xiv) in sub-section (16), the words "under the garb of adoption or otherwise" shall be omitted;

(xv) sub-section (17) shall be omitted;

(xvi) in sub-section (18), for the words "sexual abuse", the words "any offence under this Act" shall be substituted;

(xvii) in sub-section (23), for the word "violation", the word "contravention" shall be substituted;

9. Amendment of section 9. - In section 9 of the principal Act,

(i) in the title, for the words "Child Sexual Trafficking", the words "Commercial Sexual Exploitation and Dedication" shall be substituted;

(ii) in sub-section (1), for the words "child prostitution", the words "commercial sexual exploitation" shall be substituted;

(iii) in sub-section (2), for the words "child prostitutes", the words "commercially sexually exploited children" shall be substituted;

(iv) in sub-section (3), for the words "child prostitution", the words "commercial sexual exploitation" shall be substituted;

(v) in sub-section (4), for the words "and simple imprisonment of one year", the words "and imprisonment for a term which may extend to seven years" shall be substituted.

10. Amendment of section 10. - In section 10 of the principal Act,

(i) for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) The State shall endeavour to protect all children in difficult circumstances;"

(ii) in sub-section (2), for the words "All Street Children shall be withdrawn and placed", the words "All children in difficult

circumstances shall, wherever required, be placed" shall be substituted;

(iii) in sub-section (4), for the words "Children Shelters in every taluka" the words "Children's Homes" shall be substituted.

11. Amendment of section 13. - In section 13 of the principal Act,

(i) in sub-section (5), in clause (c), after the word "judiciary", the word and figure, "prosecution," shall be inserted;

(ii) after sub-section (6), the following sub-section shall be inserted, namely:-

"(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."

(iii) in sub-section (12), for the expression "shall set up a State Council comprising persons from the media, and others, as may be prescribed", the expression, "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." shall be substituted;

(iv) in sub-section (13), for the words and figures "Task Forces, Authorized Officers and

others", the words and figures "Task Forces, Special Officers, Labour Inspectors, State Commission for Children, State Council and others" shall be substituted;

(v) sub-section (15) shall be omitted;

(vi) for sub-section (18), the following sub-section shall be substituted, namely:-

"(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."

(vii) in sub-section (20), for the words "severely punished", the expression "punishable with imprisonment for a term which may extend to five years and fine which may extend to Rs. 50,000/-" shall be substituted;

(viii) in sub-section (21), for the words "of not less than one year" the words "which may extend to three years" shall be substituted;

(ix) in sub-section (22), after the words "sex workers", the words "in a phased manner" shall be inserted.

(x) sub-section (24) shall be omitted.

12. **Amendment of section 14:**— In section 14 of the principal Act,

(i) in the title, for the word "Violation", the words and figure "Violation, Contravention" shall be substituted;

(ii) in sub-section (1),-

(a) for the word "violations", the word "contraventions" shall be substituted;

(b) in clause (a), for the expression "violation of any of the provisions of this Act including those in Section 3", the expression "contravention of the provisions of sections 3, 4 and 5 of this Act and the rules made thereunder" shall be substituted;

(c) in clause (b), for the word "violation", the word "contravention" shall be substituted;

(iii) in sub-section (3), for the word "violation", the word "contravention" shall be substituted;

(iv) sub-section (6) shall be omitted;

(v) for sub-section (7), the following sub-section shall be substituted, namely:-

"(7) 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."

(vi) for sub-section (9), the following sub-section shall be substituted, namely:-

"(9) 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 or to a Police Officer-in-charge of a Police Station."

13. **Amendment of section 15:**— In section 15 of the principal Act,

(i) in the title, for the words "Competent Authority", the words and figure "Competent Authority, Director and Special Officer" shall be substituted;

(ii) in sub-section (1),-

(a) for the words "Competent Authority", wherever they occur, the words and figures "Competent Authority or Director or Special Officer, as the case may be," shall be substituted;

(b) for the words "or otherwise", the words "or otherwise or in any other fit case" shall be substituted;

(c) in clause (a), for the word "reference", the words "representation or petition" shall be substituted;

(d) clause (c) shall be omitted;

(e) after clause (d), the following clause shall be inserted, namely :-

"(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,";

(iii) in sub-section (2), for the words "Competent Authority or any Special Officer", the words and figure "Competent Authority, Director or any Special Officer" shall be substituted and for the words "by the Competent Authority or by any Special Officer", the words "by the Competent Authority or by the Director or by any Special Officer" shall be substituted;

(iv) proviso to sub-section (3) shall be omitted;

(v) for sub-section (4), the following sub-section shall be substituted, namely :-

"(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."

14. *Amendment of section 16.* - In section 16 of the principal Act,

(i) in the title, for the words "Competent Authority or Special Officer", the words "Competent Authority or Director or Special Officer or any officer in charge of a police station" shall be substituted;

(ii) for the words "Competent Authority or any Special Officer", the words "Competent Authority or Director or any Special Officer or any officer in charge of a police station" shall be substituted;

(iii) for the words and figure "simple imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees, or with both", the words "simple imprisonment for a term which may extend to three years or with fine

which may extend to fifty thousand rupees or with both" shall be substituted;

15. *Amendment of section 17.*- In section 17 of the principal Act,-

(i) in the title, for the words "Competent Authority's", the words "Competent Authority's, Director's and Special Officer's" shall be substituted;

(ii) for the words "the Competent Authority", wherever they occur, the words and figures "the Competent Authority or the Director or the Special Officer, as the case may be," shall be substituted.

16. *Substitution of section 18.*- For section 18 of the principal Act, the following section shall be substituted, namely :-

"18. 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."

17. *Substitution of section 20.*- For section 20 of the principal Act, the following section shall be substituted, namely :-

"20. 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 a 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."

18. *Substitution of section 21.*- For section 21 of the principal Act, the following shall be substituted, namely:-

"21. 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 subsection (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."

19. *Amendment of sections 22 and 23.*- In sections 22 and 23 of the principal Act, for the word "violation", the word "contravention" shall be substituted.

20. *Insertion of new section 22A.*- After section 22 of the principal Act, the following new section shall be inserted, namely:-

"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 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/-.

21. Amendment of section 24. - In section 24 of the principal Act,

(i) the existing provision shall be re-numbered as sub-section (1) thereof and in sub-section (1) as so re-numbered, for the word "Magistrate", wherever it occurs, the word "Judicial Magistrate" shall be substituted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:-

"(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."

22. Amendment of section 25. - In section 25 of the principal Act, for the words "one year", the words "three years" and for the words "one thousand rupees", the words "fifty thousand rupees" shall be substituted.

23. Substitution of section 26. - For section 26 of the principal Act, the following section shall be substituted, namely:-

"26. 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 thereunder 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."

24. Substitution of section 28. - For section 28 of the principal Act, the following section shall be substituted, namely :-

"28. 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."

25. *Amendment of section 29* - In section 29 of the principal Act,—

- (i) in sub-section (2), the words "and the Jury members" shall be omitted;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The Government shall frame rules regarding the detailed functioning and procedure of the Children's Court."

26. *Amendment of section 30*.- In section 30 of the principal Act, sub-section (2) shall be omitted.

27. *Amendment of section 32*.- In section 32 of the principal Act,—

(i) in the proviso to sub-section (1),—

(a) the clauses (a), (b) and (c) shall be omitted;

(b) in clause (1), for the words "shall lie on the accused", the words and figure "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" shall be substituted;

(c) in clause (m), for the words "who is a victim of a crime", the words "who is a victim of a crime or a witness to a crime" shall be substituted and for the words "perpetrators of the crime", the words "perpetrators of the crime but the

Advocate for the accused shall be allowed to be present" shall be substituted;

(d) in clause (o), for the words and figures "to deposit 75% of the maximum fine leviable for that offence", the expression "to deposit, in cash, any amount as deemed fit by the Children's Court and his or her passport" shall be substituted;

(ii) in sub-section (2), in clause (k), for the word "testimony", the words and figures "testimony or statement, as the case may be," shall be substituted.

28. *Substitution of section 33*.- For section 33 of the principal Act, the following section shall be substituted, namely :-

"33. 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."

29. *Amendment of section 35*.- In section 35 of the principal Act, for the word "law", wherever it occurs, the word "State law" shall be substituted;

30. *Amendment of section 38*.- In sub-section (1) of section 38 of the principal Act, in the proviso, for the words "two years", the words "five years" shall be substituted.

31. *Insertion of new section 42.*- After section 41 of the principal Act, the following section shall be inserted, namely :-

"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."
