

Panaji, 19th September, 2013 (Bhadra 28, 1935)

SERIES I No. 25

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

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## GOVERNMENT OF GOA

### Department of Agriculture

Directorate of Agriculture

#### Notification

No. 3/5/EXT/38/Scheme/2013-14/D.Agri/381

Training and extension is integral part of agriculture wherein the Government programmes are promoted among the farmers for overall development of agriculture sector. The farmers are exposed to new technologies through trainings, meetings, demonstrations and technical advice, publicity etc.

The following scheme approved by Government is therefore hereby published for general information of public.

1. *Short title & commencement.*— (i) This scheme shall be called "Human Resource Development in Agriculture".

(ii) This scheme shall come in force with immediate effect and shall remain in force till it is withdrawn.

2. *Objective of the scheme.*—(i) To train the farmer in crop production technology, advances in agriculture and to create awareness of the developmental schemes in agriculture.

(ii) To organize Krishi Melas, Krishi Mahotsav, Seminars, Exhibitions to expose the farmers to new machinery, equipments, inputs and to demonstrate their uses.

(iii) To promote employment in agriculture and increase agriculture production of the State.

3. *The scheme of Human Resource Development in Agriculture shall be operated with following components.—*

1. TRAINING.— i) Certificate Course in Skill Development.

(a) *Skill Development in farming operation:* The training of two months duration shall be conducted to train farmers, farm worker and rural youth in upgradation of the skills or to acquire new skills in farming operation. Training in seed treatment, pest control, planting, plant multiplication, harvesting, use of agriculture machinery etc., shall be conducted for period of 2 months for 20 participants in a year.

(b) *Skill Development in Operation of Agricultural Machinery:* Training would be conducted for skill development in use of agricultural machinery including driving and maintenance of tractors & power tillers for a period of 2 months for 20 participants in a year. Certificate would be given to the trainees at end of the training.

3.1.1.i *Eligibility.—* Any individual/farmers or school dropouts, unemployed rural youth having marginal land or family land or belonging to family of agriculture labourer willing to join for training will be considered for training in skill development of farming operation.

Any individual/farmer/agriculture labourer having LMV licence willing to join for training will be considered for training in skill development in operation of agriculture machinery.

3.1.1.ii *Pattern of assistance.—*The trainings would be conducted for 2 months with each batch of 20 participants. One batch would be

trained for Skill Development in farming operation and other batch would be trained in Skill Development in operation of Agriculture machinery. An expenditure of Rs. 300 per day per trainee shall be incurred towards the expenditure for food, refreshment, travel, etc. Wherever the Department of Agriculture, provide these facilities, this amount would be appropriately reduced after deducting these expenses from the admissible amount and balance shall be paid to trainees.

Trainings shall be conducted by Departmental Officers. However for specific matters pertaining to repair or maintenance of agricultural machinery service of external experts shall be hired @ Rs. 800 per demonstration.

The machinery not available with the Department shall also be hired by paying daily rent by call of quotations. The P.O.L. required for use of equipments and the spares required shall be paid under the scheme.

3. 2 *On Campus Training.—*Training would be conducted on various subject of agricultural importance including multiple cropping, integrated farming and value addition for two days at Farmers Training Centre, at Ela, Old-Goa. Each batch would be of 25 participants twenty such training shall be conducted in a year from April to March on various topics.

3.2.1 *Eligibility for On Campus Training.—* Any individual farmers cultivating his land or of other owner, agricultural labourer member of NGO, farmers clubs, students from high schools, colleges, with due recommendation of Zonal Agricultural Officers.

3.2.2 *Pattern of assistance.—* Each training shall consist of 25 trainees. An expenditure of Rs.300 shall be incurred per trainee towards the cost of food, refreshment, travel cost etc. Wherever the Department provides those facilities, the amount shall be appropriately reduced after deducting these expenses and balance shall be paid to the trainee.

Training shall be conducted by Departmental Officers. However when external experts are required to be invited for

specific demonstration or lecture, an amount of Rs.800 shall be paid for each demonstration.

3.3 *Off Campus Training.*—Training shall be conducted on various local issues in agriculture and home science including integrated farming by deputing team of experts from the Department to the villages. This will address the local problems of the farmer in association with Krishi Vigyan Kendra. The training would be for one day. Trainings would be conducted in field, temple, homes of farmers, church premises, schools etc.

3.3.1 *Eligibility for Off Campus training.*—Any farmer, land owner, agricultural labourer, members of farmers clubs, students, number of women self help group etc., who have interest in agricultural programmes.

3.3.2 *Pattern of assistance.*—Each training shall consist of 20-40 numbers. Twelve camps would be conducted in a year. Trainings shall be conducted by Departmental Officer. However for specific local problem if expert is required to be hired the same shall be hired with honorarium of Rs.800 per day. The expenditure on sound system, chairs, and material for demonstration shall be incurred by the Department to a maximum of Rs. 5000 per training. This would include expenditure for material for training and for tea and refreshment for the participants. Additional amount of Rs. 4000 would be incurred per training towards P.O.L. for the office vehicle utilized for the purpose.

3.4 *Training of officers of the Department.*—Training of the Agriculture Officers in various categories besides Agriculture Asstt., Agri. Field Asstt. etc., shall be taken up for exposure to new technology and innovation and monitoring their implementation. One day On Campus trainings shall be conducted for this purpose.

3.4.1 *Pattern of Assistance.*—The expenditure of Rs.150 per day per officer/staff on training shall be incurred. The amount would be spent for refreshment and working lunch for the participants.

3.5 *Study tour of farmers.*— 3.5.1. *Study tours of farmers within State.*

One day duration study tour will be conducted to Centres of excellence in agriculture in Goa such as Government Agriculture Farms, ICAR Research Complex, Ela, Old Goa, outstanding farmer's fields where new practices are adopted for cultivation of crops. Six hundred farmers shall be covered under the programme.

3.5.1.1 *Eligibility.*—Farmers cultivating his own crops or those interested to expose themselves to agriculture development with due recommendation by Zonal Agricultural Officer.

3.5.1.2 *Pattern of assistance.*—An amount of Rs. 200 shall be incurred per trainee towards lunch, refreshment and stationery items. Whenever, the lunch, refreshments are arranged by department, the cost of above shall be debited to this head of expenditure and balance amount shall be paid to the trainee. Besides, the above the bus fare as per actual for the tour for one day shall be borne under the scheme.

3.5.2 *Study Tour of farmers outside State.*—Study tours shall be organized for farmers, extension officers, policy makers, to visit centres of excellence outside the State. This would expose them to new technology in agriculture and allied fields. New innovation, new practices in agriculture would be introduced through this means.

3.5.2.1. *Eligibility.*—The farmers cultivating his own or leased land or on rent, agriculture officers of the Department, Horticulture Corporation or other line departments, students studying in agriculture subjects, member of farmers clubs, agri. Co-operatives with due recommendation of the Zonal Agricultural Officer of the area.

3.5.2.2 *Pattern of Assistance.*—A total of 90 farmers shall be taken out of State annually in 3 batches in as per the availability of vehicle or the train preferably. Tour will be for duration of 5 – 6 days.

Each of the trainee would be provided stipend of Rs. 600 per day towards the lunch,

refreshment, and lodging charges. The bus fare or train fare in 3 tier A. C. shall be paid as per the actual.

**3.6 Upgrading Agricultural Training facilities.**—It is proposed to acquire mobile training vehicle for the Department equipped with all the audio video equipment including generator. The total cost of the vehicle shall be Rs. 15.00 lakhs. This would be utilized for training of Scheduled Tribe farmers in distance areas for off campus trainings.

**3.7 Workshops/Exhibition/Seminars.**—Workshops, Exhibitions and Seminars are conducted by department and various Government and Non-Government organization/training institutes to create awareness and demonstrate new innovation in agriculture to farmers.

Exhibitions shall be conducted on various issues of agriculture and allied sectors by Department of Agriculture. The same may also be sponsored if organized by NGO/Voluntary Organizations Farmers Clubs other professional agencies. Wherever the events are required to be sponsored Department will provide maximum assistance of 50% of the cost with specific approval of Government upon receipt of detail proposal.

Farmers Club, NGOs or voluntary organization or professional institutes organizing workshop/ exhibitions/seminars and desiring to avail benefit should be a registered body and shall be required to submit their duly audited Statement of Accounts for last 3 years for availing the sponsorship. An amount of Rs. 5.00 lakhs is allocated for this component.

**3.8 Support for education in Agriculture.**—Since there is no Agriculture College in the State, the children of the Farming Community find it difficult to obtain degree in Agriculture. Therefore reservation of seats outside the State is arranged by Government of Goa by signing a tripartite agreement. Every year Nine nos. of students are sponsored by the State for which financial provisions is made in this scheme.

**3.8.1 Objective.**—Facilitate the students from Goa to obtain degree in Agricultural and allied courses.

**3.8.2 Pattern of assistance proposed.**—

**3.8.2.1 Pattern of assistance for Graduation B.Sc(Agri/Hort):**

An amount of Rs. 10,000/- per year/per seat for degree course studies are required to be given to the University as per the agreement.

Educational support of Rs. 2,000/- per month for undergraduate students during entire period of study for maximum 4 years.

**3.8.2.2. Pattern of assistance for Post Graduation M.Sc (Agri/Hort):**

Educational support of Rs. 3000/- per month for post graduate students during entire period of study shall be provided to those who get admission in Post Graduation Courses on their own merit.

**3.8.3 Eligibility/criteria for selection and conditions of study.**—

- 1) The candidates should apply in the prescribed proforma Annexure I
- 2) The candidates should be resident of Goa for minimum period of 15 years.
- 3) The selection will be based on merit and weightage would be given as below:

**3.8.4 Percentage aggregate marks of qualifying exam shall be taken as points.**—

- a) Student coming from agricultural family having land in his/her name or in name of his/her parent or paternal parent as seen in land index form I & XIV for B. Sc. (Agri.)/(Hort.) - 10 points
- b) Student coming from fishing families for B. Sc. (Fish) duly certified by the Mamlatdar - 10 points
- c) Student holding NCC "B" or "C" certificate or NSS camp with aggregate 240 hrs. - 2 points
- d) Student who have participated in inter collegiate games/sports - 2 points



e) B.Sc. degree holders seeking admissions to undergraduate degree in agriculture or allied subject - 6 points.

f) Maximum added points - 20 points

4) The selected candidates will have to make his/her own arrangements for stay at the institution of studies either through hostel or their own.

5) The selected candidates should make their own arrangements for travel from Goa to the college of studies.

6) The candidate should attach the attested photocopies of the marks list of XIIth Science, school leaving certificate, the residential certificate and birth certificate and other certificates as applicable.

7) The selected candidate will pay all his tuition fees, hostel fees, and deposits as applicable to the students on his/her own after the final selection and admission of the College.

8) The selected candidate will have to furnish a security of Rs. 2,000/- to this Directorate in form of Demand Draft drawn on any Nationalized Bank payable at Panaji in the name of Director of Agriculture, Caranzalem to affirm his/her candidature at the time of acceptance.

9) The security deposit of the candidates will be forfeited in favour of the Government for his/her failure to report to the college within the stipulated time or for abandoning the study in the middle of year.

10) The security deposit will be refunded to the applicant after one year of successful completion of the studies duly supported by a letter from the college of studies to that effect.

11) The candidates will be required to undergo medical fitness test as directed by the college of studies.

12) The selected candidates will have to abide to all the terms and conditions of admission, study, behavior, discipline, etc., as specified from time to time by the college and the Directorate of Agriculture, Goa. The

selected candidates will have to execute a bond on Rs. 50/- non-judicial stamp paper affirming to adhere to these conditions.

13) After completion of admission formalities the students should immediately submit a copy of admission fee receipt to this Directorate.

3.9 *Assistance for Agriculture Training Centre.*—The involvement of the NGO and private sectors in promoting agriculture is low in the State. The training through farmers clubs, NGO farmer's societies etc., shall be promoted by supporting such training with grants to extent of 50% of the cost of training on specific training module. The NGO, Society or clubs shall be required to submit the detail training module with estimated cost and duly audited report of their organization for last 3 years. Each of training module shall be subsidized to extent of 50% of cost or Rs. 20,000/-. A maximum of 2 trainings would be subsidized for any institute in a year.

4. *Financial requirement.*—The various programmes as indicated in the preceding paras shall be implemented subject to availability of funds for farmer under general category Scheduled Tribe farmers and Scheduled Caste farmers.

5. *Relaxation.*— The Government shall be empowered to relax any or all clauses or conditions of the scheme in genuine cases. However for release of financial assistance in such case will be considered only with approval of Finance (Exp.) Department.

6. *Interpretation.*— If any question arises regarding interpretation of any clause, word, expression of the scheme, the decision shall lie with the Government, which shall be final and binding on all concerned.

7. *Redressal of grievances and disputes.*— Grievances if any, arising out of the implementation of this scheme, shall be heard and decided by the Minister for Agriculture and the decision of the Minister for Agriculture in this regard shall be final and binding on all concerned.

This issues with the concurrence of Finance Expenditure Department under U. O. No.1481536 Fin (Exp.), dated 16-8-2013.

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

*P. Tufani*, Director & ex officio Joint Secretary (Agriculture).

Panaji, 11th September, 2013.



Department of Civil Supplies and  
Consumer Affairs

Order

DCS/EST/1-93/R. LDC'S/2013-14/146

Sanction of the Government is hereby accorded for the revival of below mentioned Group 'C' posts in the Department of Civil Supplies and Consumer Affairs, Panaji-Goa with immediate effect.

Sr. No.	No. of posts	Name of the post	Pay Scale	Budget Head
1.	2	L.D.C.	Rs. 5200-20200+1900	3456 — Civil Supplies; 00 —; 001 — Direction and Administration; 01 — Civil Supplies Department (NP); 01 — Salaries.
2.	2	L.D.C.	Rs. 5200-20200+1900	2408 — Food Storage & Warehousing; 01 — Food; 001 — Direction & Administration; 01 — Civil Supplies Department (NP).

This issues with the recommendation of the Administrative Reforms Department vide U.O. No. 1303/F dated 31-07-2013 and with the concurrence of Finance Department vide their U. O. No. 1481019 dated 26-08-2013.

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

*Vikas S. N. Gaunekar*, Director and ex officio Joint Secretary (Civil Supplies & Consumer Affairs).

Porvorim, 5th September, 2013.

Corrigendum

DCS/EST/Creation of Post/  
/2013-14/04

Ref.: Order No. DCS/EST/Creation of Posts/  
/2013-14/139 dated 3-09-2013.

In the Order No. DCS/EST/Creation of Posts/2013-14/139 dated 3rd September, 2013, the pay scale for the post of Peon which is mentioned in the order as Rs. 5200-20200+Grade Pay of Rs. 1800/- shall be read instead as, "Rs. 4440-7440+GP Rs. 1300/-" rest of the contents of the order remains unchanged.

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

*Vikas S. N. Gaunekar*, Director and ex officio Joint Secretary (Civil Supplies & Consumer Affairs)

Porvorim, 5th September, 2013.



Department of Law & Judiciary

Legal Affairs Division

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Notification

10/3/2013-LA/101

The Protection of Children from Sexual Offences Act, 2012 (Central Act No. 32 of 2012), which has been passed by the Parliament and assented to by the President on 19-06-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 19-06-2012, is hereby published for the general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 2nd August, 2013.

THE PROTECTION OF CHILDREN FROM  
SEXUAL OFFENCES ACT, 2012

Arrangement of Sections

CHAPTER I

Preliminary

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2. Definitions.

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Sexual Offences Against Children

A.— Penetrative sexual assault and punishment therefor

3. Penetrative sexual assault.
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5. Aggravated penetrative sexual assault.
6. Punishment for aggravated penetrative sexual assault.

C.— Sexual assault and punishment therefor

7. Sexual assault.
8. Punishment for sexual assault.

D.— Aggravated sexual assault and punishment therefor

9. Aggravated sexual assault.
10. Punishment for aggravated sexual assault.

E.— Sexual harassment and punishment therefor

11. Sexual harassment.
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Using child for pornographic purposes and punishment therefor

13. Use of child for pornographic purposes.
14. Punishment for using child for pornographic purposes.
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CHAPTER IV

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CHAPTER V

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20. Obligation of media, studio and photographic facilities to report cases.
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25. Recording of statement of a child by Magistrate.
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THE SCHEDULE.

THE PROTECTION OF CHILDREN FROM  
SEXUAL OFFENCES ACT, 2012

AN

ACT

*to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.*

Whereas clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

And whereas, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State Parties in securing the best interests of the child;

And whereas it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

And whereas it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

And whereas the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices;

(c) the exploitative use of children in pornographic performances and materials;

And whereas sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—

(1) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) “aggravated penetrative sexual assault” has the same meaning as assigned to it in section 5;

(b) “aggravated sexual assault” has the same meaning as assigned to it in section 9;

(c) “armed forces or security forces” means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(d) “child” means any person below the age of eighteen years;

(e) “domestic relationship” shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005; 43 of 2005.

(f) “penetrative sexual assault” has the same meaning as assigned to it in section 3;

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

(h) “religious institution” shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988; 41 of 1988.



(i) “sexual assault” has the same meaning as assigned to it in section 7;

(j) “sexual harassment” has the same meaning as assigned to it in section 11;

(k) “shared household” means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(l) “Special Court” means a court designated as such under section 28;

(m) “Special Public Prosecutor” means a Public Prosecutor appointed under section 32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code, 45 of 1860. the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts.

## CHAPTER II

### Sexual offences against children

#### A.— Penetrative sexual assault and punishment therefor

3. *Penetrative sexual assault*.— A person is said to commit “penetrative sexual assault” if—

(a) he penetrative his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. *Punishment for penetrative sexual assault*.— Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

#### B.— Aggravated penetrative sexual assault and punishment therefor

5. *Aggravated penetrative sexual assault*.—

(a) Whoever, being a police officer, commits penetrative sexual assault on a child—

(i) within the limits of the police station or premises at which he is appointed; or

(ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetratives sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the forces or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(g) whoever commits gang penetrative sexual assault on a child.

*Explanation.*—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or 14 of 1987.

causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits penetrative sexual assault on a child and make the child to strip or parade naked in public,

is said to commit aggravated penetrative sexual assault.

6. *Punishment for aggravated penetrative sexual assault.*— Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

C.— Sexual assault and punishment therefor

7. *Sexual Assault.*— Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. *Punishment for sexual assault.*— Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

D.— Aggravated sexual assault and punishment therefor

9. *Aggravated sexual assault.*—(a) Whoever, being a police officer, commits sexual assault on a child—

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as a police officer; or

(b) Whoever, being a member of the armed forces or security forces, commits sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the security or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(g) whoever commits gang sexual assault on a child.

*Explanation.*—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such person shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 or 14 of 1987. causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(l) whoever commits sexual assault on the child more than once or repeatedly; or

(m) whoever, commits sexual assault on a child below twelve years; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or

(p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits sexual assault on a child knowing the child is pregnant; or

(r) whoever commits sexual assault on a child and attempts to murder the child; or

(s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated sexual assault.

10. *Punishment for aggravated sexual assault.*—Whoever, commits aggravated sexual assault shall be punishable with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

E.— Sexual harassment and punishment therefor

11. *Sexual harassment.*— A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(i) utters any word or makes any sound, or makes any gesture or exhibit any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of the body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or



(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

*Explanation.*— Any question which involves “sexual intent” shall be a question of fact.

12. *Punishment for sexual harassment.*— Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

### CHAPTER III

#### Using child for pornographic purposes and punishment therefor

13. *Use of child for pornographic purposes.*— Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

(a) representation of the sexual organs of a child;

(b) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(c) the indecent or obscene representation of a child,

shall be guilty of the offence of using a child for pornographic purposes.

*Explanation.*—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. *Punishment for using child for pornographic purposes.*—(1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

(4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. *Punishment for storage of pornographic material involving child.*—Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.



## CHAPTER IV

Abetment of and attempt to commit an offence

16. *Abetment of an offence.*—A person abets an offence, who—

*First.*—Instigates any person to do that offence; or

*Secondly.*—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

*Thirdly.*—Intentionally aids, by any act or illegal omission, the doing of that offence.

*Explanation I.*— A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

*Explanation II.*—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

*Explanation III.*—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of any offence under this Act, is said to aid the doing of that act.

17. *Punishment for abetment.*—Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

*Explanation.*—An act or offence is said to be committed in consequence of abetment,

when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. *Punishment for attempt to commit an offence.*—Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

## CHAPTER V

Procedure for reporting of cases

19. *Reporting of offences.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the 2 of 1974. child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

- (a) the Special Juvenile Police Unit; or
- (b) the local police.

(2) Every report given under sub-section (1) shall be—

- (a) ascribed an entry number and recorded in writing;
- (b) be read over to the informant;
- (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) When the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

20. *Obligation of media, studio and photographic facilities to report cases.*— Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

21. *Punishment for failure to report or record a case.*— (1) Any person, who fails to

report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

22. *Punishment for false complaint or false information.*— (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

23. *Procedure for media.*— (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child;

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omission of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

#### CHAPTER VI

##### Procedures for recording statement of the child

24. *Recording of statement of a child.*— (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

25. *Recording of statement of a child by Magistrate.*—(1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973<sup>2</sup> of 1974. (hereinafter referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child;

Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

26. *Additional provisions regarding statement to be recorded.*—(1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the persence of the parents of the child or any other person in whom the child has trust or confidence.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

27. *Medical examination of a child.*— (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164 A of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

#### CHAPTER VII Special Courts

28. *Designation of Special Courts.*—(1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special 4 of 2006. Court designated for similar purposes

under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial. 2 of 1974.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online. 21 of 2000.

29. *Presumption as to certain offences.*— Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

30. *Presumption of culpable mental state.*— (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

*Explanation.*—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.



31. *Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.*— Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor. 2 of 1974.

32. *Special Public Prosecutors.*—(1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and 2 of 1974. provisions of that Code shall have effect accordingly.

#### CHAPTER VIII

##### Procedure and powers of Special Courts and recording of evidence

33. *Procedure and powers of Special Court.*—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

*Explanation.*— For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.



(9) Subject to the provisions of this Act, a Special Court shall, for the purposes of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session.

34. *Procedure in case of commission of offence by child and determination of age by Special Court.*—(1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provision of the Juvenile Justice (Care and Protection of Children) Act, 56 of 2000, 2000.

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

35. *Period for recording of evidence of child and disposal of case.*—(1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

36. *Child not to see accused at the time of testifying.*—(1) The Special Court shall ensure

that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

37. *Trials to be conducted in camera.*— The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973. <sup>2 of 1974.</sup>

38. *Assistance of an interpreter or expert while recording evidence of child.*—(1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

## CHAPTER IX

### Miscellaneous

39. *Guidelines for child to take assistance of experts, etc.*—Subject to such rules as may

be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

40. *Right of child to take assistance of legal practitioner.*— Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act: 2 of 1974.

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

41. *Provisions of sections 3 to 13 not to apply in certain cases.*—The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

42. *Alternative punishment.*—When an act or omission constitute an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such law or this Act as provides for punishment which is greater in degree.

43. *Public awareness about Act.*— The Central Government and every State Government, shall take all measures to ensure that—

(a) the provisions of this Act are given wide publicity through media including the

television, radio and print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

44. *Monitoring of implementation of Act.*— (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commission for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed. 4 of 2006.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005. 4 of 2006.

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005. 4 of 2006.

45. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (3) of section 26 and section 38;

(b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;

(c) the payment of compensation under sub-section (8) of section 33;

(d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

Provided that no order shall be made under this section after the expiry of the period of two 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 each House of Parliament.

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THE SCHEDULE

[See section 2(c)]

Armed forces and security forces constituted under

- (a) The Air Force Act, 1950 (45 of 1950);
- (b) The Army Act, 1950 (46 of 1950);
- (c) The Assam Rifles Act, 2006 (47 of 2006);
- (d) The Bombay Home Guard Act, 1947 (3 of 1947);
- (e) The Border Security Force Act, 1968 (47 of 1968);
- (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
- (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
- (h) The Coast Guard Act, 1978 (30 of 1978);
- (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
- (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
- (k) The Navy Act, 1957 (62 of 1957);
- (l) The National Investigation Agency Act, 2008 (34 of 2008);
- (m) The National Security Guard Act, 1986 (47 of 1986);
- (n) The Railway Protection Force Act, 1957 (23 of 1957);
- (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
- (p) The Special Protection Group Act, 1988 (34 of 1988);
- (q) The Territorial Army Act, 1948 (56 of 1948);
- (r) The State police forces (including armed constabulary) constituted under the State Laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

## Department of Personnel

**Notification**

1/10/2013-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted posts, in the Directorate of Civil Supplies and Price Control, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Civil Supplies and Price Control, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 2013.

(2) They shall apply to the posts specified in column (2) of the Schedule to these rules (hereinafter called as the "said Schedule").

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

2. *Number, classification and scale of pay.*— The number of posts, classification of the said posts and the scale of pay attached thereto shall be as specified in columns (3) to (5) of the said Schedule:

Provided that the Government may vary the number of posts as specified in column (3) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns (6) to (14) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in supersession of,—

(i) the Government Notification No. 1/25/87-PER(Part-I) dated 23-03-1992, published in the Official Gazette, Series I No. 14 dated 02-07-1992; and

(ii) the Government Notification No. 1/1/93-PER (pt) dated 17-04-2002, published in the Official Gazette, Series I No. 5 dated 02-05-2002.

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

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 11th September, 2013.

SCHEDULE

Serial No.	Name/Designation of the post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer/contract and percentage of the vacancies to be filled by various methods	In case of promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C./D.S.C. exists, what is its composition	Circumstances in which the Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	7(a)	8	9	10	11	12	13	14
1.	Inspector. (2013) (Subject to variation dependent on workload).	14	Group 'C', Non-Ministerial, Non-Gazetted.	PB-1 Rs. 5,200-20,200 + Grade Pay Rs. 2,800/-.	Selection. exceeding 40 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government from time to time).	Not exceeding 40 years.	N.A.	(1) Degree of a recognized University or equivalent. (2) Knowledge of Konkani.  <i>Desirable:</i> (i) Experience of operation of control over essential commodities. (ii) Knowledge of Marathi.	N. A.	Two years.	50% by promotion, failing which, recruitment and 50% by direct recruitment.	<i>Promotion:</i> In the ratio of strength of cadre of Sub-Inspector with three years regular service in the grade on one hand and strength of cadre of U.D.Cs. with five years regular service in the grade on the other hand.	Group 'C', D.P.C./D.S.C.	N.A.



1	2	3	4	5	6	7	7(a)	8	9	10	11	12	13	14
2.	Sub-Inspector (2013) Civil Supplies.	13	Group 'C', Non-Ministerial, Non-Gazetted.	PB-1 Rs. 5,200-20,200 + Grade Pay Rs. 2,400/-.	N.A.	Not exceeding 40 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government from time to time).	No.	Essential: (1) Degree of a recognized University or equivalent. (2) Knowledge of Konkani.  Desirable: Knowledge of Marathi.	N.A.	Two years.	50% by promotion, falling which, by direct recruitment and 50% by direct recruitment.	Promotion: L.D.C. of the Department with five years regular service in the grade.	Group 'C', D.P.C./D.S.C.	N.A.

**Notification**

1/8/2013-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post, in the Directorate of Social Welfare, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Social Welfare, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2013.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

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

2. *Number, classification and scale of pay.*— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts as specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said post, age limit, qualifications and other matters connected

therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

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

Yetindra M. Maralkar, Additional Secretary  
(Personnel).

Porvorim, 12th September, 2013.

SCHEDULE

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Name/ /Designation of post	Number of posts	Classifi- cation	Scale of pay	Whether selec- tion post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion/ transfer/ deputation/ contract and percentage of vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer is to be made	If a D.P.C./ D.S.C. exists, what is its composition	Circum- stances in which the Goa Public Service Commission is to be consulted in making recruitment
Field Worker. (2013) (Subject to variation dependent on work- load).	156	Group 'C', Non- Mini- sterial, Non- Gazet- ted.	PB-1 Rs. 5,200- 20,200 + Grade Pay Rs. 1,800/-.	Selec- tion. exceeding 40 years (Relaxable for Govern- ment servants upto 5 years in accordance with the instruc- tions or orders issued by the Govern- ment from time to time).	Not exceeding 40 years (Relaxable for Govern- ment servants upto 5 years in accordance with the instruc- tions or orders issued by the Govern- ment from time to time).	No. <i>Essential:</i> (1) Secondary School Certificate or equivalent qualification from a recognized Board/ /Institution. (2) Should be Computer literate. (3) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	N. A.	Two years.	By direct recruitment.	N.A.	Group 'C', D.S.C./D.P.C.	N. A.	

Department of Tribal Welfare  
Directorate of Tribal Welfare

**Name of the Scheme: Pre-Primary  
Schools for Scheduled Tribes Children  
in Remote Areas**

**Amendment**

DTW/STAT/PC/2012-13/71/2392

Govt. Notification No. DTW/STAT/PC/  
/2012-13/71 dated 11-10-2012.

Government of Goa is pleased to amend the scheme titled scheme for Construction of Multipurpose Community Halls in areas inhabited by Tribal Community "Sanskriti Bhavan" which shall come into force with effect from the date of publishing in the Official Gazette.

The Clause 5 (3) of the scheme titled scheme for Construction of Multipurpose Community halls in areas inhabited by Tribal Community "Sanskriti Bhavan" shall be read as:—

"The total cost of the project including cost of land shall not exceed Rs. 2.00 crores" in place of "the total cost of the project including cost of land shall not exceed Rs. 50.00 lakhs."

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

Arvind Bugde, Director (Tribal Welfare).

Panaji, 13th September, 2013.

**Notification**

No. DTW/STAT/PC/2012-13/62

Government of Goa is pleased to make the following scheme and is hereby published for general information of public, which shall come into force from the date of Notification.

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

Arvind Bugde, Director (Tribal Welfare).

Panaji, 5th September, 2013.

1. *Introduction.*— Children of ST families in the remote tribal areas do not get the facility of quality pre-primary education. These areas lack the infrastructure in the form of pre-primary schools. For good exposure and quality pre-primary education there is a need to set up pre-primary schools with the support of the Government.

2. *Objectives.*— To provide financial assistance to set up pre-primary schools in the remote tribal areas which lack the facility of the pre-primary education for tribal population. Financial assistance in the form of Rent amount payable for the premises, fixed remuneration to one teacher, one helper, teaching aid/equipment's, toys, mid-day meals will be provided under the scheme.

3. *Benefit under the scheme.*— Financial assistance will be provided to the existing private schools interested in setting up of pre-primary schools in the tribal dominated areas or any NGO who has the experience of 3 years in running such pre-primary schools will be provided the financial assistance for the purpose under following head.

(a) Rent: Rent amount upto Rs. 2,000/- p.m. recurring expenditure depending upon the quality of the facility.

(b) Snacks: Rs. 300/- p.m. per student as refreshment expenses.

(c) Teaching aids/toys and other teaching material: Fixed amount of Rs. 25,000/- for the first year. For next four years Rs. 15,000/- per annum for toys and other teaching material.

(d) Remuneration of Trained Teacher: Rs. 10,000/- p.m. fixed remuneration.

(e) Remuneration of the Helper: The rate prescribed under the Minimum Wages Act and as revised by Government under the Minimum Wages Act from time to time.

4. *Incremental increase in the Remuneration.*— Every year incremental rise of 10% to the remuneration of the trained teacher may be given subject to satisfactory performance during the preceding year.

5. *Conditions.*— (1) There should not be an already existing pre-primary school in that locality.

(2) The minimum number of ST students in a class of 20 students should be at least 10 students to avail the benefit of one post of teacher and one post of helper.

(3) One additional teacher and a helper will be sanctioned in cases where the number of ST students exceeds 20 to form a separate class.

(4) Educational qualification/training for the trained teacher to teach pre-primary school will be as per the eligibility requirements fixed by the Education Department for primary teachers/pre-primary teachers. However in case no trained teacher is available in a particular locality, Government may consider appointment of untrained teacher on payment of Rs. 8,000/- per month as fixed remuneration. The untrained teacher shall obtain necessary qualification within a period of 3 years.

6. *Agencies/Individuals eligible to apply.*— (1) Existing Primary Schools including Government Primary Schools/High Schools from the locality are eligible to set up the facility of pre-primary school under the scheme.

(2) NGO with three years' experience in the line of managing pre-primary schools.

(3) Trained teacher having experience of teaching pre-primary students is eligible to set up the facility of pre-primary school under the scheme.

7. *Application.*— Interested persons/agencies shall submit their application in prescribed form to the Director of Tribal Welfare along with following supporting documents:

(1) Resolution of the Gramsabha/Village Panchayat.

(2) NOC/Lease agreement of the owner of the premises in which pre-primary school will be set up.

(3) Experience certificate of the applicant/agency.

(4) List of the Scheduled Tribe Students who would be admitted in the pre-primary school in prescribed proforma.

(5) Name and other details of the Teacher/Helper in the prescribed proforma.

(6) Application for registration of pre-primary school with Education Department.

8. *Sanctioning Authority.*—(1) Applications received in prescribed manner will be scrutinized by the Director of Tribal Welfare and will be placed before the State level committee as indicated in para (9) for consideration of the cases.

(2) Applications so approved shall be sanctioned by the Directorate of Tribal Welfare and the amount of benefit under the scheme will be transferred electronically to the Bank Account of the beneficiaries.

9. *State Level Committee.*— All issues relating to eligibility, operationalization of the scheme or situation not envisaged at the time of formulation of the scheme, would be resolved by the State level committee, whose decision will be final.

The Committee shall consist of—

- |   |            |
|---|------------|
| 1. Secretary, Tribal Welfare  | : Chairman |
| 2. Joint Secretary, Finance   | : Member   |
| 3. Director of Education  | : Member   |
| 4. Director of Tribal Welfare   | : Member   |
| 5. An eminent educationist/<br>/social worker to be<br>nominated by the<br>Government | : Member   |

10. *Evaluation of the scheme.*— Scheme will be implemented for five years. Performance of the scheme will be evaluated after two years of its implementation and if required scheme will be suitably modified to meet the new challenges/requirements so as to achieve the set objective.



Application Form:—

GOVERNMENT OF GOA  
Directorate of Tribal Welfare  
Panaji-Goa

**Application for availing Financial Assistance for Pre-primary School**

1. Name & address of the applicant	:	
2. Category of applicant: NGO/Existing Primary School/Existing High School/Trained Teacher	:	
3. Details of the Building in which Pre-primary School is proposed	:	
Name of the building & locality address	:	
Village	:	
VP/Municipality	:	
Taluka	:	
District	:	
Assembly Constituency	:	
Post Office & Pin Code No.	:	
Total area of the building to be used as Pre-primary School	:	
No. of rooms	:	
Whether Playground is available	:	
Whether the premises has a compound wall	:	
4. Owner's Name	:	
Address	:	
Age	:	
5. Whether the rooms of the existing school will be used for running Pre-primary School	:	
6. Total ST population and villages to be benefitted from the Pre-Primary School	:	
7. Total number of students enrolled for Pre-primary schools and the number of ST Population enrolled	:	
8. Source of income other than the financial assistance asked for	:	
9. Supported by Gramsabha resolution	:	Yes/No
10. Estimated cost for running of the Pre-primary School	:	
11. Whether there exists any Pre-primary schools already running within the radius of 2 km. or in the Village Panchayat Area	:	

**DECLARATION**

I, the abovenamed applicant do hereby declare that the particulars given above are true and correct to the best of my knowledge and belief.

Date:

Signature of Applicant

Enclosures:-

1. Gramsabha Resolution.
2. List of the students.
3. List of teacher and helper.
4. NOC or lease agreement of the premises in which the Pre-primary School will be set up.
5. Experience Certificate of the applicant.
6. Application for Registration of Pre-primary school with the Education Department.

List of the Students

Name Particulars					Address of the Student			Schedule Tribe Certificate Details		
Sr. No.	Name of the Student	Father's Name	Date of Birth	Gender	House No.	Locality Address	Aadhar No.	Community	Certificate No. & Date	Issuing Authority
1	2	3	4	5	6	7	8	9	10	11

Signature .....

List of the Teacher/Helper

Name Particulars					Address of the Teacher/Helper			Qualification		
Sr. No.	Name of the Staff	Father's Name	Whether Teacher/Helper	Date of Birth	Gender	House No.	Locality Address	Aadhar No.	Qualification	Experience
1	2	3	4	5	6	7	8	9	10	11

Signature .....

Application for Registration of Pre-primary School (Form Enclosed).

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**Application for Registration of Pre-primary School**

To,  
The Director,  
Directorate of Education,  
Porvorim-Goa.

I forward herewith an application in the prescribed proforma for the grant of registration to ..... w.e.f. commencement of the pre-primary school i.e. year .....

Yours faithfully,

## PROFORMA

1. Name of the pre-primary school :
2. Name of the District/Taluka in which it is situated :
3. Date of first opening of the pre-primary school :
4. Special aims of the pre-primary school :
5. Stage up to which education facilities provided (Nursery/LKG/UKG) :
6. Medium of instruction :
7. Whether the pre-primary school is run on commercial basis for profit to any individual or group of individual :
8. Name of the individual/society/trust running the pre-primary school :
9. a) Has the pre-primary school its own building or is housed in a rented building (enclosed copy of agreement if rented) :
- b) If NOC has been obtained from neighbours, if yes enclosed the same. :
10. Whether the building is safe and secured from every angle and the same is constructed according to the safety norms incorporated the National Building Code of India :
11. Total area of the pre-primary school campus with the total built-up area :
12. Accommodation provided in the pre-primary school (each class-room shall be 45 sq. mtr. area) :
13. a) Number of class-rooms with seating capacity in each :
- b) Number/detail of furniture, fans, ventilation provided in each class room :
- c) School library and reading—room :
- d) School hall :
- e) Staff room :
- f) Office room :
- g) Store room :
- h) Refreshment room for the student :
- i) Bath rooms and lavatories separate for girls, boys & teacher :
- j) Safe drinking water facility :
14. Total area of the playground available and games played (Minimum 200 sq. mtr.) :

## 15. Number of students

Name of the class	Number of sections	Number of students in each section
-------------------	--------------------	------------------------------------

16. Whether admission in the school is open to all :  
without any discrimination based on religion, caste,  
race, place of birth or any other

17. Whether any religious instruction is imparted and :  
if so, whether it is compulsory

18. Details of curriculum and syllabus followed in each class:

19. Rates of fees and other funds charged (class-wise):

20. Details of staff including head of school

Name	Date of birth	Academic qualification, training, previous teaching experience, if any	Date of appointment
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21. Details of facilities available for Physical :  
Education and recreation

22. Medical facilities for students :

23. Details of co-curricular, cultural and other activities :  
organized in the school

24. Number of fire extinguishing equipments installed :

25. Any other information

Place:-

Date:-

Individual/Chairman  
Manager of Society/Trust

[www.goaprintingpress.gov.in](http://www.goaprintingpress.gov.in)

Printed and Published by the Director, Printing & Stationery,  
Government Printing Press,  
Mahatma Gandhi Road, Panaji-Goa 403 001.

**PRICE – Rs. 32.00**

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA — 181/380 — 9/2013.