

## GOA CHILDREN'S ACT, 2003

### Section 32 - PROCEDURE OF THE CHILDREN'S COURT

1) The Children's Court shall follow such procedure as may be prescribed: Provided that the procedure so prescribed shall be child friendly and shall be deemed to include the following." (a) Age of Innocence."A child is presumed to be innocent of any mala fide or criminal intent upto the age of 7 years in all cases and upto 12 years in cases wherein he is unable to understand the consequences of his action on account of immaturity of understanding. (b) Procedural Protection of Innocence."Procedural safe-guards shall be guaranteed to protect the presumption of innocence; (c) Provision of Legal Aid."To protect the child's right to and presumption of innocence, provisions shall be made, when needed, for free legal aid; (c) Avoidance of harm."At all state, from the initial contact till disposition, extreme care shall be taken to avoid any harm to the sensitivity of the child. (d) Principle of Best interest."This principle seeks to ensure physical, emotional, intellectual, social and moral development of the child, so as to make him a useful and good citizen by ameliorating the impediments to healthy development. (e) Principle of non -stigmatizing semantics, decisions and actions."Non- stigmatizing semantics must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remanded, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody, etc. is prohibited in the processes pertaining to the child under this Act. (f) Principles of non-waiver of rights."No waiver of rights of the child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the child is either permissible or valid. Non - exercise of a fundamental right does not amount to waiver. (h) Principle of equality."Equality of access, equality of opportunity, equality under the said Act, is guaranteed to the child; and as such there shall be no discrimination on the basis of age, sex, place of birth, disability, race, ethnicity, status, caste, cultural practices, work, activity or behaviour of the child or that of his parents or guardians, or the civil and political status of the child. (i) Principle of right to privacy and confidentiality."The child's rights to privacy and confidentiality shall be protected by all means and through all stages of the proceedings. (j) Principle of Fresh Start."The principle of fresh start promotes new beginning for the child by ensuring erasure of his past records. (k) Principle of last resort."Institutionalization of a child will be the last resort after reasonable enquiry and that too for the minimum possible duration. (l) Burden of Proof."Whenever any offence is alleged to have been committed against a child, the burden of proving that such offence has not been committed by the accused shall lie on the accused.