

[Extract from the Chd. Admn. Gaz., dated the 1st March, 2014]

**CHANDIGARH ADMINISTRATION**

**Draft as modified on dated 29th January, 2014**

**SOCIAL WELFARE DEPARTMENT**

**Notification**

The 7th February, 2014

**No. SW3/SCPCR/2014/1265.**—In exercise of the powers conferred by sub-section (1), read with clauses (a) to (d) of sub-section (2), of Section 36 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) and delegation of powers to discharge the functions of the 'State Government' under the Act *ibid* by the Government of India, Ministry of Home Affairs,—*vide* Notification F. No. 11030/1/2007-UTL, dated 7th August, 2013, the Administrator, U.T., Chandigarh hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Chandigarh Commission for Protection of Child Rights Rules, 2014.

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

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

- (a) "Act" means the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) ;
- (b) "Commission" means the Chandigarh Commission for Protection of Child Rights to be constituted under Section 17 of the Act ;
- (c) "Chairperson" means the Chairperson of the Commission ;
- (d) "Member" means the Member of the Commission ;
- (e) "Secretary" means the official appointed by the Chandigarh Administration as the Secretary of the Commission under section 21(1) of the Act ;
- (f) "Section" means a section of the Act ;
- (g) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act

3. **Selection Committee.**—The three members Selection Committee referred to in the proviso to section 18 of the Act, to be constituted by the Administrator, U.T. Chandigarh shall be headed by Advisor to the Administrator

4. No person having any past record of violation of human rights or Child rights shall be eligible for appointment as Chairperson or other Member of the Commission.

5. **Secretary.**—The appointment under section 21 of the Act of the Secretary, officers and other employee of the Chandigarh Commission for Protection of Child Rights shall be made in the manner as under :—

- (i) The U.T. Administration shall, by notification, appoint an officer not below the rank of a Joint Secretary to the UT Administration as the Secretary of the Commission.
- (ii) All other officers and employees as may be necessary for the efficient performance of the functions of the Commission, shall be made available to the Commission by the UT Administration
- (iii) The functions and the responsibilities of the Secretary shall be as prescribed under the Act.
- (iv) The salary and allowances payable to the Secretary or other officers and employees of the Commission shall be as prescribed by the UT Administration.

**6. Terms and Conditions of service of Chairperson and other Members.—**(1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office :

Provided that no Chairperson or any other Member shall hold office as such after he has attained :—

- (a) in the case of the Chairperson, the age of sixty-five years ; and
- (b) in the case of any Member, the age of sixty years.

(2) The Chairperson or a member may, by writing under his hand addressed to the Administrator, resign his office at any time.

(3) The Chairperson and Members shall not be eligible for appointment for more than two terms.

**7. Term of office of Chairperson and other Members.—**(1) The Chairperson shall, unless removed from office under section 19(1), hold office for a period not exceeding three years (from the date of assuming office), or till the age of sixty-five years, whichever is earlier.

(2) Every Member shall, unless removed from office under section 19(1), hold office for a period not exceeding three years (from the date of assuming office), or till the age of sixty years, whichever is earlier.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2)—

- (a) a person who has held the office of Chairperson shall be eligible for re-nomination, and
- (b) a person who has held the office of a Member shall be eligible for re-nomination as a member or nomination as a Chairperson :

Provided that a person who has held an office of Chairperson or Member for two terms, in any capacity shall not be eligible for re-nomination as Chairperson or, as the case may be, as Member.

(4) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Chandigarh Administration shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office or till the remainder of his term.

(5) A vacancy caused by death, resignation or any other reason shall be filled up by nomination within ninety days from the date of occurrence of such vacancy.

**8. Salaries and allowances.—**(1) The Chairperson and Members shall be entitled to the following remuneration :—

- (i) Chairperson—₹ 25,000 p.m. and ₹ 7,500 p.m. for Conveyance and Mobile allowance.
- (ii) Members—₹ 1,500 per meeting, subject to the condition that monthly amount will not exceed ₹ 15,000.

**9. Leave.—**The Chairperson shall take leave of absence from the Administrator, UT, Chandigarh and every Member shall take leave of absence from the Chairperson.

**10. Leave sanctioning authority.—**(1) The Administrator, UT, Chandigarh shall be the authority competent to sanction leave to the Chairperson.

(2) The Chairperson shall be the authority to sanction leave to every Member and Secretary

(3) The Secretary shall be the authority to sanction leave to any officer or other employees of the State Commission.

11. (1) **Travelling allowance.**—The Chairperson and Members shall get their tour programmes approved from the Administrator, UT, Chandigarh. They shall be entitled to the travelling and daily allowance as admissible to the officers in the super time scale in grade pay ₹ 10,000.

(2) **HRA.**—The Chairperson may be provided Government accommodation or in the absence of the same House Rent Allowance as applicable in the U.T., Chandigarh to officers drawing salary in the Super Time Scale (basic pay) shall be payable.

12. **Residuary Provisions.**—The conditions of service of the Chairperson and the other Members for which no express provision has been made in these rules shall be such as may be determined by the Chandigarh Administration.

13. **Functions of the Commission.**—The Commission shall, in addition to the functions assigned under various provisions of the Act, perform the following functions, namely :—

- (a) analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child undertake inquiries and produce reports on any aspect of policy or practice affecting children and comment on proposed new legislation from a Child Rights perspective ;
- (b) present to the Chandigarh Administration, annually and at such other intervals as the Commission may deem fit, reports on the working of those safeguards ;
- (c) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf ;
- (d) ensure that work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives ;
- (e) promote, respect and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with children ;
- (f) produce and disseminate information about child rights ;
- (g) compile and analyze data on children ;
- (h) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

14. **Procedure for transaction of business.**—(1) The Commission shall meet regularly at its office in Chandigarh, at such time as the Chairperson thinks fit, but three months shall not intervene between its last meeting and the next meeting.

(2) The Commission shall ordinarily hold its meetings in its office located in Chandigarh.

(3) **Secretariat-Assistance.**—The Secretary, along with such officers as the Chairperson may direct shall attend the meetings of the Commission.

(4) (i) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretariat and such notes shall, as far as possible be self-contained ;

(ii) Specific files covering the agenda items shall be made readily available to the Commission for reference ;

(iii) The agenda papers shall ordinarily be circulated to members at least two clear working days in advance of the meeting, except in cases when urgent attention is required.

(5) For members including the Chairperson shall form the quorum at every meeting of the Commission.

(6) All decisions of the Commission at its meetings shall be taken by majority :

Provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding shall have and exercise a second or a casting vote.

(7) If, for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting shall preside

**15. Minutes of the meeting.**—(1) The minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other officer of the Commission, as directed. Such minutes shall be submitted to the Chairperson for approval and, sufficiently before the commencement of the next meeting.

(2) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an opinion. Dissenting opinions, if given, shall also form part of minutes and be kept on record. Action shall be taken on the basis of majority opinion where there is any difference of opinion.

(3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary with the prior approval of the Chairperson in this behalf.

(4) Unless specifically authorized, no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the Chairperson confirms the same.

(5) A master copy of the record of all meetings and opinions of the Commission shall be maintained duly authenticated by the Secretary and a copy of the minutes pertaining to each item shall be kept in the respective files for appropriate action. Opinions shall be kept in respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files

**16. Report of Action Taken.**—Report of the follow up action shall be submitted to the Commission at every subsequent meeting indicating therein the present stage of action taken on each item on which the Commission has taken any decision in any of its earlier meetings, excepting the items on which no further action is called for.

**17. Panel of consultants.**—The Commission may constitute a panel of consultants for assisting the Commission in a wide range of tasks such as investigation/inquiry ; to serve on task forces or Committees ; for research and analysis etc. The Commission may draw on experts from academic research, administrative, investigative, legal or civil society groups to form the panel. The Commission may devise a transparent process for the empanelling these consultants so that they are available for quick delegation of tasks.

**18. Annual report.**—(1) The Commission shall prepare and publish an annual report before the 31st December every year for submission to the Chandigarh Administration.

(2) The Commission shall also prepare special reports on specific issues as and when necessary under the direction of the Chairperson.

**SCHEDULE I****FORM I****The Chandigarh Commission for Protection of Child Rights**

Detailed Budget Estimates for the Year \_\_\_\_\_

[See rule 18(6)]

**ADMINISTRATION**

(Expenditure)

Head of Accounts	Actual for the past three years			Sanctioned estimate for the current year 20.....	Actuals of last six months i.e. 20..... to 20.....	Actual of six month current year 20.....	Revised Estimates for the current year 20.....	Budget Estimates for the next year 20.....	Variations between col. 5 & 8	Variations between col. 8 & 9	Explanation for col 10 & 11	
	2	3	4									5

## FORM II

## The Chandigarh Commission for Protection of Child Rights Establishment

Statement details of provision for pay of officers/Establishment for the year 20..... to 20.....

[See rule 1B(6)]

1	2	3			4	5			6	7
Name & Designation	Reference to page of estimate form	Sanctioned pay of the post			Amount of provisions for the year at the rate in column	Increment falling due within the year			Total provision for the year i.e. total col. 4 & 5	Remarks
		Minimum/Maximum Actual Pay of the Person concerned due on 1st April next year				Date of increment	Rate of increment	Amount of increment for the year		
		(a)	(b)	(c)	3(c)	(a)	(b)	(c)		

## FORM III

## The Chandigarh Commission for Protection of Child Rights Nominal Rolls

[See rule 18(6)]

Name & Designation	Pay	Dearness Allowance	Compensatory (City) Allowance	House Rent Allowance	Over Time Allowance	Children Educational Allowance	Leave Travel Concession	Other Allowances	Total
1	2	3	4	5	6	7	8	9	10
TOTAL									

## FORM IV

## The Chandigarh Commission for Protection of Child Rights

(Abstract of Nominal Rolls)

[See rule 18(6)]

Actual Sanctioned strength as on 1st March, 20...	Particulars of Posts	Sanctioned Budget Grant 20.... to 20....		Revised Estimates 20.... to 20....		Budget Estimates 20.... to 20....		Explanation for the difference between sanctioned budget revised estimates and budget estimates
		No. of Posts included	Pay and allowances	No. of Posts included	Pay and allowances	No. of Posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	I. Officer : (a) Posts filled (b) Post vacant Total I. Officers  II. Establishment : (a) Posts filled (b) Post vacant Total II. Establishment  III. Class IV : (a) Posts filled (b) Post vacant Total III. Class IV Posts							
	<b>GRAND TOTAL= I, II and III.</b>							

**SCHEDULE II**  
**BUDGET AND ACCOUNT HEADS**

[See rule 18(B)]

**ADMINISTRATION**

Heads of Accounts (Expenditure)

1. Salaries
2. Wages
3. Travel Expenses
4. Office Expenses
  - (a) Furniture
  - (b) Postage
  - (c) Office Machines Equipment
  - (d) Liveries
  - (e) Hot and cold weather charges
  - (f) Telephones
  - (g) Electricity and Water Charges
  - (h) Stationery
  - (i) Printing
  - (j) Staff Car and other Vehicles
  - (k) Other items
5. Fee and honoraria
6. Payment for professional and special services
7. Rents, rates and taxes/royalty
8. Publications
9. Advertising sales and publicity expenses
10. Grant in aid/contributions/subsidies
11. Hospitality expenses, sumptuary allowances etc.
12. Pensions/gratitudes
13. Write of losses
14. Suspenses
15. Other charges (a residuary head, this will also include rewards and prizes)

**Heads of Account (Receipts)**

1. Payments by Central Government
2. Other receipts