

GOVERNMENT OF PUDUCHERRY
ABSTRACT

Women and Child Development(Secretariat) – Union Territory of Puducherry Commission for Protection of Child Rights Rules, 2014 – Notified –Order – Issued.

WOMEN AND CHILD DEVELOPMENT(SECRETARIAT)

G.O. Ms. No.1 /2014-WCD

Puducherry, the 27.01.2014.

READ : 1. Letter No. U-11030/1/2007-UTL dated 20-09-2013 of the Ministry of Home Affairs, New Delhi.
2. I.D. Note No. 10734/DWCD/WD/A7/PCPCR/2013 dated 09-10-2013 of the Department of Women and Child Development, Puducherry.

ORDER

The following notification shall be published in the next issue of the Official Gazette of Puducherry.

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of Section 36 of the Commissions of Protection of Child Rights Act, 2005 (Central Act 4 of 2006) read with the Notification F.No. 11030/1/2007-UTL dated 7th August, 2013, of the Government of India, Ministry of Home Affairs, New Delhi, the Lieutenant-Governor of Puducherry hereby makes the following Rules, namely ; –

RULES

1. **Short Title and Commencement:**– These Rules may be called the Union Territory of Puducherry Commission for Protection of Child Rights Rules, 2014.

2. **Definition:**– In these Rules, unless the context otherwise requires, –

(i) “*Act*” means the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006);

(ii) “*Chairperson*” means the Chairperson of the Commission as the case may be;

(iii) “*Child*” means a person who has not completed the age of eighteen years;

(iv) “*Commission*” means the Union Territory of Puducherry Commission for Protection of Child Rights constituted under Section 17 of the Act;

(v) “*Government*” means the Administrator appointed by the President under article 239 of the Constitution;

(vi) “*Secretary*” means the Secretary of the Commission appointed by the Government of Puducherry under sub-section(1) of section 21;

(vii) “*section*” means a section of the Act;

(viii) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Selection Committee:- The Selection Committee referred to in the proviso to section 18 shall be headed by Minister in charge dealing with the Department of Women and Child Development. The other Members are:

1. Secretary, Department of Women and Child Development, Govt. of Puducherry;
2. Director, Department of Women and Child Development, Govt. of Puducherry (Member Secretary);
3. Secretary, Health, Govt. of Puducherry;

4. Eligibility for appointment as Chairperson and Members:- (1) No person having any past record of violation of human rights especially child rights or criminal conviction shall be eligible for appointment as Chairperson or other Members of the Commission.

(2) The person selected for the post of Chairperson or Member shall not hold any other post in any Governmental, Quasi-Governmental, Public Sector or Non-Governmental Organization or hold any other position whether for profit or not.

5. Powers and duties of the Secretary:- The Secretary shall, -

- (i) have power to execute all decisions taken by the Commission in order to carry out the powers and functions of the Commission as provided in the Act and he shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed by the Government;
- (ii) convene the meetings of the Commission in consultation with its Chairperson and serve notices of the meetings to all concerned;
- (iii) take steps to ensure that the quorum required for convening a meeting of the Commission is secured;
- (iv) prepare the agenda for each meeting of the Commission and self contained notes in consultation with the Chairperson;
- (v) make available specific records covering the agenda items to the Commission for reference;
- (vi) ensure that the agenda papers are circulated to the Members at least two clear working days in advance of the meeting, except in cases when urgent attention is required;
- (vii) prepare the minutes of the meetings of the Commission and shall execute the decisions of the Commission taken in the meeting and shall also ensure placing of the Action Taken Note of the decisions of the Commission before the Commission in its subsequent meetings;
- (viii) ensure that the procedure of the Commission is followed by it in transaction of its business;
- (ix) take up all such matters with the Department of Women and Child Development under the Government of Puducherry, for release of grants, creation of posts, revision of scales, procurement of vehicle, appointment of staff, laying of annual and audit report in the Union Territory Legislature, re appropriation of funds, residential accommodation, permitting any officer to the Commission for deputation and any other matter requiring the approval of the Government;

(x) exercise such financial powers as are delegated to him by the Government;

(xi) be the appointing and disciplinary authority in respect of officers and employees of the Commission.

6. Terms and Conditions of Service of the Chairpersons and other Member:-

1. The Chairperson and every Member shall hold office as such for a term of three years from the date on which she assumes office. Provided that no Chairperson or any other Member shall hold office as such after she has attained.
 - a) In the case of the Chairperson, the age of sixty-five years; and
 - b) In the case of any other Member the age of sixty years.
2. The Chairperson or a Member may, by writing under his hand addressed to the Government, resign his office at any time.
3. The Chairperson and Members shall not be eligible for appointment for more than two terms.
4. A Member would be eligible for appointment as Chairperson of the Commission. No Chairperson or Member would be eligible for re-employment under the Government or any Body/ Authority substantially financed by the Government unless she has cooled of for a period of two years. Similarly, for two years, no Chairperson or Member would be eligible to take up private employment after demitting office, without the permission of the Government, in any organization that fell within the operational jurisdiction of the concerned Commission.

7. Salaries and other allowances:- (1) The Chairperson shall be paid Rupees Fifteen thousand per month as honorarium. In case of retired Government Servants, the pay will be fixed in accordance with the prevailing orders i.e. last pay drawn minus pension.

(2) The Non-official Chairman / Members shall be eligible for Travelling Allowance and Daily Allowance as per the orders issued by the Government and as amended from time to time.

(3) The Non-official Chairman shall be eligible for mileage allowance applicable as per Travelling Allowance Rules for utilizing own vehicle for official purpose subject to non-engagement of staff car driver.

(4) The Chairperson shall be eligible for office Telephone and also eligible for residential telephone subject to the bi-monthly ceiling as fixed by the Department of Personnel and Administrative Reforms.

(5) The Members shall be paid sitting fee of Rupees six hundred per day.

(6) The Salary and allowances payable to and the other terms and conditions of service of the Secretary and other Officers and other employees appointed for the purpose of the commission shall be such as may be determined by the Government from time to time.

8. Vacancy in office of the Chairperson and other Member:-

- (1) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Government 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 reminder of his term.
- (2) A vacancy caused by death, resignation or any other reason shall be filled up by nomination within 90 days from the date of occurrence of such vacancy.

9. Leave:- The Chairperson shall be eligible to avail 8 days Casual Leave and 2 days Restricted Holidays for every year of service.

10. Staff Component to Commission:- The Office of the Commission shall function with the following staff structure:

- (a) Director-cum-Law Officer drawn on deputation basis from the Government of Puducherry or by appointing qualified officer who has held any post requiring knowledge of Law on consolidated remuneration basis upto the age of sixty two years.
 - (b) Consultant (Child Psychologist) – Consolidated basis.
 - (c) One full-time Personal Assistant in the grade of Stenographer Grade-II drawn from the Government of Puducherry, on deputation basis.
 - (d) One full-time Clerk preferably Upper Division Clerk drawn from the Government of Puducherry on deputation basis.
 - (e) One full-time MTS (General) on daily-rated basis,
 - (f) One full-time MTS (House Keeping) on daily-rated basis.
 - (g) One full-time MTS (Watch & Ward)
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11. Leave Sanctioning Authority:-

1. The Secretary, Department of Women & Child Development shall be the authority competent to sanction leave to the Chairperson.
2. The Chairperson shall be the authority to sanction leave to every Member including the Secretary.
3. The Secretary shall be the authority to sanction leave to any officer or other employee of the Commission.

12. Additional functions of Commission:- The Commission shall, in addition to the functions assigned to it under the Act, also perform the following functions, namely:-

- (a) analyse 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 Government annually and at such other intervals as the commission may deem fit, reports upon 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 the 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 child;

(f) produce and disseminate information about child rights;

(g) compile and analyse data on children; and

(h) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

(i) inspect or cause to be inspected any juvenile custodial home or any other place of residence of institution meant for children, under control of the Government or any other authority, including any institution run by a social organization; where children are detained or lodged for purpose of treatment, reformation or protection and take up with these authorities for remedial action if found necessary;

(j) inquire into complaints and take suo moto notice of matters relating to

(i) deprivation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decision, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issue arising out of such matters with appropriate authorities.

13. Procedure for transaction of business of commission:-

(1) The Headquarter of the State Commission shall be in Puducherry. The Commission shall meet regularly at its office in Puducherry 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 Puducherry but may, in its discretion, hold its meetings at any other place in Puducherry if it considers it necessary or expedient to do so.

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

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

(ii) The records covering the agenda items shall be made readily available to the Commission for its reference:

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

(5) Four 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 major it 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) The Chairperson shall preside the meeting of the commission. If, for any reason, the Chairperson is unable to attend the meeting any member chosen by the members present from amongst themselves at the meeting, shall preside.

14. Minutes of 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.

(2) The minutes of meeting of the Commission shall be submitted to the Chairperson for approval and, upon approval, be circulated to all members of the Commission at the earliest and in any case sufficiently before the commencement of the next meeting.

(3) The decision of the Commission in every matter discussed by it shall be recorded in the form of an opinion and dissenting opinion, if given, shall also form part of and be kept on record. Decision shall be taken on the basis of majority opinion where there is any difference of opinion.

(4) 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.

(5) Unless specifically authorized by the Chairperson, no action shall be taken by the commission on the minutes of the meetings until the Chairperson approves the same.

(6) A master copy of the record of all meeting and opinions of the commission shall be maintained duly authenticated by the Secretary.

(7) A copy of the minutes pertaining to each item shall be kept in the respective files for appropriate action. Opinions shall be kept in the respective records and for convenience; copies thereof with appropriate indexing shall be kept in guard files.

15. Report of action taken:- Report of the follow up action shall be submitted by the secretary to 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.

16. Transaction of business outside headquarters:- The Commission or some Members may transact business at places outside its headquarters as and when previously approved by the Chairperson, provided that if parties are to be heard in connection with any inquiry under the Act, atleast two members shall constitute the Bench of the Commission for such Purpose.

17. Panel of consultants:- (1) The Commission may constitute a panel of consultants for assisting the Commission in a wide range of tasks such as investigation or inquiry on functional requirements with the approval of the Government.

18. Annual Report:- (1) The Commission shall prepare and publish an annual report for the period from 1st April to 31st March of every year for submission to the Government.

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

(3) The Government shall cause the annual report and the special reports of the Commission to be laid before the Legislative Assembly.

(4) The annual report shall include information on administrative and financial matters, complaints investigated/inquired into; action taken on cases; details of research; reviews; education and promotion efforts; consultations; details and specific recommendations of the Commission on any matter, besides any other matter that the Commission may consider warranting inclusion in the report.

(5) In case the Commission considers that there could be a time lag for the preparation of the annual report, it may prepare and submit a special report to the Government.

19. Residuary Provisions:- Administrative matters relating to the operation of the Commissions or the conditions of service of the Chairperson and a Member with respect to which no provisions has been made in these rules, shall be referred to the Government for its decision and the decision of the Government thereon shall be binding on the Commission.

20. Budget:-

(1) The estimated receipt and expenditure shall be accompanied by the revised budget estimates for the relevant financial year.

(2) The forms in which the budget shall be prepared and forwarded to the Government shall be as provided in forms I, II, III and IV of schedule I.

(3) The budget shall, as far as may be, based on the account heads specified in schedule II.

20. Financial Powers:- (1) The Commission shall spend the sums of money received by it for the purposes of the Act.

(2) The Secretary of the Commission shall have all powers relating to financial transaction of the Commission, except in cases which require prior approval of the Government.

(3) The Secretary shall obtain prior approval of the Government in matters of creation of posts, revision of pay scales, procurement of vehicles, re-appropriation of funds from one head to another, permitting any officer of the Commission to participate in seminars, conferences or training programmes abroad and such other matters determined by the Government, by order.

(4) The Commission shall have powers to engage any person as consultant for a specific purpose and for a specific period on the terms and conditions agreed in advance relating to honorarium, travelling allowance, dearness allowance.

(5) All financial power of the Commission shall be governed by the General Financial Rules, delegation of financial powers Rules and economy instructions issued by the Finance Department of the Government from time to time.

SCHEDULE - I

FORM I

UNION TERRITORY OF PUDUCHERRY COMMISSION FOR PROTECTION OF CHILD RIGHTS

Detailed Budget Estimates for the year 201.....

[See Rule]

Administration

(Expenditure)

(1)	Head of Accounts		
(2)	(3)	(4)	Actuals for the past three years
(5)	(6)	(7)	Sanctioned estimate for the current year 201... Actuals of last six months i.e. 201.... 201.... Actuals of last six months current year 201....
(8)	(9)	(10)	Revised estimate for the current year 201... Budget estimate for the next year 201....
(11)	(12)		Variations between columns 5 & 6 Variations between columns 8 & 9 Explanation for column 10 & 11

RIGHTS

[See Rule]

[illegible]

RIGHTS

[See Rule]

[illegible]

FORM IV

UNION TERRITORY OF PUDUCHERRY COMMISSION FOR PROTECTION OF CHILD
RIGHTS

Abstract of Nominal Rolls

[See Rule]

Actual sanctioned strength as on 1 st March 20...	Particulars of Pay	Sanctioned budget Grant 20....		Revised Estimates 20.... 20....		Budget Estimates 20.... 20....		Explanation for the difference between sanctioned budget and revised budget estimate
		No. of posts included	Pay and allowance	No. of posts included	Pay and allowance	No. of posts included	Pay and allowance	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
I	Officer (a) Posts Filled (b) Posts Vacant Total I Officers							
II	Establishment (a) Posts Filled (b) Posts Vacant Total II Establishment							
	Grand Total I and II							

SCHEDULE II
BUDGET AND ACCOUNT HEADS

[See Rule]

ADMINISTRATION

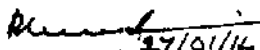
Head of Accounts (Expenditure)

1. Salaries
2. Wages
3. Travel Expenses
4. Office Expenses
 - (a) Furniture
 - (b) Postage
 - (c) Office machines/ equipment
 - (d) Liveries
 - (e) Telephones
 - (f) Electricity and Water Charges
 - (g) Stationery
 - (h) Printing
 - (i) Staff Car and other Vehicles
 - (j) Other items
5. Fee and Honorarium
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/ Gratuities
13. Write off/ losses
14. Suspenses
15. Other charges (a residuary head, this will also include rewards and prizes)

Heads of Account (Receipts)

1. Payments by State Government
2. Other receipts.

/BY ORDER OF LIEUTENANT GOVERNOR/


(R. MEENAKUMARI)

UNDER SECRETARY TO GOVERNMENT (WCD)
4/6

To
The Director,
Department of Stationary & Printing,
Puducherry -

With a request to publish the above Notification in the Extraordinary
Official Gazette and to send 300 copies for reference and records.

Copy to:

1. All Secretariat and Heads of Department, 2. The Secretary to His Excellency the Lieutenant Governor, Puducherry. 3. The Secretary to Hon'ble Chief Minister, Puducherry 4. The Director, Department of Women and Child Development, Puducherry. 5. The P.S. to Speaker / Dy. Speaker / All Ministers, Puducherry. 6. The Joint Secretary to Govt. of India, Ministry of Home Affairs, New Delhi. 7. The Secretary to Govt. of India, Ministry of Women and Child Development, Shastri Bhawan, New Delhi. 8. The Finance Department, Puducherry. 9. The Director of accounts and Treasuries, Puducherry. 10. The Dy. Director of Accounts and Treasuries, Karaikal/ Mahe / Yanam. 11. The District Collector, Karaikal. 12. The Regional Administrator, Mahe / Yanam. 13. The Accountant General (Audit-I), Chennai-35. 14. The Dy. Accountant General (audit-I), Puducherry. 15. The Central Records Branch, Puducherry. 16. Spare.