

BAL ADHIKAR SANRACHAN AAYOG ADHINIYAM 2005 (KENDRIYEE ADHINIYAM NO. 4 OF 2006) NO. 176

30-5-2001." 5 •«tqrwgf/09/2mo-2012." 17 27, 1932 16 2010 2005 (34fÅ. 2006 4) 36 2. (1) 2009 t. t, aTfüfiqq, 2005 3ft. 2006 4); t, 17 351. 352 4. 5, 6. 17 2010 "VNT" t, 31füfiQ 18 am. : — 21 (1) *t. 14 3iR 13 14 *TTI; e-h-q t; (41) 7. 8. 9. (1) (2) (3) (4) (6) (3) (3) 17 2010 aur — 3-08 * , Fq 3fi(gm : — *111, : ftqié üli i7 2010 -33 (Z) IO. 12. (2) (3) fiQfor Rfu, za æiü fiüé Ri qi gra Din lh>J • lh>J kFPh utv lh.±J 2. ?JÄ ph p gt1k.2h otot EL (h) (6) (S) (9) O) (O (L) 352 (4) 17 2010 15. 16. (10) (11) (2) (3) (4) (6) (7) (2) (3) (4) (s) (6) .37T*1 2010 352 (5) 17. 18. 19. 20. 21. (1) (2) (3) (4) (s) (6) (1) (2) (3) ft-qr *it. 1 .31 yfi«qi au «z &zti aqrqq, 352 (6) (4) 17 2010 16 2010 14SW4163'2009,qqfi/50, 16-06-2010 Raipur. the 16th June 2010 NUIT•ICAIIION • No. exercise of the powers conferred by sub-section (t) and (2) of 36• of the Commission for Protection of Child Rights Act, 2005 (Cemral Act No. 4 bf 2006), the State Government hereby makes the following rules. namely RULES Short title and commencement,— These rules may be called the Commi"ion for Protection o! Child Rights Rules, 2009. It-shan come into IOorce on the date of its Publication in the "Official Gazette". Definitions.—In these rules, unless the cÖnfext otherwise requires,— (a) (b) (c) (e) (g) "Act" means the Commissions for Protecüon bf Child Rights Act, 2005 (Cen"äl Act No. 4 of 2006); • "Commission" means the Chhattisgarh State Commission for Protection or- Child Rights consti- tuted under section 17 of. the Act; 'Chairperson" means the. Ch\$rpersph Qf•the Commission; "Member" means the Member. Of the Corimission; • Member, Sécreta.ry" •means the the Commission; "Section" xneans the section of the Act; "State Government" •mea.m lbe Government f Chhattisga#r, Words and expr_ eséiön used and not defined in these-rules but défiéd in the Agt Shan have the - ttern ih the Act-: 3. 4. 5. 6. 7. 17 2010 Selection Conuniltee The Selection Conlmillee returfed 10 in the Provision Io Section 18 shall be headed by the the Women and Child Development Depanrneru_ Eligibility for appoinln.ent as Chairperson and other Members No Person having any past record of or child ri?hls shall be eligible for appointment as Chairperson or other Members violatíon hurnan Of the Colntnissicm. Mcmber-Secretary The Sune Governmentl shall appoint Member-Sécrelary or the Commissjon under sub-section (l) nt• .SeCiien 21 Powers and duties of the Me.nber Secretary The Secretary shall Hove the poM•ers to execu',; a! decisions taken by (he Cornmission in order IO carry out the powers and [unctions or the Comhlission as provided in sections 13 and 14'. Exerciscitld discharge such powers and perforin such dudies as arc required (or the proper Ira' inn or the a(lairs of the Commission and its day dayhnanaoe.nenl as specified in section 13 and Convene nicetings or the con.naiss.on in consul Lülinn its Chairperson and serve noliccs of the meetings to concerned; Take steps Io ensure Lhui the quoruil required lbr convenine •neeiin. • 01' lbe Cunmission is secured; Prepare, the agenda or each •neeline Lalion with the Chairperson; lbe and sell explanatvry notes is consul-• .(vii) (Yiii) (Kii) lbe aecndä ilclns Io lbe Cornmission for reference. Make available specific records covering the Menlbers al least two clear working days in Ensure lhal lbe agepdu papers are circula(eo advance of the meeting. except in cases when anention is required: Prepare the tminults of lbe Ineelings ur lbe Cnnuni_ ssion and -shall execute the decisions lhw Commission taken in the meeting and shall ulsu Qnsun-' placing ot' lbe Action Taken Note of lbe deci>ions of the Commission tx-'lore the Conunissjon in its subsequent Ineelings•. Ensure lhal lbe procedure. or lbe Commission lol]nwcd by il in lransaction of its- business; Take up all such matters with {he depanmenl Of W01ilen and Child Development tar release of grants, creation nf posts, revision or scales, procurement vehicles; appointinent of Staff, laying of annual t- unds. residential accommodation, permit- and audil report in Slate legislalure. re-uppropriation ling any officer of lhc Cunmission for deputation and any Other mal'ter requiring the approval of lbe Slatc Government•. Exercise such financial powers as are dele%üed to hilli hy lbe Slatc Governntnenl: Provided that no expendi(ure on an item exceeding his financial power shall be incurred withou! lbe prior sanction of the Slatc Government; Be lbe appointing and disciplinary aulhorily in respect of other officers and employees of the CommisSion. Term of ofüce of Chairperson and other Member-s (i) (2) The Chairnrnson shall. unless removed from his office under section 7 of the Act, hold office for a æ2riod not exceeding three years, or tilt the age of sixty-five years, whichever is earlier. Every_ Member shall, unless removed from his office under section 7, hold office fora period not exceeding three years, or till the age of sixty years, whichever is earlier. 352 (8) 8. 9. 2010 Notwithstanding anything contained in sub-rule (1) 05 sub-

rule (2) — (3) (4) (5) (6) (a) (b) any person who has held the office of chairperson shall be eligible for re-nomination. and any person who has held the office of a Member shall be eligible for re-nomination as a member of 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 Of member as the case may be. If the Chairperson is unable to discharge his functions owing to illness or incapacity, the State Government shall nominate any other to act as Chairperson and the Member so shall hold office of Chairperson until the chairperson resumes office or till the remainder of his term. The Chairperson or a member, by writing under his hand addressed to the State Government, resign his office at any time. A vacancy caused by death, resignation or any other reason shall be filled-up by nomination within ninety days from the date of occurrence or such vacancy. Terms and Conditions Of Service of Chairperson and Member:— Terms. and Condition of Service of Chairpersons and Member for which provisions is not made in these rules; shall be such as may be determined by the State Government. Functions of Commission The Commission shall perform all or any of the following functions namely:— (a) (b) (c) (g) (h) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for effective implementation of those safeguards; present to the State Government, annually and at such other intervals, as the Commission may deem fit, reports upon the Working of (those safeguards); investigate into violation of child right and recommend initiation of proceedings in such cases; examine all factors that inhibit the enjoyment of right of Children affected by terrorism, communal violence, riots, natural disaster, domestic violence HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures; look into the matter relating to children in of special care and protection including children in distress, marginalized and disadvantaged children, in conflict with law, juveniles, children without family/destitute children and children of prisoners and recommend appropriate remedial measures. study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of the Children. undertake and promote research in the field of child rights. spread child rights-literacy among various sections of promote awareness of (the safeguards) available for protection of publications, media, seminars and other available sources. inspect any juvenile home, or any other place of residence or institution meant for children. - under (the) control of the Government or State Government or any other authority, including any institution run by a social organisation, where children are detained lodged for the purpose of reformation protection and take up with these authorities. In 2010 inquire into complaints and take suo motu notice or matters relating to— 352 (9) (j) (k) (l) (2) (3) Deprivation and violation of child rights, Non-implementation of laws providing for protection and development of children, Non-compliance of policy decisions, guidelines or instruction aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities, and perform duties as are specified by the State Government relating to any such matter. 10. 12. 13

14. Additional Functions of the Commission :—The Commission shall, in addition to the functions assigned to it under rule 9, also perform the following functions namely : (a) (d) (e) (h) 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; present to the State Government annually and at such intervals as the Commission may deem fit. reports upon (the working of those safeguards; undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf; ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and preferences; promote respect and serious consideration of the views of children in its work and in that of all Government Department and Organizations dealing with child; produce and disseminate information about child rights; compile and analyse data on children; and Promote the incorporation of child rights into the school curriculum, Teachers training of personnel dealing with children. Headquarters of State Commission :— The Head Quarter of the State Commission shall be at Raipur. Place of meeting The State Commission shall ordinarily hold meeting in its office located at Raipur. may in its discretion hold its meetings at any other place in Chhattisgarh, if it considers

shall be submitted (the Chairperson for approval and, The Commission shall be authorized to number of the Commission at the earliest and in any case, upon approval, the Commission shall be notified of the next meeting. The Commission shall be notified in every meeting by the Secretary recorded in the minutes of the Commission. The Secretary shall be notified and he kept a record. Action taken and be taken in the Commission shall be notified by the Member-Secretary or any other member duly authorized by the Member Secretary with the prior approval of the Commission in writing; authorized. no action shall be taken by the Commission on the minutes of the meeting until the Chairperson has approved the same. A copy of each order of the Commission shall be submitted to the Member Secretary. A copy of the order shall be kept in the respective files appropriate to the subject matter. The Secretary shall be kept in respective records and, for convenience, copies of the orders shall be kept in the respective files in the Report of Action taken:— Upon or the Commission shall be authorized by the Member Secretary to take every subsequent meeting indicating therein the present stage of action taken on each item on which the Commission had taken any decision in any earlier meeting, excepting the items on which no further action is called for. Transaction business outside headquarters:— The Commission or some members may transact business outside headquarters and when previously approved by the Chairperson, provided that if parties are involved in any inquiry under the Act, at least two members shall constitute the Panel or Consultants Commission 'not less than 01' consultants for assisting the Commission in a wide range of tasks such as investigation of inquiry. In order to carry out its research and 352 (12) (2) (3) (2) (3) (5) (6) .17 2010 The Commission may draw on experts from academic, research, administrative, investigative, legal or civil society groups to form the panel. The Commission shall devise a transparent mechanism for selecting these consultants so that they are available for quick delegation of tasks. report The Commission shall prepare and publish an annual report for the period starting from 1st April to 31st March of the following financial year, every year for submission to the Government, also prepare special reports on specific issues as and when necessary under the Commission shall be the direction Of the Chairperson. The State Government shall cause the annual report and the special reports of the Commission to be laid before the State Assembly. The annual report shall include information in administrative and financial matters; complaints investigated/inquired into; action taken in cases; details of research, reviews; education and promotional efforts; consultations; details of specific recommendations of the Commission on any matter, besides any other matter that the Commission may consider warranting inclusion in the report. In the report there shall be a chapter on the preparation of the annual report and summary, a report of the Government reports. 11, The consolidated receipts and expenditure shall be accompanied by the revised budget estimates for the relevant financial year. Financial Powers (2) (3) (4) (5) The Commission shall spend the money received by it for the purposes of the Act. The Member Secretary or the Commission shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government. The Member Secretary shall obtain prior approval of the State Government in matter of creation of posts, revision of pay, scales, procurement of vehicles, re-appropriation of funds from one head to another, in any; the Commission shall participate in seminars, conferences or training abroad and such other determined by the State Government, by order. The Commission shall have power to engage any person as consultant or consultants for a specific and for a specific period on the terms and condition agreed in advance relating to honorarium, traveling allowance, dearness All financial powers of the Commission shall be governed by the General Financial Rules, delegating financial powers -Rules and economy instructions issued by the Finance department of the Government. By Order and in witness whereof the Governor Of Chhattisgarh, AJAY KUMAR PANDEY, special Secretary. Witness