

Gujarat State Commission for Protection of Child Rights Rules, 2014

GUJARAT

India

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Rule

GUJARAT-STATE-COMMISSION-FOR-PROTECTION-OF-CHILD-RIGHTS of 2014

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Gujarat State Commission for Protection of Child Rights Rules, 2014 Published vide Notification No. G.S. 7/2014/JJA/102012/765130/CHH, dated 23.5.2014 Last Updated 5th November, 2019 No. G.S. 7/2014/JJA/102012/765130/CHH. - In exercise of the powers conferred by Section 36 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), the Government of Gujarat hereby makes the following rules, namely :-

1. Short title and Commencement.

(1) These rules may be called the Gujarat State 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. Definitions.

- (i) In these rules, unless the context otherwise requires- (a) "Act" means the Commissions for Protection of Child Rights Act, 2005 (4 of 2006); (b) "Child" means a person who has not completed eighteen years of age; (c) "Secretary" means the Secretary of the State Commission; (d) "Section" means a section of the Act; (e) "State Government" means the Government of Gujarat. (ii) All words and expressions used and not defined in these rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Head Quarters.

(1)The headquarters of the Commission shall be located at Gandhinagar.

4. Salaries and allowances payable to the Chairperson and Members.

(1)The Chairperson shall be paid per month a lump sum fixed remuneration of Rs. 20,000/- and every Member shall be paid a fixed remuneration of Rs. 10,000/-Provided that where the Chairperson or the Member is a retired Government servant or a retired officer from Semi Government Body or Public Sector Undertaking, or a retired Professor from a University /College or a Recognized Research Institute, the salary payable to him or her together with the pension received shall not exceed the salary as mentioned in this sub-rule :Provided further that where the person appoint as Chairperson or a Member, is on deputation from (Sic from) a Semi Government Organization or a University/College or a Recognized Research Institute, he or she shall get the salary and allowances from the Commission as mentioned in this sub-rule and if this amount is less than the last salary drawn from the parent Organization, then he/she shall get the salary equivalent to last salary drawn from the parent Organization.(2)Chairperson or a Member shall not be entitled to get any pension or gratuity as a service rendered to the Commission.(3)The Chairperson and Members shall be entitled for travelling allowance and daily allowance as admissible to the officers of Class I of the State Government in minimum pay scale.(4)The Chairperson shall certify the attendance in office and tour programme of the Members of the Commission.

5. Quorum at meeting of the Commission.

- The quorum for the meeting of the Commission shall be not less than one-half of the members including the Chairperson.

6. Procedure for the disposal of complaints.

- All complaints pertaining to violation of child rights received by the Commission shall be entered in a register with a complaint number by the Secretary and shall be presented before the Chairperson, as soon as possible, to take cognizance of the complaint:Provided that the cognizance of a complaint shall not be taken where it is-(a)in relation to incidents that have occurred one year prior to the date of making the complainant; or(b)in relation to such a matter which is sub-judice : or(c)outside the jurisdictions of the Commission.(2)The Commission may also accept the complaint received by E-mail or FAX or by SMS.(3)The Chairperson and Member may also take suo-moto action in a case of violation of child rights, published in any newspaper, shown on any news channel or presented in any other form of Media.

7. Powers and duties of the Secretary.

(1)The Secretary shall execute all the decisions taken by the Commission under sub-Section (1) of Section 13, Section 14, Section 15, and sub Section (2) of Section 21 of the Act and any other

decisions taken by the Commission for which it is empowered under these rules.(2)The Secretary shall exercise and discharge such powers and perform such other duties as required for the proper administration of the affairs of the Commission and its day to day management as provided by the Act and these rules.(3)The Secretary shall convene the meeting of the Commission in consultation with the Chairperson and issue notices of the meetings to all persons concerned.(4)The Secretary shall take steps to ensure the quorum required for convening a meeting of the Commission.(5)The Secretary in consultation with the Chairperson shall prepare agenda for the meeting of the Commission, have notes prepared and such notes shall as far as possible, be self-contained.(6)The Secretary shall make available specific records covering the agenda items to the Commission for reference.(7)The Secretary shall ensure that the agenda (Sic agenda) is circulated to the Members atleast two working days prior to the meeting except in cases when urgent attention is required.(8)The Secretary shall prepare the minutes of the meeting of the Commission and execute the decision taken by the Commission in the meeting and shall also ensure that the action is taken in subsequent meetings.(9)The Secretary shall ensure that the procedure of the Commission is followed in transaction of its business.(10)The Secretary shall take up all such matters relating to release the grants; creation of posts; revision of pay scales; procurement of vehicles; appointment of staff; laying of annual, special and audit reports in the State Assembly; re-appropriation of funds; residential accommodation; permitting any officer of the Commission to attend the meeting or for consultation outside the State, as the case may be, and to any other matter requiring the approval of the State Government through the concerned Department dealing with the subject.(11)The Secretary shall exercise such financial powers as are delegated from time to time by the State Government:Provided that no expenditure on any item exceeding his financial powers shall be incurred without the prior sanction of the State Government.

8. Salaries, allowances, and terms and conditions of service of the Secretary, other officers and employees.

- The Salary and allowances payable to and the all other terms and conditions of service of the Secretary, other officers and employees, appointed for the purpose of the State Commission shall be such as may be determined by the State Government from time to time.

9. Annual report.

(1)The Commission shall prepare and publish an annual report for the period of 1st April to 31st March of each year and submit to the State Government.(2)The Commission shall also prepare special reports on specific issues as and when necessary under the direction of the Chairperson.(3)The State Government shall cause the annual report and the special reports of the Commission to be laid before the State Assembly along with the memorandum of action taken or proposed to be taken.(4)The annual report shall include information on administration and financial matters, complaints, investigated or inquired into, action taken on cases, details of research, reviews, education and promotion efforts, consultation, details and specific recommendation of the Commission on any matter, besides any other matter that the commission may consider necessary.(5)In case the Commission considers any probable or possible delay in preparation of annual report, it may prepare and submit an interim report to the State

Government.(6)The forms in which the budget may be prepared and provided to the State Government shall be as per the forms prescribed by the State Government.(7)the estimated receipt and expenditure shall be accompanied by the revised budget estimate for the relevant financial year.(8)The budget shall be based on the account heads as prescribed by the State Government.(9)The Commission shall not be compelled to testify or release any records. All reports that the Commission decide to publish shall be in Gujarati and English languages. The annual report and all publishable reports can also be summarized and disseminated in a language that children can understand.

10. Financial Powers.

(1)The Commission shall spend the sums of money received by it for the purpose of the Act including salaries and allowances paid to the Chairperson, Members, Secretary, other officers and employees of the Commission.(2)The Secretary shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.(3)The Secretary shall obtain prior approval of the State Government in matters of creation of posts; filling up the posts; revision of pay scales; procurement of vehicle; re-appropriation of funds from one head to another; permitting any officer of the Commission to participate in seminar, conference or training programme outside the State; and such other matters determined by the State Government, by order.(4)All financial powers of the Commission shall be governed by the General Financial Rules, Budget Manuals, Delegation of Financial Powers Rules and Economy Instructions issued by the Finance Department of the State Government.(5)The Chairperson, subject to the prior approval of the State Government, shall have powers to engage any person or persons as consultant or for consultation for a specific purpose, for a specific period as per the terms and conditions agreed to in advance.