

The Rajasthan State Commission for Protection of Child Rights Rules, 2010

RAJASTHAN

India

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Rule

THE-RAJASTHAN-STATE-COMMISSION-FOR-PROTECTION-OF-CHILD of 2010

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The Rajasthan State Commission for Protection of Child Rights Rules, 2010 Published vide Notification No. F () WCD/ICDS/Unicons/ICDS/09-10/26112, dated 5.4.2010-Rajasthan Gazette, Extraordinary, Part 4-C(1), dated 5.4.2010, page 5(1) = 2010 RSCS/Part 2/page 618/H. 284G.S.R. 3. - In exercise of the powers conferred by Section 36 of the Commissions for Protection of Child Rights Act, 2005 (Central Act No. 4 of 2006), the State Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called the Rajasthan State Commission for Protection of Child Rights Rules, 2010. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Commissions for Protection of Child Rights Act, 2005 (Central Act No. 4 of 2006); (b) "Chairperson" means Chairperson of the Commission; (c) "Commission" means the Rajasthan State Commission for Protection of Child Rights constituted under Section 17 of the Act; (d) "Member" means the Member of the Commission; (e) "Secretary" means the Secretary of the Commission; and (f) "Section" means a section of the Act. (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meaning as assigned to them in the Act.

3. Selection Committee.

- The Chairperson of the Commission shall be appointed by the State Government on the recommendation of the committee consisting of the following, namely:

1. Minister in-charge of the Department of Women and Child Development: Chairperson

2. Principal Secretary, Women and Child Development Department: Member

3. Principal Secretary, Social Justice and Empowerment Department: Member

4. Disqualifications.

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

5. Term of office of Chairperson and Member.

(1)The Chairperson shall, unless removed from office under Section 7, hold office for a period not exceeding three years.(2)Every Member shall, unless removed from office under Section 7, hold office for a period not exceeding three years.(3)The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign his office at any time.(4)The Chairperson and Members shall not be eligible for appointment for more than two terms.(5)Notwithstanding anything contained in sub-rule (1), (2), (3) and (4), no Chairperson or any other Member shall hold office as such after he has attained-(a)in the case of Chairperson, the age of sixty-five years; and(b)in the case of a Member, the age of sixty years.(6)If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the State 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 of till the end of his term.(7)A vacancy caused by death, resignation or any other reason shall be filled-up within 60 days from the date of occurrence of such vacancy.

6. Salaries and allowances.

(1)The Chairperson shall be paid salary and other allowances as may be determined by the State Government, from time to time:Provided that where the Chairperson is in service of the Central or State Government his salary shall be regulated in accordance with the rules applicable to him:Provided further that where the Chairperson is a retired Government servant, the salary shall be paid equivalent to the last pay drawn minus pension.(2)The Members shall be paid sitting fee and other allowances as may be determined by the State Government, from time to time.(3)The salary and allowances payable to, and the other terms and conditions of service of the other officers and

other employees appointed for the purpose of the Commission, shall be such as may be determined by the State Government, from time to time.

7. Residuary provisions.

- Administrative matters relating to the operations of the Commission or the conditions of service of the Chairperson and a Member with respect to which no express provision has been made in these rules, shall be referred in each case to the State Government for its decision and the decision of the State Government thereon shall be final.

8. 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; (ii) exercise and discharge such powers and perform such duties as are required for the proper administration of the affairs of the Commission and its day to day management; (iii) serve meeting notices of the Commission to all concerned; (iv) prepare in consultation with the Chairperson, the agenda for each meeting of the Commission; (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 Report of the decisions of the Commission before the Commission in its subsequent meetings; (viii) ensure that procedure for transaction of business is followed; (ix) take up all such matters with the Department of Women and Child Development for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in the Assembly, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation abroad and any other matter requiring the approval of the State Government; (x) take up matters relating to children with concerned departments for appropriate action and follow-up; (xi) exercise such financial powers as are delegated to him by the Chairperson on behalf of the Commission: Provided that no expenditure on an item exceeding 1.5 lakh rupees shall be incurred without the sanction of the Chairperson; and (xii) be the appointing and disciplinary authority in respect of officers and other employees of the Commission.

9. Functions of the Commission.

- The Commission shall, in addition to the functions specified in Section 13 of the Act, perform the following functions, namely: (i) ensure that the Commission is directly informed, the views of children in order to reflect their priorities and perspectives; (ii) review and monitor budgetary allocation and utilisation for children and recommend action in the best interest of children. (iii) refer cases and issues of national and inter-State importance to the National Commission for the Protection of Child Rights as and when required; (iv) 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 or in the best interest of child;(v)produce and disseminate information about child rights;(vi)compile and analyse data on children;(vii)promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children;(viii)ensure immediate necessary care and protection to children in coordination with State Government along with appropriate rehabilitation restoration etc.(ix)networking and liaison with Non-Governmental Organisations and corporate sector as and when required;-(a)to encourage inputs from children and adults;(b)to maintain a suggestion box, to take further action;(c)to review the implementation of Juvenile Justice (Care and Protection of Children) Act, 2000;(d)to inspect Children Homes and all government institutions providing support and care to children; and(e)to prepare guidelines for children friendly investigation and judicial procedures.

10. Procedure for transaction of business

(1)The Commission shall meet regularly at its office at Jaipur at least once a month.(2)The quorum shall be one-third of the appointed Members including the Chairperson.(3)The Commission shall have empanelled list of lawyers, social workers, psychiatrist, counsellors who may assist commission in dealing cases of children.(4)The Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission.(5)The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting.(6)Specific files covering the agenda items shall be made readily available to the Commission for reference.(7)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.(8)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.(9)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.

11. 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 directed by him.(2)The minutes of the meeting of the Commission shall be submitted to the Chairperson for approval, and upon approval, be circulated to all the Members of the Commission at the earliest and in any case, sufficiently before the commencement of the next meeting.(3)The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an opinion and dissenting opinions, if given, shall also be recorded in the proceedings and be kept on record. Action 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 authorised by the Secretary with the prior approval of the Chairperson in this behalf.(5)Unless specially authorised, no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the Chairperson confirms the same.(6)A master copy of the proceedings, duly authenticated by the Secretary, of all meetings and opinions of the Commission shall be maintained.(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 respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

12. Report of Action Taken.

- Report of the follow up action shall be submitted by the Secretary to the Commission at every subsequent meeting indicating therein the present stage of action taken on each item, on which the Commission had taken any decision in any of its earlier meetings, excepting the items on which no further action is called for.

13. 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 enquiry under the Act, at least two Members shall constitute the bench of the Commission for such purpose.

14. Annual Report.

(1)The Commission shall prepare, publish and place on Commission's website an annual report every year for submission to the State Government.(2)The Commission shall also prepare special reports on specific issues as and when necessary under 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 House of State Legislature.(4)The annual report shall include information on administrative and financial matters, complaints investigated/ enquired 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 State Government.(6)The forms in which the budget may be prepared and provided and forwarded to the State Government shall be as provided in Forms I, II, III and IV of Schedule I.(7)The estimated receipt and expenditure shall be accompanied by the revised budget estimates for the relevant financial year.(8)The budget shall, as far as may be, be based on the account heads specified in Schedule II.

15. Financial Powers.

(1)The Commission shall spend the sums of money received by it for the purposes of the Act.(2)The Chairperson shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.(3)The Chairperson shall obtain prior approval of the State Government in matter of creation of post, revision of pay scale, 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 as may be determined by the State Government.(4)The Chairperson shall, subject to such conditions and limitations and control and supervision, have powers to delegate his financial powers to the Secretary. The Secretary shall have powers to execute all decisions taken by the Chairperson.(5)All financial powers of the Commission shall be governed by the General Financial Rules, delegation of financial powers, Rules and economy instructions issued by the Department of Finance of the State Government, from time to time.

I

Form IThe Rajasthan State Commission for Protection of Child Rights Detailed Budget Estimates for the Year 200....[See Rule 14(6)]Administration(Expenditure){||-| Head of Accounts| Actuals for the past three years| Sanctioned estimate for the current year 200...| Actuals of last six months i.e. 200..| Actuals of six months current year 200..|-| 1| 2/3/4| 5| 6| 7|-|||||}

Revised estimate for the current year 200..	Budget estimate for the next year 200...	Variations between columns 5 & 8	Variations between columns 8 & 9	Explanation for columns 10 & 11
8	9	10	11	12

Form IIThe Rajasthan State Commission for Protection of Child Rights EstablishmentStatement Details of Provisions for Pay of Officers/Establishment for the year 200...[See Rule 14(6)]

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

Form IIIThe Rajasthan State Commission for Protection of Child Rights Nominal Rolls[See Rule 14 (6)]

Name and Designation	Pay	Dearness Allowance	Compensatory (City) allowance	House rent allowance	Over time allowance	Children educational allowance	Leave travel concession	Other allowances	To
1	2	3	4	5	6	7	8	9	10

Total

Form IVThe Rajasthan State Commission for Protection of Child Rights Abstract of Nominal Rolls[See Rule 14(6)]

Actual sanctioned strength as on 1st March, 200..

Particulars of posts

Sanctioned budgeted grant 20 20...

No. of posts

Pay and allowances

I. Officers (a) Posts filled (b) Post vacant Total officers

II. Establishment (a) Posts filled (b) Post vacant Total IIEstablishment

III. Class IV (a) Posts filled (b) Post vacant Total III-Class IV

G. Total I, II AND III

Revised Estimates 20 ... 20...

Budget Estimates 20... 20...

Explanation for the difference between sanctionedbudget, revised estimates and the budget estimates

No. of posts included

Pay and allowances

No. of posts included

Pay and allowances

II

Budget and Account Heads[See Rule 14(8)]AdministrationHeads 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 (o) 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/contributors/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)

Head of Accounts (Receipts)

1. Payments by Central Government

2. Other receipts