

The Orissa Gazette



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WOMEN & CHILD DEVELOPMENT DEPARTMENT

NOTIFICATION

The 25th November 2009

No. 20527—JJ-34/2006-WCD.—In exercise of the powers conferred by Section 36 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), the State Government do hereby make the following rules, namely :—

1. Short title and commencement—(1) These rules may be called the Orissa State Commission for Protection of Child Rights Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions—(1) 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 State Commission for Protection of Child Rights, constituted under Section 17;
- (c) 'Chairperson' means the Chairperson of the Commission under Section 18;
- (d) 'Form' means a form appended to these rules;
- (e) 'Member' means the Member of the Commission appointed under Section 18;
- (f) 'Secretary' means the Secretary of the Commission appointed under Section 21;
- (g) 'Schedule' means schedule appended to these rules; and
- (h) 'Section' means a Section of the Act.

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

3. Headquarters of the Commission—The headquarters of the Commission shall be located at Bhubaneswar.

4. The tenure of the Secretary shall be as notified by the Government.

5. Powers and duties of the Secretary—(1) The Secretary shall—

- (i) have the power to execute all decisions taken by the Commission in order to carry out the powers and functions of the Commission as provided in Sections 13 and 14;
- (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 as specified in Section 21;
- (iii) convene the meetings of the Commission in consultation with its Chairperson and serve notices of the meetings to all concerned;
- (iv) take steps to ensure that the quorum required for convening a meeting of the Commission is secured;
- (v) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission and have notes prepared by the Secretariat and such notes shall, as far as possible, be self contained;
- (vi) make available specific records covering the agenda items to the Commission for reference;
- (vii) 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;
- (viii) 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;
- (ix) ensure that the procedure of the Commission is followed by it in transaction of its business;
- (x) take up all such matters with the Women & Child Development Department for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Assembly, reappropriation of funds, residential accommodation, permitting any officer of the Commission for deputation abroad and any other matter requiring the approval of the State Government; and
- (xi) exercise such financial powers as are delegated to him by the Chairperson on behalf of the Commission :

Provided that no expenditure exceeding five thousand rupees shall be incurred without the sanction of the Chairperson.

(2) The Secretary shall be the appointing and disciplinary authority in respect of officers and other employees of the Commission.

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

(2) Every Member shall, unless removed from office hold office for a period not exceeding three years, 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 renomination as Chairperson or, as the case may be, as Member, as the case may be.

(4) 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 or till the expiry of his term.

(5) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign his office at any time.

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

7. Salaries and Allowances—(1) The Chairperson and other members shall get the following monthly entitlements :—

- (a) If the Chairperson or a Member is a Government servant his salary shall be regulated in accordance with the rules applicable to him.
- (b) If the Chairperson or a Member is a retired Government servant, he will be entitled to get last pay minus pension and pension equivalent.
- (c) If the Chairperson and others happen to be non-officials, their monthly honorarium will be determined by Government from time to time.

(2) The salary and allowances payable to, and the other terms and conditions of service of the Secretary and the 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. The Chairperson and other Members shall be entitled to leave as under—

- (a) if the Chairperson and Members are Government servant they shall be entitled to leave as admissible to their counterparts.
- (b) For others leave as admissible to their counterparts.

9. (1) The Members shall undertake tour on the written permission of the Chairperson. They shall be entitled to draw traveling allowances and daily allowances as admissible to Group 'A' Officers of the Government.

(2) As and when Chairperson and Members are required to go outside the State on tour for the work of the Commission with prior approval of Government, they shall be entitled for Government accommodation on payment of usual rent. In case, Government accommodation is not available the Chairperson and Members shall be entitled to accommodation elsewhere and conveyance hiring charges as admissible to Group 'A' Government servant respectively.

10. Residential Accommodation :—

- (i) The Chairperson and Member shall reside at the headquarters of the Commission and shall be entitled to Government accommodation on payment of usual rent.
- (ii) If the Chairperson and Members are not provided with or do not avail of the Government accommodation, they shall be paid house rent allowance at the rate admissible to officers of equivalent rank in the State headquarters.

11. Facilities for Medical Treatment—The Chairperson and Members shall be entitled to reimbursement of the cost of medicine as admissible to Government servants.

12. Pension—(1) No pension shall be payable to the Chairperson or Members for holding the posts as such except the Government servant :

Provided that a retired Government employee if nominated as Chairperson or Member his/her term of office shall be treated as re-employment and regulated by provisions laid down in the Orissa Civil Services (Pension) Rules, 1992.

13. (i) The State Government may sanction such post as deemed necessary for smooth management of the Commission by following an yardstick and those posts will be filled up either by deputation from Central/State Government or by open market recruitment.

(ii) The officers and staff who come on deputation to the Commission shall enjoy the same benefits, which they were enjoying in the parent Department prior to their deputation.

14. Residuary provisions—The condition 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 State Government.

15. Procedure for transction of business—(1) The Commission shall meet regularly at its office at Bhubaneswar at such time as the Chairperson thinks fit, but four 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 Bhubaneswar but may, in its discretion, hold its meetings at any other place in Orissa if it considers it necessary or expedient to do so.

(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) 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 at least 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 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.

16. 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.

(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 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 form part of 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 authorized by the Secretary with the prior approval of the Chairperson in this behalf.

(5) 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.

(6) A master copy of the record of all meetings 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 respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

17. 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.

18. Transaction of business outside headquarters—The Commission or any Member/ 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, at least two Members shall constitute the bench of the Commission for such purpose.

19. 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, to serve on task forces or Committees and for research and analysis.

(2) The Commission may draw experts from academic, research, administrative, investigative, legal or civil society groups to form the panel.

(3) The Commission may devise a transparent process for the empanelling these consultants so that they are available for quick delegation of tasks.

20. Annual Reports—(1) The Commission shall prepare and publish an annual report before the 31st December every year for submission to State Government.

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

(3) 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.

(4) 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 State Government.

(5) 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.

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

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

21. 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 matters of creation of posts, revision of pay scales, procurement of vehicles, reappropriation 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 State Government, by order.

(4) The Chairperson shall, subject to such conditions and limitations and control and supervision, have powers to delegate his financial powers to any Member or the Secretary of the Commission :

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding rupees five thousand without the prior approval of the Chairperson.

(5) The Chairperson shall have powers to engage any person or persons as consultant or consultants for a specific purpose and for a specific period on the terms and conditions agreed in advance relating to honorarium, traveling allowance and dearness allowance.

(6) The Secretary shall have powers to execute all decisions taken by the Chairperson or any other Member on his behalf relating to financial matters.

(7) All financial powers of the Commission shall be governed by delegation of financial powers, rules and economy instructions issued by the Finance Department of the Government of Orissa from time to time.

SCHEDULE I

FORM I

THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

Detailed Budget Estimates for the Year 200.....

[See Rule 20 (5)]

ADMINISTRATION

(Expenditure)

Head of Accounts	Actual for the past 3 years.	Sanctioned estimate for the current year 200..	Actuals of last 6 months i. e. 200...200...	Actuals of six Months Current Year 200...	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
1	2 3	5	6	7	8	9	10	11	12

FORM II

THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

ESTABLISHMENT

Statement details of provision for pay of Officer/Establishment for the year 200..... 200.....

[See Rule 20 (5)]

1	2	3	4	5	6	7
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	Increment falling due within the year	Total provision for the year i.e. total columns 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)	3C	(a) (b) (c)		

FORM III

THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

NOMINAL ROLLS

[See Rule 20 (5)]

Name and 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 STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

(Abstract of Nominal Rolls)

[See Rule 20 (5)]

Actual Sanctioned Strength as on 1st March 200...	Particulars of posts	Sanctioned budget Grant 20 ... 20....	Revised Estimates 20.... 20.....	Budget Estimates 20... 20...	Explanation for the different between sanctioned budget revised estimates and budget estimates.
		No. of Posts included			

SCHEDULE II
BUDGET AND ACCOUNT HEADS
[See Rule 20 (7)]
ADMINISTRATION

Heads of Accounts (Expenditure)

- (a) Salaries/Honorarium
- (b) Wages
- (c) Travel Expenses
- (d) Office Expenses—
 - (i) Furniture
 - (ii) Postage
 - (iii) Office machines/equipment/Liveries
 - (iv) Hot and cold weather charges
 - (v) Telephones
 - (vi) Electricity and water charges
 - (vii) Stationery
 - (viii) Printing
 - (ix) Staff car and other vehicles
 - (x) Other items
- (e) Fee and honoraria
- (f) Payment for professional and special services
- (g) Rents, rates and taxes/royalty
- (h) Publications
 - (i) Advertising sales and publicity expenses
 - (j) Grant-in-aid/contributions/subsidies
- (k) Hospitality expenses, sumptuary allowances, etc.
 - (l) Pensions/Gratuities
- (m) Write off/Losses
- (n) Suspense
- (o) Other charges (a residuary head, this will also include rewards and prizes)

Heads of Account (Receipts)

1. Payments of State Government
2. Other receipts

By order of the Governor

G. V. V. SARMA

Commissioner-cum-Secretary to Government