



Abstract

Social Welfare – Department of Social Defence – The Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006) – Tamil Nadu Commission for Protection of Child Rights Rules, 2012 – Orders issued.

Social Welfare and Nutritious Meal Programme (SW 8) Department

G.O. (Ms) No.202

Dated 27-06-2012

ஆணி 13 திருவள்ளூர் ஆண்டு 2043

Read.

1. From the Commissioner of Social Defence, Letter No.20743/D1/2007, dated 23.10.2010 and 13.12.2010.
2. From the Principal Secretary / Director of Social Defence Letter No.20743/D1/2007, dated 29.07.2011.
3. G.O.(Ms) No.45, Social Welfare and Nutritious Meal Programme Department, dated 28.03.2012.

ORDER:

The Government of India has enacted the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006). Section 36 (1) of the said Act empowers the State Government to make rules for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto. The Director of Social Defence in the letters first and second read above has sent draft rules for the purpose. The Government accept them with certain modifications.

2. The appended notification will be published in the Tamil Nadu Government Gazette Extraordinary, dated the 28th June, 2012 and it shall come into force with effect from the date of its publication.

(By order of the Governor)

Ashok Dongre
Principal Secretary to Government.

To
The Chairperson,
National Commission for Protection of Child Rights, New Delhi-110 001.
The Director,
Ministry of Women and Child Development, New Delhi-110 001
The Secretary to Government of India,
Ministry of Law and Justice, New Delhi-110 001

The Principal Secretary / Director of Social Defence (i/c),
Chennai-10.
The Principal Secretary / Special Commissioner,
Integrated Child Development Services Scheme, Chennai-113.
The Director of Social Welfare, Chennai-2.
The State Commissioner for the Differently Aabled, Chennai-78
The Private Secretary to the Chief Secretary to Government, Secretariat, Chennai - 9
All Secretaries / Principal Secretaries to Government, Secretariat, Chennai - 9
All Probation Officers,
Department of Social Defence (Through the Principal Secretary / Director of Social
Defence (i/c), Chennai-10)
All District Social Welfare Officers / All District Project Officers / All District Disabled
Rehabilitation Officers,
The Accountant General, Chennai-18
The Pay and Accounts Officer, Chennai-1
The Chief Minister's Office, Chennai-9.
The Senior Personal Assistant to Minister (Finance), Chennai-9.
The Senior Personal Assistant to Minister (Commercial Taxes and Registration, Law,
Courts and Prisons)
The Senior Personal Assistant to Minister (Social Welfare), Chennai-9.
The Works Manager,
Government Central Press, Chennai-79

Copy to
All Departments of Secretariat, Chennai-9.
All Head of the Departments
All Sections in Social Welfare and Nutritious Meal Programme Department, Chennai-9
All District Collectors
The Home (Police XII) Department, Chennai-9
The School Education Department, Chennai-9
Stock File / Spare copies

// Forwarded by Order //

P. Jaganathan
Section Officer

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of section 36 of the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006), the Governor of Tamil Nadu hereby makes the following rules.-

RULES

1. Short title .- These rules may be called the Tamil Nadu Commission for Protection of Child Rights Rules, 2012.

2. Definitions.- In these rules, unless the context otherwise requires,-

- (a) "Act" means the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006);
- (b) "child" means a person who has not completed the age of eighteen years ;
- (c) "Commission" means the Tamil Nadu Commission for Protection of Child Rights constituted under section 17 of the Act;
- (d) "Secretary" means the Secretary of the Commission;
- (e) "section" means the section of the Act;
- (f) "State Government" means the Government of Tamil Nadu;
- (g) 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. 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.

4. 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 State 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 Social Welfare and Nutritious Meal Programme of State Government, for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in the State Legislature, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation and any other matter requiring the approval of the State Government;

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

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

5. Salaries and other allowances.-

- (1) The Chairperson shall be paid Rupees twenty five thousand per month as honorarium.
- (2) The Chairperson shall be eligible for Travelling Allowance and Daily Allowance as per the orders issued in G.O.Ms.No.551, Finance (All) Department, dated 03.11.2004 and as amended from time to time.
- (3) The Chairperson shall be eligible for a medical benefit at the same rate as are applicable to class A officers of the State Government.
- (4) The Chairperson shall be eligible for office Telephone (Monthly ceiling 2500 free calls) and also eligible for residential telephone (Monthly ceiling 300 free calls). The Chairperson shall be provided Rupees one thousand two hundred per month for the reimbursement of cell phone call charges.

- (5) The Chairperson shall be eligible for LTC on par with the concession available to the class 'A' officers of the State Government.
- (6) The Chairperson shall be entitled to the use of an official residence as may be determined by the Government of Tamil Nadu.
- (7) If the Chairperson is not provided with or does not avail himself of the accommodation specified in sub-rule (6) of this rule, he shall be paid house rent allowance at the rate of Rupees two thousand five hundred per month.
- (8) The Members shall be paid a sitting fees of Rupees one thousand per sitting
- (9) The Chairperson / Members shall be eligible for Travelling Allowance and Daily Allowance as per the orders issued in G.O.Ms.No.551, Finance (All) Department, dated 03.11.2004 and as amended from time to time.
- (10) The Members shall be eligible for a medical benefit at the same rate as are applicable to class A officers of the State Government.
- (11) The Chairperson and every Member shall be his own controlling officer in respect of his bill relating to travelling allowances and daily allowances
- (12) 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 State Government from time to time.

6. 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 State 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.

7. Procedure for transaction of business of Commission.- (1) The Head Quarter of the State Commission shall be in Chennai. The Commission shall meet regularly at its office in Chennai 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 Chennai but may, in its discretion, hold its meetings at any other place in Tamil Nadu 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.

- (4) (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 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) 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.

8. 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.

7

(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 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 the respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

9. 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 has taken any decision in any of its earlier meetings excepting the items on which no further action is called for.

10. 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.

11. 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 empanelling these consultants so that they are available for quick delegation of tasks.

12. 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 State 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 State Government.

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

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

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

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

13. 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 State Government.

(3) The Secretary shall obtain prior approval of the State 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 State 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, traveling allowance, dearness allowance.

(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 Finance Department of the State Government from time to time.

Ashok Dongre
Principal Secretary to Government.

//Forwarded by order//

P. J. S. S. S.
Section Officer

SCHEDULE - I
FORM I

TAMIL NADU COMMISSION FOR PROTECTION OF CHILD RIGHTS

Detailed Budget Estimates for the year 201...

(see rule 12 (7))

Administration
(Expenditure)

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

//Forwarded by order//

Ashok Dongre
Principal Secretary to Government.

P. General Secretary
Section Officer

FORM II
TAMIL NADU COMMISSION FOR PROTECTION OF CHILD RIGHTS
ESTABLISHMENT

Statement details of provision for pay of officers/Establishment for the year 201...-201
 (see rule 12 (7))

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

Ashok Dongre

Principal Secretary to Government.

//Forwarded by order//

P. Jayaram
 Section Officer

FORM III
TAMIL NADU COMMISSION FOR PROTECTION OF CHILD RIGHTS
NOMINAL ROLLS
 (see rule 12 (7))

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

//Forwarded by order//

Ashok Dongre
 Principal Secretary to Government.

P. Anand Selvaraj
 Section Officer

FORM IV
TAMIL NADU COMMISSION FOR PROTECTION OF CHILD RIGHTS
 (Abstract of nominal Rolls)
 (See rule 12(7))

Actual sanctioned Strength as on 1 st March 20.....	Particulars of posts	Sanctioned budget Grant 20		Revised Estimates 20.....		Budget Estimates 20.....-20.....		Explanation for the difference between sanctioned budget and revised and budget estimates
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowance	
1	2	3	4	5	6	7	8	9
	I. Officer (a) Posts filled (b) Post vacant Total I officers							
	II. Establishment (a) Post filled (b) Post vacant Total II Establishment							
	III. Class IV (a) Post filled (b) Post vacant Total III class IV							
	GRAND TOTAL - I, II and III							

//Forwarded by order//

Ashok Dongre
Principal Secretary to Government.

P. Jagan Shree
Section Officer

**SCHEDULE II
BUDGET AND ACCOUNT HEADS**

(See rule 12(8))

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.

Ashok Dongre
Principal Secretary to Government.

//Forwarded by order//

P. Anand Subramanyam
Section Officer