

(Authoritative English Text of this Department Notification No. SJE-A-A(3)-4/2014 dated. 25.02.2016 as required under Clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh  
Department of Social Justice and Empowerment

No. SJE-A-A(3)-4/2014

Dated; Shimla-2

5<sup>th</sup> February, 2016



Notification

In exercise of the powers conferred by section 36 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Himachal Pradesh State Commission for Protection of Child Rights Rules, 2015.  
(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 (4 of 2006);
  - (b) "Chairperson" means the Chairperson of the Commission;
  - (c) "Commission" means the Himachal Pradesh Commission for Protection of Child Rights constituted under section 17;
  - (d) "Member" means the Member of the Commission; and
  - (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 meanings respectively as assigned to them in the Act.
3. **Eligibility for appointment as Chairperson and other Members.**— (1) No person having any past record of violation of human rights or child rights shall be eligible for appointment as Chairperson or other Members of the Commission.  
(2) For appointment as the Chairperson or a Member of the Commission, a person shall, --
  - (a) have an experience of at-least five years of work in the field of child rights, child protection and advocacy for upholding the rights of children; and
  - (b) not be an office bearer or a member of any political party.
  - (3) The persons appointed to the post of Chairperson or Member shall not hold any other post or be affiliated to any governmental, semi-governmental, public sector,

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undertaking private organization or hold any other position which provides whether in cash or in kind.

4. **Secretary.**- The Secretary shall be appointed by the State Government under sub section (1) of section 21 of the Act.

5. **Powers and duties of the Secretary.**- (1) 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 under sections 13, 14, 15, 16 and 21(2) of the Act;
- (ii) directly take up matters (i.e. suo moto taking cognizance) in incidents and cases relating to children for appropriate action and follow up with the concerned departments;
- (iii) exercise and discharge such powers and perform such other duties as are required for the proper administration of the affairs of the Commission and its day-to-day management;
- (iv) convene the meetings of the Commission in consultation with its Chairperson and issue notice of the meetings to all concerned;
- (v) take steps to ensure the quorum required for convening a meeting of the Commission;
- (vi) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission and have notes on agenda prepared by the office which notes shall, as far as possible, be self-contained;
- (vii) make available specific records covering the agenda items to the Commission for reference;
- (viii) 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;
- (ix) prepare the minutes of the meetings of the Commission and execute the decision of the Commission taken in the meeting and also ensure placing of the action taken note in its subsequent meetings;
- (x) ensure that the procedure of the Commission is followed in transaction of its business;
- (xi) take up all matters with the Government for release of grant, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit reports in the State Assembly, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation outside the state or country, as the case may be, and such other matters as may require the approval of the State Government;
- (xii) exercise such financial powers as are delegated to him by the Chairperson; and
- (xiii) be the appointing and disciplinary authority in respect of officers and other employees of the Commission.

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**Term of office of Chairperson and Members.**--(1) The Chairperson shall, unless removed from office under section 7 read with section 24 of the Act, 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 under section 7 read with section 24 of the Act, 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-appointment; and

(b) a person who has held the office of a Member shall be eligible for re-appointment as a member or as a Chairperson:

Provided that a person who has held an office of Chairperson or Member for two terms, either whole or part, in any capacity, shall not be eligible for re-appointment as Chairperson or 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 remainder 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) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making fresh appointment in accordance with the provisions of section 18 of the Act and the person so appointed shall hold office for the remainder of the term of office in whose place he is so appointed.

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**Salaries and allowances and other entitlements .**—(1) Save as otherwise provided in section 20 of the Act, the Chairperson shall be entitled for an honorarium of Rs.3000/- per sitting subject to maximum of Rs.30,000/- per month. In case, the Chairperson is a retired Government servant, he shall be entitled for an honorarium equal to the last pay drawn minus(-) pension.

(2) Each Member shall be entitled for a sitting fee of Rs.2000/- (Rupees Two

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Thousand) only per sitting subject to the condition that the amount of sitting fee shall not exceed Rs.30,000/- in a month.

8. **Facility for conveyance.**—(1) The Chairperson shall be entitled for an official vehicle alongwith the service of a driver.  
 (2) Every Member whose residence is at a place outside Shimla (i.e. the Headquarter of the Commission), shall be allowed to use Taxi at mileage rates fixed by the Government for travelling from the place of residence to the Head Quarter of the Commission or to any other place where the Commission meets subject to the condition that this mileage shall be restricted to three round trips in a month.
- 9 **Traveling and Daily Allowance.**—The Chairperson shall be entitled for Traveling and Daily Allowance as are admissible to a Secretary to the Government of Himachal Pradesh.
- 10 **Telephone.**— The Chairperson shall be entitled for telephone facilities at office and residence as are admissible to a Secretary to the Government of Himachal Pradesh.
- 11 **Residential accommodation.**— The Chairperson shall be entitled for free semi-furnished accommodation or a uniform HRA @ Rs.2500/- per month in lieu thereof.
- 12 **Leave.**— The Chairperson shall be entitled for leave as admissible to re-employed pensioners.
- 13 **Procedure for transaction of business.**—(1) The Commission shall meet regularly at its office at Shimla at such time as the Chairperson decides, 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 Shimla but may, in its discretion, hold its meetings at any other place in Himachal Pradesh if it considers it necessary or expedient to do so.  
 (3) The Secretary alongwith such officers as the Chairperson may direct shall attend the meetings of the Commission.  
 (4) Four Members including Chairperson shall form the quorum at every meeting of the Commission.  
 (5) All decisions of the Commission at its meetings shall be taken by majority:

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Provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding shall exercise a second or a casting vote.

- (6) 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 shall preside over the meeting.
- (7) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Office and such notes shall, as far as possible, be self-contained.
- (8) The records covering the agenda items shall be made available to the Commission for its reference.
- (9) The agenda papers shall ordinarily be circulated to members at least two working days in advance of the meeting, except in cases when urgent attention is required.
- (10) The Commission shall attempt to arrive at effective division of work among its members, so as to enable access, accountability and timely action.
- (11) The principles of independence, accessibility, co-operation, operational efficiency, and accountability shall guide the functioning of the Commission.

14 **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 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.

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- (5) Unless specifically authorized, no action shall be taken by the Secretary 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.
- 15 **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.
- 16 **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, at least two members shall constitute the bench of the Commission for such purpose
- 17 **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 on 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.
- 18 ✓ **Annual report.**—(1) The Commission shall prepare and publish an annual report before the 31<sup>st</sup> December 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.
- (3) The State Government shall cause the annual report and the special reports of the Commission to be laid before Assembly Session alongwith the action taken or proposed to be taken.

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- (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 forms in which the budget may be prepared and forwarded to the State Government shall be as provided in Forms I, II, III and IV.
- (7) The estimated receipts 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 Form V.
- (9) The Commission shall not be compelled to testify or release records. All reports that the Commission decides to publish shall be made public and accessible through all appropriate means, including the translation in to official languages. The annual report and all publishable reports shall also be summarized and disseminated in a language that children understand.

19 **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 case of matters 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, purchase of vehicles, re-appropriation of funds from one head to another, permitting any officers of the Commission to participate in Seminars, conferences or training programme abroad and such other matters as may be determined by the State Government, by order.
- (4) The Chairperson shall, subject to such conditions and limitations and control and

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supervision as may be specified by the State Government, have powers to delegate his financial powers to the Secretary.

- (5) The Chairperson, with the prior approval of the State Government 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.
- (6) The Secretary shall have powers to execute all decisions taken by the Chairperson on his behalf relating to financial matters.
- (7) All financial powers of the Commission shall be governed by the Himachal Pradesh Financial Rules, delegation of financial powers and economy instructions issued by the Finance Department of the State Government from time to time in this regard.

By order

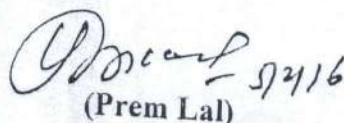
Addl. Chief Secretary(SJ&E) to the  
Government of Himachal Pradesh

Dated, Shimla-2, the 5<sup>th</sup> Feb, 2016

Enst No. As above

Copy forwarded to the following for information and necessary action:-

1. The Secretary, Govt. of India, Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
2. The Chairperson, Govt. of India, National Commission for Protection of Child Rights, 5<sup>th</sup> Floor, Chanderlok Bilding, Janpath, New Delhi-110001.
3. All the Administrative Secretaries to the Govt. of H.P.
4. The Secretary to Governor, Himachal Pradesh, Shimla-2.
5. The Registrar General, Himachal Pradesh, High Court Shimla.
6. All the Heads of Departments in Himachal Pradesh.
7. The Director(WCD)-cum Member Secretary, H.P. CPR, Shimla. W.r.t. his letter No. CPR-A(3)-1/2014-223 dated 1.10.2014.
8. All the Deputy Commissioners in Himachal Pradesh.
9. All the Distt/Addl. Distt. & Session Judges/CJMs in Himachal Pradesh.
10. The Controller, Printing & Stationery, H.P. Govt. Press Shimla for publication in the Rajpatra.
11. The Addl. Advocate General, HP at New Delhi, Himachal Bhawan, New Delhi.
12. All the Distt. Programme Officers in Himachal Pradesh.
13. Guard file.

  
(Prem Lal)

Under Secretary(SJ&E) to the  
Govt. of Himachal Pradesh