

Kerala Gazette No. 17 dated 25th April, 2006.

**PART I**

**Section i**



**GOVERNMENT OF KERALA**

**Law (Legislation-Publication) Department**

**NOTIFICATION**

No. 5146/Leg.Pbn.3/06/Law. Dated, Thiruvananthapuram, 2nd March 2006.

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I, dated the 20th January, 2006 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 20th January, 2006.

By order of the Governor,

S. SAINUDEEN,  
Law Secretary.

# THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

( Act No. 4 of 2006)

AN

ACT

*to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.*

WHEREAS India participated in the United Nations (UN) General Assembly Summit in 1990, which adopted a Declaration on Survival, Protection and Development of Children ;

AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992 ;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention ;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken, for Children is the adoption of National Charter for Children, 2003 ;

AND WHEREAS the UN General Assembly Special Session on Children held in May, 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade ;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments ;

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. *Short title, extent and commencement*—(1) This Act may be called the Commissions for Protection of Child Rights Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) “Chairperson” means the Chairperson of the Commission or of the State Commission, as the case may be;

(b) “child rights” includes the children’s rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992;

(c) “Commission” means the National Commission for Protection of Child Rights constituted under section 3;

(d) “Member” means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

(e) “notification” means a notification published in the Official Gazette;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “State Commission” means a State Commission for Protection of Child Rights constituted under section 17.

## CHAPTER II

## THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

3. *Constitution of National Commission for Protection of Child Rights*.—(1) The Central Government shall, by notification, constitute a body to be known as the National Commission for Protection of Child Rights to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children ; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(i) education ;

(ii) child health, care, welfare or child development ;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities ;

(iv) elimination of child labour or children in distress ;

(v) child psychology or sociology ; and

(vi) laws relating to children.

(3) The office of the Commission shall be at Delhi.

4. *Appointment of Chairperson and Members.*—The Central Government shall, by notification, appoint the Chairperson and other Members :

Provided that the Chairperson shall be appointed on the recommendation of a three member Selection Committee constituted by the Central Government under the Chairmanship of the Minister in-charge of the Ministry of Human Resource Development.

5. *Term of office and conditions of service of Chairperson and Members.*—

(1) The Chairperson and every member shall hold office as such for a term of three years from the date on which he assumes office :

Provided that no Chairperson or a member shall hold the office for more than two terms ;

Provided further that no Chairperson or any other Member shall hold office as such after he has attained.—

(a) in the case of the Chairperson, the age of sixty-five years ; and

(b) in the case of a Member, the age of sixty years.

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

6. *Salary and allowances of Chairperson and Members.*— The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

7. *Removal from office.*—(1) Subject to the provisions of sub-section (2), the Chairperson may be removed from his office by an order of the Central Government on the ground of proved misbehaviour or incapacity.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may by order remove from office the Chairperson or any other Member, if the Chairperson or, as the case may be, such other Member,—

- (a) is adjudged an insolvent ; or
- (b) engages during his term of office in any paid employment outside the duties of his office ; or
- (c) refuses to act or becomes incapable of acting ; or
- (d) is of unsound mind and stands so declared by a competent court ; or
- (e) has so abused his office as to render his continuance in office detrimental to the public interest ; or
- (f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude ; or
- (g) is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

8. *Vacation of office by Chairperson or Member.*—(1) If the Chairperson or, as the case may be, a Member,—

- (a) becomes subject to any of the disqualifications mentioned in section 7; or
- (b) tenders his resignation under sub-section (2) of section 5, his seat shall thereupon become vacant.

(2) 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 afresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed would have held that office.

9. *Vacancies, etc., not to invalidate proceedings of Commission.*—No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member; or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10. *Procedure for transaction of business.*—(1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting 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 casting vote.

(3) If for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst them selves at the meeting, shall preside.

(4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed by the Central Government.

(5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by Member-Secretary in this behalf.

11. *Member-Secretary, officers and other employees of Commission.*—(1) the Central Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government of India as a Member-Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Member-Secretary 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 Central Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

12. *Salaries and allowances to be paid out of grants.*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, other officers and employees referred to in section II, shall be paid out of the grants referred to in sub section (1) of section 27.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE COMMISSION

13. *Functions of Commission.* —(1) The Commission shall perform all or any of the following functions, namely:—

(a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation ;

(b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards ;

(c) inquire into violation of child rights and recommend initiation of proceedings in such cases ;

(d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, poronography and prostitution and recommend appropriate remedial measures ;

(e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures ;

(f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;

(g) undertake and promote research in the field of child rights;

(h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;

(i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

(j) inquire into complaints and take *suo motu* notice of matters relating to,—

(i) deprevation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities; and

(k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

(2) the Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

14. *Powers relating to inquiries.*—(1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 ( 5 of 1908) and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;



- (b) discovery and production of any document;
- (c) receiving evidence of affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

15. *Steps after inquiry.*—The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

- (i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

16. *Annual and special reports of Commission.*—(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government concerned, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

## CHAPTER IV

## STATE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

17. *Constitution of State Commission for Protection of Child Rights.*—

(1) A State Government may constitute a body to be known as the .....(name of the State) Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

(2) The State Commission shall consists of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to-be appointed by the State Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(i) education;

(ii) child health, care, welfare or child development;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

(iv) elimination of child labour or children in distress;

(v) child psychology or sociology; and

(vi) laws relating to children.

(3) The headquarter of the State Commission shall be at such place as the State Government may, by notification, specify.

18. *Appointment of Chairperson and other Members.*—(1) The State Government shall, by notification, appoint the Chairperson and other Members:

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in-charge of the Department dealing with children.

19. *Term of office and conditions of service of Chairperson and Members.*—(i) The Chairperson and every Members shall hold office as such for a term of three years from the date on which he assumes office:

Provided that no Chairperson or a Member shall hold the office for more than two terms;

Provided further that 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.

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

20. *Salary and allowances of Chairperson and Members.*—The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

21. *Secretary, Officers and other employees of the State Commission.*—(1) The State Government shall, by notification, appoint an officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission and shall make available to the State Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Secretary shall be responsible for the proper administration of the affairs of the State 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.

(3) The salary and allowances payable to, and the 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 prescribed by the State Government.

22. *Salaries and allowances to be paid out of grants.*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 21, shall be paid out of the grants referred to in sub-section (1) of section 28.

23. *Annual and special reports of State Commission.*—(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause all the reports referred to in sub-section (1) to be laid before each House of State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

24. *Application of certain provisions relating to National Commission for Protection of Child Rights to State Commissions.*—The provisions of sections 7, 8, 9, 10, sub-section (1) of section 13 and sections 14 and 15 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

(a) references to "Commission" shall be construed as references to "State Commission";

(b) references to "Central Government" shall be construed as references to "State Government"; and

(c) references to "Member-Secretary" shall be construed as references to "Secretary".

## CHAPTER V

### CHILDREN'S COURTS

25. *Children's Courts.*—(1) For the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a court in the State or specify, for each district, a Court of Session to be a Children's Court to try the said offences:

Provided that nothing in this section shall apply if—

(a) a Court of Sessions is already specified as a special court; or

(b) a special court is already constituted,

for such offences under any other law for the time being in force.

26. *Special Public Prosecutor.*—For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

## CHAPTER VI

## FINANCE, ACCOUNTS AND AUDIT

27. *Grants by Central Government.*—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

28. *Grants by State Governments.*—(1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The state Commission may spend such sums of money as it thinks fit for performing the functions under Chapter III of this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

29. *Accounts and audit of Commission.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit of as the comptroller and Auditor-General Generally has in connection with the Audit of Government accounts and, in particular, shall have the right to demand the production of book, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.

(4) The accounts of the Commission as Certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

30. *Accounts and audit of State Commission.*—(1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the State Commission.

(4) The accounts of the State Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State legislature.

## CHAPTER VII

### MISCELLANEOUS

31. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Commission, the State Commission, or any member thereof any person acting under the direction either of the Central Government, State Government, Commission or the State Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission, or the State Commission of any report or paper.

32. *Chairperson, Members and other officers to be public servant.*—Every Member of the Commission, State Commission and every officer appointed in the commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

33. *Directions by Central Government.*—(1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes, as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government thereon shall be final.

34. *Returns or information.*—The Commission shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

35. *Powers of Central Government to make rules.*—(1) The Central Government may, by notification make rules to carry out the provision of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely :—

(a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6 ;

(b) the procedure to be followed by the Commission in the transation of its business at a meeting under sub-section (4 of section 10) ;

(c) the powers and duties which may be exercised and performed by the Member-Secretary of the Commission under sub-section (2) of section 11 ;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11 ; and,

(e) form of the statement of accounts and other records to be prepared by the Commission under sub-section (1) of section 29.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in section for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions a fore said, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall there after have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. *Power of State Government to make rules.*—(1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the State Commission and their salaries and allowances under section 20;

(b) the procedure to be followed by the State Commission in the transaction of its business at a meeting under sub-section (4) of section 10 read with section 24;

(c) the powers and duties which may be exercised and performed by the Secretary of the State Commission under sub-section (2) of section 21;

(d) the salary and allowances and other terms and condition of service of officers and other employees of the State Commission under sub-section (3) of section 21; and

(e) form of the statement of accounts and other records to be prepared by the State Commission under sub-section (1) of section 30.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

37. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.



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**PART I**

**Section i**



**GOVERNMENT OF KERALA**

**Law (Legislation-Publication) Department**

**NOTIFICATION**

No. 5146/Leg.Pbn.3/06/Law. Dated, Thiruvananthapuram, 2nd March 2006.

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By order of the Governor,

S. SAINUDEEN,  
Law Secretary.

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( Act No. 4 of 2006)

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AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992 ;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention ;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken, for Children is the adoption of National Charter for Children, 2003 ;

AND WHEREAS the UN General Assembly Special Session on Children held in May, 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade ;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments ;

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

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(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(a) “Chairperson” means the Chairperson of the Commission or of the State Commission, as the case may be;

(b) “child rights” includes the children’s rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992;

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(d) “Member” means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

(e) “notification” means a notification published in the Official Gazette;

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(2) The Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children ; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(i) education ;

(ii) child health, care, welfare or child development ;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities ;

(iv) elimination of child labour or children in distress ;

(v) child psychology or sociology ; and

(vi) laws relating to children.

(3) The office of the Commission shall be at Delhi.

4. *Appointment of Chairperson and Members.*—The Central Government shall, by notification, appoint the Chairperson and other Members :

Provided that the Chairperson shall be appointed on the recommendation of a three member Selection Committee constituted by the Central Government under the Chairmanship of the Minister in-charge of the Ministry of Human Resource Development.

5. *Term of office and conditions of service of Chairperson and Members.*—

(1) The Chairperson and every member shall hold office as such for a term of three years from the date on which he assumes office :

Provided that no Chairperson or a member shall hold the office for more than two terms ;

Provided further that no Chairperson or any other Member shall hold office as such after he has attained.—

(a) in the case of the Chairperson, the age of sixty-five years ; and

(b) in the case of a Member, the age of sixty years.

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

6. *Salary and allowances of Chairperson and Members.*— The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

7. *Removal from office.*—(1) Subject to the provisions of sub-section (2), the Chairperson may be removed from his office by an order of the Central Government on the ground of proved misbehaviour or incapacity.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may by order remove from office the Chairperson or any other Member, if the Chairperson or, as the case may be, such other Member,—

- (a) is adjudged an insolvent ; or
- (b) engages during his term of office in any paid employment outside the duties of his office ; or
- (c) refuses to act or becomes incapable of acting ; or
- (d) is of unsound mind and stands so declared by a competent court ; or
- (e) has so abused his office as to render his continuance in office detrimental to the public interest ; or
- (f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude ; or
- (g) is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

8. *Vacation of office by Chairperson or Member.*—(1) If the Chairperson or, as the case may be, a Member,—

- (a) becomes subject to any of the disqualifications mentioned in section 7; or
- (b) tenders his resignation under sub-section (2) of section 5, his seat shall thereupon become vacant.

(2) 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 afresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed would have held that office.

9. *Vacancies, etc., not to invalidate proceedings of Commission.*—No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member; or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10. *Procedure for transaction of business.*—(1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting 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 casting vote.

(3) If for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst them selves at the meeting, shall preside.

(4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed by the Central Government.

(5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by Member-Secretary in this behalf.

11. *Member-Secretary, officers and other employees of Commission.*—(1) the Central Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government of India as a Member-Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Member-Secretary 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 Central Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

12. *Salaries and allowances to be paid out of grants.*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, other officers and employees referred to in section II, shall be paid out of the grants referred to in sub section (1) of section 27.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE COMMISSION

13. *Functions of Commission.* —(1) The Commission shall perform all or any of the following functions, namely:—

(a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation ;

(b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards ;

(c) inquire into violation of child rights and recommend initiation of proceedings in such cases ;

(d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, poronography and prostitution and recommend appropriate remedial measures ;

(e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures ;

(f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;

(g) undertake and promote research in the field of child rights;

(h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;

(i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

(j) inquire into complaints and take *suo motu* notice of matters relating to,—

(i) deprevation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities; and

(k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

(2) the Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

14. *Powers relating to inquiries.*—(1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 ( 5 of 1908) and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;



- (b) discovery and production of any document;
- (c) receiving evidence of affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

15. *Steps after inquiry.*—The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

- (i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

16. *Annual and special reports of Commission.*—(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government concerned, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

## CHAPTER IV

## STATE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

17. *Constitution of State Commission for Protection of Child Rights.*—

(1) A State Government may constitute a body to be known as the .....(name of the State) Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

(2) The State Commission shall consists of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to-be appointed by the State Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(i) education;

(ii) child health, care, welfare or child development;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

(iv) elimination of child labour or children in distress;

(v) child psychology or sociology; and

(vi) laws relating to children.

(3) The headquarter of the State Commission shall be at such place as the State Government may, by notification, specify.

18. *Appointment of Chairperson and other Members.*—(1) The State Government shall, by notification, appoint the Chairperson and other Members:

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in-charge of the Department dealing with children.

19. *Term of office and conditions of service of Chairperson and Members.*—(i) The Chairperson and every Members shall hold office as such for a term of three years from the date on which he assumes office:

Provided that no Chairperson or a Member shall hold the office for more than two terms;

Provided further that 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.

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

20. *Salary and allowances of Chairperson and Members.*—The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

21. *Secretary, Officers and other employees of the State Commission.*—(1) The State Government shall, by notification, appoint an officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission and shall make available to the State Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Secretary shall be responsible for the proper administration of the affairs of the State 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.

(3) The salary and allowances payable to, and the 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 prescribed by the State Government.

22. *Salaries and allowances to be paid out of grants.*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 21, shall be paid out of the grants referred to in sub-section (1) of section 28.

23. *Annual and special reports of State Commission.*—(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause all the reports referred to in sub-section (1) to be laid before each House of State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

24. *Application of certain provisions relating to National Commission for Protection of Child Rights to State Commissions.*—The provisions of sections 7, 8, 9, 10, sub-section (1) of section 13 and sections 14 and 15 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

(a) references to "Commission" shall be construed as references to "State Commission";

(b) references to "Central Government" shall be construed as references to "State Government"; and

(c) references to "Member-Secretary" shall be construed as references to "Secretary".

## CHAPTER V

### CHILDREN'S COURTS

25. *Children's Courts.*—(1) For the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a court in the State or specify, for each district, a Court of Session to be a Children's Court to try the said offences:

Provided that nothing in this section shall apply if—

(a) a Court of Sessions is already specified as a special court; or

(b) a special court is already constituted,

for such offences under any other law for the time being in force.

26. *Special Public Prosecutor.*—For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

## CHAPTER VI

## FINANCE, ACCOUNTS AND AUDIT

27. *Grants by Central Government.*—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

28. *Grants by State Governments.*—(1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The state Commission may spend such sums of money as it thinks fit for performing the functions under Chapter III of this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

29. *Accounts and audit of Commission.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit of as the comptroller and Auditor-General Generally has in connection with the Audit of Government accounts and, in particular, shall have the right to demand the production of book, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.

(4) The accounts of the Commission as Certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

30. *Accounts and audit of State Commission.*—(1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the State Commission.

(4) The accounts of the State Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State legislature.

## CHAPTER VII

### MISCELLANEOUS

31. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Commission, the State Commission, or any member thereof any person acting under the direction either of the Central Government, State Government, Commission or the State Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission, or the State Commission of any report or paper.

32. *Chairperson, Members and other officers to be public servant.*—Every Member of the Commission, State Commission and every officer appointed in the commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

33. *Directions by Central Government.*—(1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes, as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government thereon shall be final.

34. *Returns or information.*—The Commission shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

35. *Powers of Central Government to make rules.*—(1) The Central Government may, by notification make rules to carry out the provision of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely :—

(a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6 ;

(b) the procedure to be followed by the Commission in the transation of its business at a meeting under sub-section (4 of section 10) ;

(c) the powers and duties which may be exercised and performed by the Member-Secretary of the Commission under sub-section (2) of section 11 ;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11 ; and,

(e) form of the statement of accounts and other records to be prepared by the Commission under sub-section (1) of section 29.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in section for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions a fore said, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall there after have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. *Power of State Government to make rules.*—(1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the State Commission and their salaries and allowances under section 20;

(b) the procedure to be followed by the State Commission in the transaction of its business at a meeting under sub-section (4) of section 10 read with section 24;

(c) the powers and duties which may be exercised and performed by the Secretary of the State Commission under sub-section (2) of section 21;

(d) the salary and allowances and other terms and condition of service of officers and other employees of the State Commission under sub-section (3) of section 21; and

(e) form of the statement of accounts and other records to be prepared by the State Commission under sub-section (1) of section 30.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

37. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.



Kerala Gazette No. 32 dated 7th August, 2007.

**PART I**

**Section 71**



**GOVERNMENT OF KERALA**

**Law (Legislation-Publication) Department**

**NOTIFICATION**

No. 13936/Leg. Pbn. 4/07/Law. *Dated, Thiruvananthapuram, 18th June 2007.*

The following Act of Parliament published in the Gazette of India, Extraordinary Part II, Section I, dated the 2nd January, 2007 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 29th December, 2006.

By order of the Governor,

**P. S. GOPINATHAN,**  
*Law Secretary.*

THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS  
(AMENDMENT) ACT, 2006  
(ACT No. 4 OF 2007)

AN

ACT

*to amend the Commissions for Protection of Child Rights Act, 2005.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Commissions for Protection of Child Rights (Amendment) Act, 2006.

2. *Amendment of section 4 of Act 4 of 2006.*—In the Commissions for Protection of Child Rights Act, 2005, in the proviso to section 4, for the words “Minister in-charge of the Ministry of Human Resource Development”, the words “Minister in-charge of the Ministry or the Department of Women and Child Development” shall be substituted.

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# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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NEW DELHI, TUESDAY, JANUARY 2, 2007 / PAUSA 12, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be used as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)*

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information:—

### THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS (AMENDMENT) ACT, 2006

No. 4 of 2007

[29th December, 2006.]

An Act to amend the Commissions for Protection of Child Rights Act, 2005.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Commissions for Protection of Child Rights (Amendment) Act, 2006. Short title.

Amendment  
of section 4  
of Act 4 of  
2006.

2. In the Commissions for Protection of Child Rights Act, 2005, in the proviso to section 4, for the words "Minister in-charge of the Ministry of Human Resource Development", the words "Minister in-charge of the Ministry or the Department of Women and Child Development" shall be substituted.

K. N. CHATURVEDI,  
*Secy. to the Govt. of India.*

## MINISTRY OF WOMEN AND CHILD DEVELOPMENT

## NOTIFICATION

New Delhi, the 8th February, 2012

**G.S.R. 74(E).**—In exercise of the powers conferred by clause (d) of sub-section (2) of Section 35 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2007), the President hereby makes the following rules regulating the method of recruitment to various posts in the National Commission for Protection of Child Rights under the Ministry of Women and Child Development, namely :—

**1. Short title and commencement.**—(1) These Rules may be called the National Commission for Protection of Child Rights Staff Recruitment Rules, 2012.

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

**2. Application.**—These Rules shall apply to the posts specified in column (1) of the Schedule annexed to these Rules.

**3. Number of post, classification and scale of pay.**—The number of the posts their classification and scale of pay attached thereto shall be as specified in Column (2) to (4) of the said Schedule.

**4. Method of recruitment, age-limit, qualification, etc.**—The method of recruitment of the said posts, age-limit, qualification and other matters relating thereto shall be as specified in columns (5) to (13) of the Schedule aforesaid.

**5. Appointing Authority.**—All appointments shall be made by the Member Secretary, National Commission for Protection of Child Rights.

**6. Disqualification.**—No person,—

- (i) who has entered into or contracted a marriage with a person having a spouse living; or
- (ii) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post :

Provided that the Central Government may, if satisfied that such a marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**7. Powers to relax.**—Where the Central Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category or persons.

**8. Saving.**—Nothing in these rules shall affect reservations, relaxations of the age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the Orders issued by the Central Government from time to time in this regard.

	<p>क्षेत्र के उपक्रमों या केन्द्रीय स्वायत्त निकायों के अधिकारियों की प्रतिनियुक्ति द्वारा (अल्पावधि संविदा सहित), जो :</p> <p>(क) (i) नियमित आधार पर सदृश पद पर कार्यरत हैं या</p> <p>(ii) 2400 रु. के ग्रेड वेतन में 5200-20,200 रु. के वेतनमान में 5 वर्ष की नियमित सेवा रखते हैं और</p> <p>(ख) कॉलम 7 के तहत सीधी भर्ती के लिए निर्दिष्ट अर्हताएं और अनुभव</p>	
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(12)	(13)
<p>चयन समिति निम्नलिखित से मिलकर बनेगी :</p> <p>(i) सदस्य सचिव, बालक अधिकार संरक्षण आयोग - अध्यक्ष</p> <p>(ii) निदेशक / उपसचिव, महिला और बाल विकास मंत्रालय, बालक अधिकार संरक्षण आयोग के प्रभारी - सदस्य</p> <p>(iii) निदेशक, बालक अधिकार संरक्षण आयोग - सदस्य</p> <p>(iv) हिन्दी अधिकारी / सहायक निदेशक (हिन्दी), महिला और बाल विकास मंत्रालय - सदस्य</p>	<p>लागू नहीं होता</p>

[फा. सं. 3-6/2010-सीडब्ल्यू-1]

विवेक जोशी, संयुक्त सचिव

**SCHEDULE**

Name of the post	Number of posts	Classification	Pay Band and Grade Pay or Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotes.	Period of probation, if any.	Method of recruitment whether by direct recruitment or by promotion or by deputation or absorption and percentage of the vacancies to be filled in various methods.	In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation absorption to be made.	If a Departmental Promotion Committee exists what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Director	1 (2011) subject to variation depending on workload.	Group 'A'	PB-4: Rs. 37,400-67,000 with Grade Pay Rs.8,700/-	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Deputation including short-term contract	<p>By deputation of Officers from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time). Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are:-</p> <p>(i) holding analogous posts on regular basis; or having five years of regular service in the Pay Scale of Rs. 15,600-39,100 with Grade Pay of Rs. 7,600/-; or having ten years of regular service in the Pay Scale of Rs. 15600-39,100 with Grade Pay of Rs. 6600/-;</p> <p>Essential qualifications or experiences:</p> <p>(ii) having a Graduate Degree in any discipline of Social Sciences from a recognised university; and</p> <p>(iii) having five years of experience in Establishment and General Administration;</p>	<p>The Selection Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights-Chairperson</p> <p>(ii) Joint Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii) Joint Secretary (Administration) of Ministry of Women and Child Development - Member</p>	Not applicable

										<p>Desirable experience:</p> <p>(iv) having 5 years of experience in Child Rights or Child Protection or Welfare or Child Development and Programme Administration.</p> <p><i>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or departments of the Central Governments or States Government shall ordinarily not exceed five years) and will be subjected to the age of superannuation as determined by Government of India.</i></p> <p>The upper age limit for deputation shall be *56 years, subject to the age of superannuation as prescribed by Government of India from time to time.</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Registrar	<p>I* (2011)</p> <p>*subject to variation depending on workload.</p>	Group 'A'	<p>PB-4: Rs. 37,400-67,000 with Grade Pay Rs. 8,700/-.</p>	Not applicable	Not applicable	Not applicable.	Not applicable.	Not applicable	Deputation including short-term contract	<p><b>Essential:</b></p> <p>(i) Officers of the Indian Legal Service holding analogous posts under the Central Government; or</p> <p>(ii) Officers holding analogous posts under the Central Government or Supreme Court or High Court and possessing experience as Registrar of higher judiciary or any other post involving interpretation or application of statutes; or</p> <p>(iii) Officers from the Central or State Government or Supreme Court or High Courts or Central Autonomous Bodies or Public Sector Undertaking having five years of regular service in the pay scale of Rs. 15,600-39,100 with Grade Pay of Rs. 7,600/- or ten year of regular service in the pay scale of Rs. 15,600-</p>	<p>The Selection Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights-Chairperson</p> <p>(ii) Member, National Commission for Protection of Child Rights(dealing with laws relating to children)-Member</p> <p>(iii) Joint Secretary of Ministry of Women and Child Development in-</p>	Not applicable



										39,100 with grade pay of Rs. 6600/-; and  (iv) Having a Graduate Degree in Law or Post Graduate Degree in Social Work or Political Science or Public Administration from a recognised University or Institution.  <b>Desirable:</b>  (i) Five years of working experience in the field of the child rights or child protection or child welfare or child rights protection work; and (ii) Training in child rights or human rights.  <i>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or departments of the Central Governments or States Government shall ordinarily not exceed five years) and will be subjected to the age of superannuation as determined by Government of India.</i>  The upper age limit for deputation shall be *56 years, subject to the age of superannuation as prescribed by Government of India from time to time.	charge of National Commission for Protection of Child Rights -Member	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Presenting Officer	1* (2011)  *subject to variation depending on workload.	Group 'A'	PB-3: Rs. 15,600-39,100 with Grade Pay Rs. 6,600/-	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Deputation including short-term contract/ contract.	By deputation of officers from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) or Supreme Court or High Courts or Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies, who are:  (i) holding analogous posts on regular basis; or having five years of regular service in Pay Band-3: Rs. 9,300-34,800	The Selection Committee will comprise of:  (i) Member Secretary, National Commission for Protection of Child Rights-Chairperson  (ii) Joint Secretary of Ministry of Women and Child	Not applicable

										<p>with Grade Pay of Rs. 5,400; or having six years of regular service in the Pay scale of Rs. 9,300-34,800 with Grade Pay Rs. 4,800;</p> <p>Essential qualification or experience:</p> <p>(ii) having a graduate degree in law from a recognised university; and</p> <p>(iii) having five years of experience in court matters or interpretation or application of statutes;</p> <p>Desirable experience:</p> <p>(iv) having experience in dealing with child related cases or matters.</p> <p><i>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed four years and will be subjected to the age of superannuation as determined by Government of India from time to time.)</i></p> <p>The upper age limit for deputation shall be *56 years, subject to the age of superannuation as determined by Government of India from time to time.</p>	<p>Development in-charge of National Commission for Protection of Child Rights-Member</p> <p>(iii) Registrar, National Commission for Protection of Child Rights -Member</p>	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Principal Private Secretary	7* (2011) *subject to variation depending on workload.	Group 'A'	PB-3: Rs. 15,600-39,100 with Grade Pay Rs. 6,600/-	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Deputation including short-term contract/ contract	<p>(i) By deputation of officers from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) or Supreme Court or High Court or Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies, who are:-</p> <p>(a) holding analogous post on regular basis; or having five years of regular service as Private Secretary in the Pay Scale of Rs. 9,300-34,800 (Pay Band-3)</p>	<p>The Selection Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights-Chairperson</p> <p>(ii) Joint Secretary of Ministry of Women and Child Development in-</p>	Not applicable

										with Grade Pay of Rs. 5,400; or having six years of regular service as Private Secretary in the Pay Scale of Rs. 9300-34,800 with Grade Pay of Rs. 4,800/-;	charge of National Commission for Protection of Child Rights-Member	
										(b) having a graduate degree in any discipline from a recognised university; and	(iii) Director, National Commission for Protection of Child Rights -Member	
										(c)*Proficiency in working on computer. *(will be determined through an internal test conducted by National Commission for Protection of Child Rights).		
										(Note: The period of deputation including the period of deputation in another cadre post held immediately preceding this appointment in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed four years and will be subjected to the age of superannuation as determined by Government of India from time to time.)		
										The upper age limit for deputation shall be *56 years, subject to the age of superannuation as determined by Government of India from time to time.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Assistant Director	01* (2011)  *subject to variation depending upon the work load).	Group 'B'	PB -2: Rs. 9,300-34,800 with Grade Pay of Rs. 5400/-	Not applicable	Not applicable	Not applicable	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Promotion/ Deputation including short-term contract	(i) By promotion with eight years of service in the grade rendered after appointment to the post of Research Assistant in National Commission for Protection of Child Rights in (Pay Band-2 with Pay scale of Rs. 9300-34800 with Grade Pay- Rs. 4200) on a regular basis.  [Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the officer of the prescribed qualifying service in the respective grade or post.]  (ii) By deputation of officials from Central or State Governments (subject to the exemption from the rule of immediate	The Selection Committee will comprise of:  (i) Member Secretary, National Commission for Protection of Child Rights -Chairperson  (ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for	Not applicable

										<p>absorption to be obtained from time to time) Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are :-</p> <p>(a) holding analogous post on regular basis; or having two years of regular service as a senior Research Assistant in the Pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4800/-; or having three years of regular service as a Research Assistant or Senior Research Investigator in the Pay scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,600/-; or having eight years of regular service as Research Investigator in the Pay scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,200/-;</p> <p>(b) having a post-graduate degree from a recognized university in social work or psychology or child development or sociology or law or political science or public administration;</p> <p>(c) having *proficiency in computer.</p> <p>*(Proficiency Test would be internally conducted by National Commission for Protection of Child Rights)</p> <p><i>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed three years.)</i></p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.</p>	<p>Protection of Child Rights -Member</p> <p>(iii) Registrar, National Commission for Protection of Child Rights - Member</p>	
1. Accounts Officer	2. 1* (2011) *subject to	3. Group 'B'	4. PB-2: Rs. 9,300-34,800 with	5. Not applicable	6. Not applicable	7. Not applicable	8. Not applicable	9. Two years (Provided that the controlling authority	10. Promotion/ Deputation including short-term	11. (i). By promotion with eight years service in the grade rendered after appointment to the post of Accounts Clerk in National Commission for Protection of Child	12. The Selection Committee or Departmental Promotion	13. Not applicable

	variation depending on workload.		Grade Pay of Rs. 5,400/-					may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	contract	<p>Rights in Pay Band-2 in the Pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4200 /- on a regular basis.</p> <p><i>[Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the official of the prescribed qualifying service in the respective grade/post.]</i></p> <p>/(ii) By deputation of official from Central Government (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Universities or Recognized Research Institutions or Public Sector Undertakings or Central Autonomous Bodies, who are :-</p> <p>(a) holding analogous post on regular basis; or having two years of regular service as Assistant Accounts Officer or Auditor in the Pay scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,800/-; or having three years of regular service as Junior Accounts Officer or Senior Accountant in the Pay scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,600/-; or having eight years of regular service as Accountant or Accounts Clerk in the Pay scale of Rs. 93,00-34,800 with Grade Pay of Rs. 4,200/-;</p> <p>(b) having a B.com degree or equivalent from a recognised university;</p> <p>(c) having a pass certificate in Sub Accounts Service or equivalent examination conducted by any organised accounts Department of the Central Government (<i>desirable</i>); and</p> <p>(d) having successful completion of training in the cash and accounts work in Institute of Secretariat Training and Management or equivalent(<i>desirable</i>).</p>	<p>Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights-Chairperson</p> <p>(ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights-Member</p> <p>(iii) Director, National Commission for Protection of Child Rights - Member</p>	
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										<p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed three years.)</p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Desk Officer	1* (2011)  *subject to variation depending on workload.	Group 'B'	PB-2: Rs. 9,300-34,800 with Grade Pay of Rs.4,600/-	Not applicable	Not applicable	Not applicable	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Promotion/ Deputation including short-term contract	<p>(i) By promotion with five years of service in the grade rendered after appointment to the post of Assistant in National Commission for Protection of Child Rights in Pay Band : 2 with the Pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4200 on a regular basis.</p> <p>[Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the official of the prescribed qualifying service in the respective grade or post.]</p> <p>(ii) By deputation of official from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) or Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies, who are:-</p> <p>(a) holding on regular basis the post of Section Officer or, analogous post in the Pay Scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,600/-; or having five years of regular service as an Assistant in the Pay Scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,200/-;</p> <p>(b) having a graduate degree in any discipline from a recognised university;</p>	<p>The Selection Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights -Chairperson</p> <p>(ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii) Director, National Commission for Protection of Child Rights - Member</p>	Not applicable

										<p>(c)having five years of experience in establishment and general administration; and</p> <p>(d)*Proficiency in working on computer.</p> <p>*(will be determined through an internal test conducted by National Commission for Protection of Child Rights).</p> <p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organization or department of the Central Government or State Government shall ordinarily not exceed three years.)</p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Hindi Translator	1* (2011) *subject to variation depending on work load.	Group 'B'	PB -2: Rs. 9,300-34,800 with Grade Pay Rs. 4,600/-	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Deputation including short-term contract/ contract	<p>By deputation of official from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies, who are :-</p> <p>(a)holding analogous post on regular basis; or having five years of regular service as a Junior Hindi Translator in the Pay scale of Rs. 9,300-34,800 with Grade Pay of Rs. 4,200/-.</p> <p>(b) having a Master's degree in Hindi or English with English or Hindi as a compulsory or elective subject or as a medium of examination at degree level.</p> <p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding</p>	<p>The Selection will comprise of:</p> <p>(i)Member Secretary, National Commission for Protection of Child Rights -Chairperson</p> <p>(ii)Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii)Director, National Commission for Protection of Child</p>	Not applicable

										<p><i>this appointment in the same or other organization or department of the Central Government or State Government shall ordinarily not exceed three years)</i></p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.</p> <p>Note:- The translation proficiency will be determined through a skill test internally conducted by National Commission for Protection of Child Rights.</p>	<p>Rights -Member</p> <p>(iv)Hindi Officer or Assistant Director (Hindi), Ministry of Women and Child Development- Member</p>	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Assistant	2* (2011). *subject to variation depending on work load	Group 'B'	PB-2: Rs. 9,300 – 34,800 with Grade Pay of Rs. 4,200/-	Not applicable	Not applicable	Not applicable	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Promotion/ Deputation including short-term contract	<p>(i) By promotion with ten years of service in the grade rendered after appointment to the post of Clerk in National Commission for Protection of Child Rights in Pay Band: 1 in the Pay Scale of Rs. 5,200-20,200 with Grade Pay of Rs. 2400/- on a regular basis.</p> <p>[Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the officer of the prescribed qualifying service in the respective grade or post.]</p> <p>(ii) By deputation from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies :-</p> <p>(a)holding analogous post on regular basis; or having ten years of regular service in the Pay scale of Rs. 5,200-20,200 with Grade Pay of Rs. 2,400/-;</p> <p>(b)having a graduate degree in any discipline from a recognised university or institution; and</p>	<p>The Selection Committee will comprise of:</p> <p>(i)Member Secretary, National Commission for Protection of Child Rights -Chairperson</p> <p>(ii)Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii)Director, National Commission for Protection of Child Rights - Member</p>	Not applicable



										<p>(c) *proficiency in computer. *(will be determined through an internal test conducted by National Commission for Protection of Child Rights).</p> <p>(Note: The period of deputation including the period of deputation in another cadre post held immediately preceding this appointment in the same or other organization or department of the Central Government or State Government shall ordinarily not exceed ten years)</p> <p>The upper age limit for deputation shall *56 years or as prescribed by Government of India from time to time.</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Personal Assistant	3* (2011) *subject to variation depending on workload.	Group 'B'	PB-2: Rs. 9,300-34,800 with Grade Pay of Rs. 4,200/-	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Deputation including short-term contract/ contract	<p>Deputation.</p> <p>(i) By deputation from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are:-</p> <p>(a)holding analogous posts on regular basis; or having six years of regular service as a Stenographer in the Pay Scale of Rs. 5,200-20,200 with Grade Pay of Rs. 2,800/-; or having ten years of regular service in Pay scale of Rs. 5200-20,200 with Grade Pay of Rs. 2400/-;</p> <p>(b)possessing a graduate degree in any discipline from a recognised university or institution;</p> <p>(c)having stenographic proficiency with dictation speed of at least 80 words per minute and with typing speed of 60 words per minute; and</p>	<p>The Selection Committee will comprise of:</p> <p>(i)Member Secretary, National Commission for Protection Child Rights -Chairperson</p> <p>(ii)Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection Child Rights -Member</p> <p>(iii)Director, National Commission for Protection Child Rights - Member</p>	Not applicable

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										<p>(d) having *proficiency in working on computer.</p> <p>*(will be determined through an internal test conducted by National Commission for Protection Child Rights)</p> <p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment, in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed three years)</p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Research Assistant	1* (2011)  *subject to variation depending on work load.	Group 'B'	PB-2: Rs. 9,300-34,800 with Grade Pay Rs. 4,200/-	Not applicable	Not exceeding 27 years (relaxable in accordance with the instructions or orders issued by the Central Government).  Note: The crucial date for determining the age limit shall be the last date of receipt of application.	Not applicable	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Deputation including short-term contract/ Contact failing which by direct recruitment.	<p>By deputation of official from Central or State Governments (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are:-</p> <p>(a) holding analogous post on regular basis or six years of regular service as a Research Investigator in the grade pay of Rs. 2800/-; or having ten years of regular service as a Junior Research Investigator in the grade pay of Rs. 2400/-;</p> <p>(b) having a graduate degree from a recognised university or institution in social work or psychology or child development or sociology or law or political science or public administration; and</p> <p>(c) *proficiency in working on computer.</p>	<p>The Selection Committee will comprise of:</p> <p>(i) Member Secretary, National Commission for Protection of Child Rights- Chairperson</p> <p>(ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii) Registrar, National Commission for Protection of Child Rights - Member</p>	Not applicable

										<p>*(will be determined through an internal test conducted by National Commission for Protection of Child Rights).</p> <p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or department of the Central Government or State Government shall ordinarily not exceed three years)</p> <p>The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.</p>		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Accounts Clerk	1* (2011) *subject to variation depending on work load.	Group 'B'	PB-2: Rs. 9,300-34,800 with Grade Pay Rs. 4,200/-	Not applicable	27 years (relaxable in accordance with the instructions or orders issued by the Central Government).  Note: The crucial date for determining the age limit shall be the last date of receipt of application.	Not applicable	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Deputation including short-term contract / contract failing which by direct recruitment.	<p>By deputation from Central Government (subject to the exemption from the rule of immediate absorption to be obtained from time to time) Central Autonomous Bodies, who are:-</p> <p>(a)holding analogous post on regular basis; or having six years of regular service as Junior Accountant in the grade pay of Rs. 2800/-; or having ten years of regular service as an Upper Division Clerk (Accounts) in the grade pay of Rs. 2400/-</p> <p>(b)having a B.com degree or equivalent from a recognised university or institution; and</p> <p>(c)*proficiency in working on computer-based accountancy (e.g. Tally). *(will be determined through an internal test conducted by National Commission for Protection of Child Rights).</p> <p>(Note: The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or other organisation or department of the</p>	<p>The Selection Committee will comprise of:</p> <p>(i)Member Secretary, National Commission for Protection of Child Rights - Chairperson</p> <p>(ii)Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member</p> <p>(iii)Director, National Commission for Protection of Child Rights - Member</p>	Not applicable

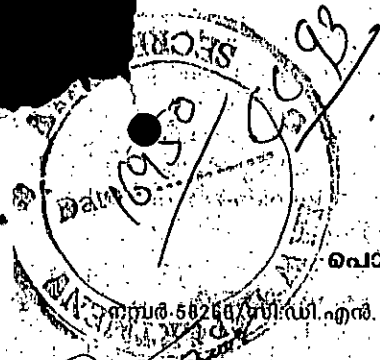
										Central Government or State Government shall ordinarily not exceed three years)		
										The upper age limit for deputation shall be *56 years or as prescribed by Government of India from time to time.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Clerk	2* (2011)  *subject to variation depending on workload.	Group 'C'	PB-1: Rs. 5200-20200 with Grade Pay of Rs. 2,400/-	Not applicable	27 years (relaxable in accordance with the instructions or orders issued by the Central Government).  Note: The crucial date for determining the age limit shall be the last date of receipt of application.	Essential qualifications/skills:  (a) Qualification: 12 <sup>th</sup> Pass or equivalent from a recognised Board; and  (b) having minimum of three years working experience on contract basis in Central Government or Central Autonomous Organisation.  (c) *typing speed of 35 words per minute (in English). (Time allowed-10 minutes).  (d) *proficiency in working on computer. *(will be determined	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Direct recruitment  Note: "Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for duration of one year or more may be filled on deputation basis (including short term contract) from officers of Central Government, Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are- (a) (i) holding analogous	Not applicable	The Selection Committee will comprise of:  (i) Member Secretary, National Commission for Protection of Child Rights Chairperson  (ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member  (iii) Director, National Commission for Protection of Child Rights - Member	Not applicable

						through an internal test conducted by National Commission for Protection of Child Rights).			posts on regular basis; or (ii) With five years of regular service in the pay scale of Rs. 5,200-20,200 in the grade pay of Rs. 2,400/-; and (b) Possessing the qualifications and experience prescribed for direct recruits under Column 7".			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Hindi Typist	1* (2011)  *subject to variation depending on workload.	Group 'C'	PB-1: Rs. 5,200-20,200 with Grade Pay: Rs. 2,400/-	Not applicable	27 years (relaxable in accordance with the instructions or orders issued by the Central Government).  Note: The crucial date for determining the age limit shall be the last date of receipt of application.	(a) Qualification: 12 <sup>th</sup> Pass or equivalent from a recognised Board; and  (b) having minimum of three years working experience on contract basis in Central Government or Central Autonomous Organisation.  (c) *typing speed of 30 words (in Hindi) per	Not applicable	Two years (Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.)	Direct recruitment.  Note: "Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for duration of one year or more may be filled on deputation basis (including short term contract) from officers of Central	Not applicable	The Selection Committee will comprise of:  (i) Member Secretary, National Commission for Protection of Child Rights- Chairperson (ii) Director or Deputy Secretary of Ministry of Women and Child Development in-charge of National Commission for Protection of Child Rights -Member  (iii) Director, National Commission for Protection of Child Rights - Member	Not applicable

						minute. (Time allowed-10 minutes). a) *proficiency in working on computer. *(will be determined through an internal test conducted by National Commission for Protection of Child Rights).			Government, Central Universities or Recognised Research Institutions or Public Sector Undertakings or Central Autonomous Bodies who are : (a) (i) holding analogous posts on regular basis; or (ii) with five years of regular service in the pay scale of Rs. 5,200- 20,200 in the grade pay of Rs. 2,400/-; and (b) Possessing the qualifications and experience prescribed for direct recruits under Column 7".		(iv) Hindi Officer or Assistant Director (Hindi), Ministry of Women and Child Development- Member.	
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[F.No. 3-6/2010-CW-I]

VIVEK JOSHI, Jt. Secy.



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**കേരള സർക്കാർ  
പൊതുഭരണ (ഏകോപന) വകുപ്പ്**

സംസ്ഥാനം: 58266/സി.ഡി.എൻ. 5/08/പെ.ഭ.വ. തിരുവനന്തപുരം, തീയതി: 2008 ആഗസ്റ്റ് 14

**സർക്കുലർ**

**വിഷയം** — 2005-ലെ വിവരാവകാശ നിയമം — വിവരങ്ങൾ നൽകുന്നതിൽ സാക്ഷ്യപ്പെടുത്താൻ പാലിക്കുന്നത് സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റിയുടെ ശുപാർശ — നൽകുന്ന നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുന്നു.

**സ്വഭാവം** — 30-10-2005-ലെ 77000/സി.ഡി.എൻ. 5/06/പെ.ഭ.വ. II-ാം നമ്പർ സർക്കുലർ

2005-ലെ വിവരാവകാശ നിയമത്തിലെ വിവിധ വകുപ്പുകൾ പ്രകാരം ഒരു പൊതു അധികാര സ്ഥാപനത്തിന്റെ മേറ്റർ പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ വിവരാവകാശ നിയമ പ്രകാരം ലഭിക്കുന്ന അപേക്ഷകൾ തിരിച്ചു കല്പിക്കുന്നതിന് സാക്ഷ്യപ്പെടുത്തി നിശ്ചയിച്ചിട്ടുണ്ട്. ഇപ്രകാരം സമയ പരിധി പാലിക്കാത്തപക്ഷം വിവിധ വകുപ്പുകളിലെ ഉദ്യോഗസ്ഥർക്കെതിരെ പിഴശിക്ഷാ നടപടികൾ സ്വീകരിക്കുവാനും ബന്ധപ്പെട്ട സർവ്വീസ് റ്റുളിലെ വ്യവസ്ഥകൾ പ്രകാരം ഉദ്യോഗസ്ഥർക്കെതിരെ അച്ചടക്ക നടപടി സ്വീകരിക്കാൻ ശുപാർശ ചെയ്യുന്നതിനും പ്രസ്തുത നിയമത്തിന്റെ ചട്ടം 20 പ്രകാരം സംസ്ഥാന ഇൻഫർമേഷൻ കമ്മീഷനെ അധികാരപ്പെടുത്തിയിട്ടുണ്ട്. സൂചനയിലെ സർക്കുലർ പ്രകാരം 2005-ലെ വിവരാവകാശ നിയമനൂസരിച്ച് സമർപ്പിക്കുന്ന അപേക്ഷകൾ കൈക്കൊണ്ടും ചെയ്യുന്നത് സംബന്ധിച്ച വിശദമായ താർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചിട്ടുണ്ട്.

ആഭ്യന്തര കാര്യങ്ങൾ സംബന്ധിച്ച സബ്ജക്ട് കമ്മിറ്റി X-ന്റെ 2008-09 വർഷത്തെ നാലുതരംകളുടെ സൂക്ഷ്മ പരിശോധന സംബന്ധിച്ച മൂന്നാമത് റിപ്പോർട്ടിൽ വിവരാവകാശ നിയമ പ്രകാരമുള്ള വിവരങ്ങൾ നൽകുന്നതിൽ കാലതാമസം ഭരണിപ്പുന്നതായി സമിതി ചൂണ്ടിക്കാണിക്കുകയും ഈ നിയമ പ്രകാരം ആവശ്യപ്പെടുന്ന വിവരങ്ങൾ തിരിച്ചിട് സമയത്തിനുള്ളിൽ തന്നെ ലഭ്യമാക്കുന്നതിന് ഉദ്യോഗസ്ഥർക്ക് കർശന നിർദ്ദേശം നൽകണമെന്ന് ശുപാർശ ചെയ്യുകയും ചെയ്തു.

ഈ സാഹചര്യത്തിൽ വിവരാവകാശ നിയമം 2005-ൽ നിഷ്കർഷിച്ചിരിക്കുന്നതും സർക്കാർ മാർഗ്ഗനിർദ്ദേശംവഴി പുറപ്പെടുവിച്ചിരിക്കുന്നതുമായ സൗജന്യ ക്ലിപ്തത ഉല്പാദന വരുത്തലടങ്ങുന്ന ബന്ധപ്പെട്ട എല്ലാവരെയും ഓർമ്മിപ്പിക്കുന്നതോടൊപ്പം ബഹുമാനകരമായി പാലിക്കേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. വിവരാവകാശ

നിന്നു പ്രകാശം  
 എന്ന പ്രകാശം

ചകൾക്ക് പ്രസ്തുത നിയമത്തിൽ നിഷ്കർഷിതമായിത്തന്നെ മറുപടി നൽകേണ്ടതാണെന്നും  
 നിന്നുള്ളിൽത്തന്നെ മറുപടി നൽകേണ്ടതാണെന്നും  
 ഇത് സംബന്ധിച്ച് സർക്കാർ കാലാകാലങ്ങളിൽ പുറപ്പെടുവിക്കുന്ന മാർഗ്ഗനിർദ്ശനങ്ങളും  
 മറ്റും കർശനമായി പാലിക്കേണ്ടതാണെന്നും ഇക്കാര്യത്തിൽ വീഴ്ച വരുത്തുന്നതാണ്  
 സർക്കാർ ഗൗരവമായി വീക്ഷിക്കുന്നതാണെന്നും വീഴ്ച വരുത്തുന്നവർക്കെതിരെ  
 അച്ചടക്ക നടപടിയെടുക്കുന്നതാണെന്നും ഇതിനാൽ വ്യക്തമാക്കുന്നു.

ഡോ. പി. പ്രഭാകരൻ,  
 അഡീഷണൽ ചീഫ് സെക്രട്ടറി.

- എല്ലാ പ്രിൻസിപ്പൽ സെക്രട്ടറിമാർക്കും/സെക്രട്ടറിമാർക്കും
- എല്ലാ വകുപ്പ് മേധാവികൾക്കും
- എല്ലാ ജില്ലാ കളക്ടർമാർക്കും
- സെക്രട്ടറി, വിവരാവകാശ കമ്മീഷൻ, തിരുവനന്തപുരം
- എല്ലാ പൊതുമേഖലാ സ്ഥാപനങ്ങൾക്കും
- എല്ലാ സ്വതന്ത്ര സ്ഥാപനങ്ങൾക്കും
- സെക്രട്ടേറിയറ്റിലെ നിയമം, ധനകാര്യം ഉൾപ്പെടെയുള്ള എല്ലാ വകുപ്പുകൾക്കും  
 (സെക്രട്ടറിയുടെ കയ്യിൽ)
- സെക്രട്ടറി, കേരള നിയമസഭാ സെക്രട്ടേറിയറ്റ്, തിരുവനന്തപുരം  
 (ആമുഖ കത്ത് സഹിതം)
- സെക്രട്ടറി, കേരള പബ്ലിക് സർവ്വീസ് കമ്മീഷൻ, തിരുവനന്തപുരം  
 (ആമുഖ കത്ത് സഹിതം)
- അഡ്വക്കേറ്റ് ജനറൽ, എറണാകുളം (ആമുഖ കത്ത് സഹിതം)
- പ്രൊ. ഗവർണ്ണറുടെ സെക്രട്ടറി, രാജ്ഭവൻ, തിരുവനന്തപുരം
- ജെസ്റ്റാർ, കേരള/കൊച്ചി, കാലിക്കറ്റ്/മഹാത്മാഗാന്ധി, കണ്ണൂർ യൂണിവേഴ്സിറ്റി  
 (ആമുഖ കത്ത് സഹിതം)
- ജെസ്റ്റാർ, കേരള കാര്യങ്ങൾ സർവ്വകലാശാല, മണ്ണൂർ, തൃശ്ശൂർ  
 (ആമുഖ കത്ത് സഹിതം)
- ജെസ്റ്റാർ, ശ്രീശങ്കരാചാര്യ സംസ്കൃത സർവ്വകലാശാല, കാലടി, ആലുവ  
 (ആമുഖ കത്ത് സഹിതം)
- സെക്രട്ടറി, കേരള സംസ്ഥാന വൈദ്യുതി ബോർഡ്, തിരുവനന്തപുരം  
 (ആമുഖ കത്ത് സഹിതം)
- മാനേജിംഗ് ഡയറക്ടർ, കേരള സംസ്ഥാന റേഡ്യോ ഗതാഗത കോർപ്പറേഷൻ  
 തിരുവനന്തപുരം.

പ്രകാശം:

മുഖ്യമന്ത്രിയുടെ സെക്രട്ടറിക്ക്  
 മുഖ്യമന്ത്രിയുടെയും മറ്റു മന്ത്രിമാരുടെയും പ്രൈവറ്റ് സെക്രട്ടറിമാർക്ക്  
 ചീഫ് സെക്രട്ടറിയുടെ ഡെപ്യൂട്ടി സെക്രട്ടറിക്ക്  
 പ്രതിപക്ഷ നേതാവിന്റെ പ്രൈവറ്റ് സെക്രട്ടറിക്ക്  
 സ്പീക്കറുടെയും ഡെപ്യൂട്ടി സ്പീക്കറുടെയും പ്രൈവറ്റ് സെക്രട്ടറിക്ക്.





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II — खण्ड 3 — उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 68]  
No. 68]

नई दिल्ली, मंगलवार, जनवरी 15, 2008/पौष 25, 1929  
NEW DELHI, TUESDAY, JANUARY 15, 2008/PAUSA 25, 1929

गृह मंत्रालय  
अधिसूचना

नई दिल्ली, 15 जनवरी, 2008

का.आ. 92(अ).—राष्ट्रपति संविधान के अनुच्छेद 239 के खंड (1) के अनुसरण में यह निदेश देते हैं कि दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र का उप राज्यपाल राष्ट्रपति के नियंत्रणाधीन रहते हुए और अगले आदेश होने तक, बालक अधिकार संरक्षण आयोग अधिनियम, 2005 (2006 का 4) के अधीन, दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र के भीतर राज्य सरकार की शक्तियों का प्रयोग और कृत्यों का निर्वहन भी करेगा।

[फा. सं. यू-11030/1/2007-यूटीएल]

बी. ए. कुटीनो, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 15th January, 2008

S.O. 92(E).—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Lieutenant Governor, National Capital Territory of Delhi shall, subject to the control of the President and until further orders, also exercise the powers and discharge the functions of the State Government under the Commission for Protection of Child Rights Act, 2005 (4 of 2006) within the National Capital Territory of Delhi.

[F. No. U-11030/1/2007-UTL]

B. A. COUTINHO, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 102]

No. 102]

नई दिल्ली, बृहस्पतिवार, जनवरी 24, 2008/माघ 4, 1929

NEW DELHI, THURSDAY, JANUARY 24, 2008/MAGHA 4, 1929

महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 23 जनवरी, 2008

का.आ. 138(अ).—बालक अधिकार संरक्षण आयोग अधिनियम, 2005 (2006 का 4) की धारा 3(2)(ख) के अनुसार में, केन्द्र सरकार बाल मनोविज्ञान अथवा समाज शास्त्र के क्षेत्र में सुश्री निघात शफी, 16ए, गोगजी बाग, श्रीनगर-190001 को राष्ट्रीय बालक अधिकार संरक्षण आयोग के सदस्य के रूप में नामित करने के संबंध में भारत सरकार के महिला एवं बाल विकास मंत्रालय की दिनांक 6 सितम्बर, 2007 की अधिसूचना सं. का.आ. 1497(अ) को एतद्वारा निरस्त करती है।

[फा. सं. 3-5/2006 सी.डब्ल्यू]

लवलीन कक्कड़, संयुक्त सचिव

MINISTRY OF WOMEN AND  
CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 23rd January, 2008

S.O. 138(E).—In pursuance of Section 3(2)(b) of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) the Central Government hereby rescinds the notification of Government of India in the Ministry of Women and Child Development No. S.O. 1497(E) dated 6th September, 2007 regarding nomination of Ms. Nighat Shafi, 16, A, Gogji Bagh, Srinagar-190001 as a Member of the National Commission for Protection of Child Rights in the field of child psychology or sociology.

[F. No. 3-5/2006 CW]

LOVELEEN KACKER, Jt. Secy.



सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 232]

No. 232]

नई दिल्ली, मंगलवार, मार्च 6, 2007/फाल्गुन 15, 1928

NEW DELHI, TUESDAY, MARCH 6, 2007/PHALGUNA 15, 1928

महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 6 मार्च, 2007

का.आ. 325(अ).—बालक अधिकार संरक्षण आयोग अधिनियम, 2005 (2006 का 4) की धारा 3 के अनुपालन में, केन्द्र सरकार एतद्वारा राष्ट्रीय बालक अधिकार संरक्षण आयोग का गठन करती है तथा इस अधिनियम की धारा 4 के अनुसार, श्रीमती शान्ता सिन्हा, 3ए, एन्ट्रेंचमेंट रोड, मार्लपल्ली वेस्ट, सिकन्दराबाद-500 026 को आयोग की अध्यक्ष नियुक्त करती है। श्रीमती शान्ता सिन्हा का कार्यकाल 5 मार्च, 2007 से तीन वर्ष की अवधि तक, अथवा अगले आदेश होने तक, जो भी पहले हो, होगा।

[फा. सं. 3-5/2006-वा.क.]

लवलीन कक्कर, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 6th March, 2007

S.O. 325(E).—In pursuance of Section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), the Central Government hereby constitutes the National Commission for Protection of Child Rights and nominates Smt. Shanta Sinha, 3A, Entrenchment Road, Marredpally West, Secunderabad-500 026 as the Chairperson of the said Commission in accordance with Section 4 of the Act. Smt. Shanta Sinha shall hold office for a period of three years from 5th March, 2007 or until further orders, whichever is earlier.

[F. No. 3-5/2006-CW]

LOVELEEN KACKER, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 342]  
No. 342]

नई दिल्ली, सोमवार, जुलाई 31, 2006/श्रावण 9, 1928  
NEW DELHI, MONDAY, JULY 31, 2006/SRAVANA 9, 1928

महिला और बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 31 जुलाई, 2006

सा.का.नि. 450(अ).— केन्द्रीय सरकार, बालक अधिकार संरक्षण आयोग अधिनियम, 2005 (2006 का 4) की धारा 35 की उपधारा (2) के खंड (क) से खंड (घ) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) संक्षिप्त नाम और प्रारंभ :- इन नियमों का संक्षिप्त नाम और प्रारंभ बालक अधिकार संरक्षण राष्ट्रीय आयोग नियम, 2006 है।

(2) ये उस तारीख को प्रवृत्त होंगे जब बालक अधिकार संरक्षण आयोग अधिनियम, 2006 (2006 का 4) प्रवृत्त होगा।

2. परिभाषाएं :- इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) “अधिनियम” से बालक अधिकार संरक्षण आयोग अधिनियम, 2005 (2006 का 4) अभिप्रेत है;

(ख) “आयोग” से धारा 3 के अधीन गठित राष्ट्रीय बालक अधिकार संरक्षण आयोग अभिप्रेत है ;

(ग) “अध्यक्ष” से आयोग का अध्यक्ष अभिप्रेत है ;

(घ) “सदस्य” से आयोग का सदस्य अभिप्रेत है ;

(ङ) “सदस्य सचिव” से आयोग का सदस्य सचिव अभिप्रेत है ;

(च) “धारा” से अधिनियम की धारा अभिप्रेत है ;

(छ) उन शब्दों और पदों के जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम में परिभाषित हैं, वहीं अर्थ होंगे जो उस अधिनियम में है ।

3. अध्यक्ष और अन्य सदस्यों के रूप में नियुक्ति के लिए पात्रता :- कोई भी व्यक्ति जिसका मानव अधिकार या बालक अधिकारों के अतिक्रमण का पूर्ववृत्त रहा है, आयोग में अध्यक्ष या अन्य सदस्यों के रूप में नियुक्ति का पात्र नहीं होगा ।

4. सदस्य सचिव :- (1) धारा 11 की उपधारा (1) के अधीन केन्द्रीय सरकार द्वारा नियुक्त सदस्य सचिव

(2) सदस्य सचिव का न्यूनतम कार्यकाल तीन वर्ष होगा ।

5. सदस्य सचिव की शक्तियां और कर्तव्य :- (1) सदस्य सचिव—

- (i) धारा 13 और धारा 14 में यथा उपबंधित आयोग की शक्तियां और कृत्यों को करने के क्रम में आयोग द्वारा किए गए सभी विनिश्चयों का निष्पादन करने की शक्ति रखेगा ;
- (ii) आयोग के कार्य के समुचित प्रशासन और धारा 11 में यथा विनिर्दिष्ट इसके दिन प्रतिदिन प्रबंध के लिए यथा अपेक्षित ऐसी शक्तियों का प्रयोग करेगा और ऐसे कर्तव्यों का पालन करेगा ।
- (iii) अध्यक्ष के परामर्श से आयोग की बैठकों को आहूत करेगा और सभी सम्बद्ध व्यक्तियों की बैठकों की सूचनाओं को तामील करेगा ;
- (iv) यह सुनिश्चित करने के लिए कदम उठाएगा कि आयोग की बैठक आहूत करने के लिए अपेक्षित गणपूर्ति सुनिश्चित हों ;
- (v) अध्यक्ष के परामर्श से आयोग की प्रत्येक बैठक के लिए कार्यसूची तैयार करेगा और सचिवालय द्वारा तैयार किए टिप्पण रखेगा और जहां तक संभव हों ऐसे टिप्पण स्वतः स्पष्ट हों ;

(vi) कार्यकारी मंत्री में आने वाले विनिर्दिष्ट अभिलेखों को आयोग को संदर्भ के लिए आयोग को उपलब्ध करायेंगे ;

(vii) यह सुनिश्चित करेगा कि कार्यकारी के कामकाज पर कम से कम बैठक से आठम दो सप्ताह कार्यकारी में सदस्यों को परिचित करेगा, सिवाय उन मामलों के जहाँ तत्काल ध्यान अपेक्षित हो ।

(viii) आयोग की बैठक के कार्यक्रम तैयार करेगा और बैठक में लिए गए आयोग के विनिर्देशों का निष्पादन करेगा और इसकी परामर्शदात्री बैठक में आयोग के समक्ष आयोग के विनिर्देशों पर की गई कार्यवाही के विवरण को रखेगा और भी सुनिश्चित करेगा ।

(ix) यह सुनिश्चित करेगा कि आयोग की प्रक्रिया इसके कारखाने के संयोजक द्वारा अनुसूचित है ।

(x) अनुदान देने, पदों के सृजन, वेतनमान का पुनरीक्षण, यानों का उपापन, कर्मचारियों की नियुक्ति, संसद में वार्डिक और लेखा परीक्षा, रिपोर्टों को रखने, नियमों का पुनर्विनिर्माण, आवासीय स्थान, विदेश में प्रतिनियुक्ति के लिए आयोग के किसी अधिकारी को अनुदान करने और कर्तव्य सरकार के अनुमोदन के लिए अपेक्षा करने वाले किसी अन्य विषय के संबंध में, महिला और बाल विकास मंत्रालय से ऐसे सभी मामलों पर विचार करेगा ।

(xi) ऐसी वित्तीय शक्तियों का प्रयोग करना जो उसे अख्यत द्वारा आयोग की ओर से प्रत्याशित की गई हो ;

परंतु एक लाख रुपये से अधिक की किसी मद पर कोई व्यय अख्यत के अनुमोदन बिना उपगत नहीं किया जाएगा ;  
(xii) आयोग के अधिकारियों और अन्य कर्मचारियों के संबंध में नियुक्ति और अनुशासनिक प्राधिकारी होगा ।

6. अख्यत और अन्य सदस्यों की पदावधि :- (1) अख्यत, जब तक उसे धारा 7 के अधीन पद से हटा नहीं दिया जाता, तीन वर्ष से अधिक अवधि या 65 वर्ष की आयु तक, जो भी पूर्वतः हो, पद धारण करेगा ।

(2) प्रत्येक सदस्य जब तक कि उसे धारा 7 के अधीन पद से हटा नहीं दिया जाता तीन वर्ष की अनधिक अवधि या 60 वर्ष की आयु जो भी पहले हो, पद धारण करेगा ।

(3) उपनियम (1) या उपनियम (2) में किसी भी बात के अतिरिक्त होते हुए भी -

(क) कोई व्यक्ति जो अख्यत का पद धारण कर चुका वह है पुनःनामनिर्देशन के लिए पात्र होगा ; और

(ख) कोई सदस्य जो सदस्य का पद धारण कर चुका है वह सदस्य के रूप में पुनःनामनिर्देशन के लिए पात्र होगा ;

परंतु यह कि कोई व्यक्ति जो दो अवधि के लिए अख्यत या सदस्य किसी भी क्षमता में रह चुका है, जो पश्चात्ति, अख्यत के रूप में या सदस्य के रूप में पुनःनामनिर्देशन के लिए पात्र नहीं होगा ।

(4) यदि अख्य, बीमारी या किसी अन्य अक्षमता के कारण अपने कर्त्यों का निर्वहन करने में असमर्थ है तो केन्द्रीय सरकार किसी अन्य सदस्य को अख्य के रूप में कार्य करने के लिए नामनिर्दिष्ट करेगी और इस प्रकार नामनिर्दिष्ट सदस्य अख्य का पद तब तक धारित करेगा जब तक अख्य अपनी शेष अवधि तक पद पुनः ग्रहण नहीं कर लेता।

(5) अख्य या कोई सदस्य, केन्द्रीय सरकार को अपने हस्ताक्षर सहित लेख द्वारा सम्बोधन में किसी समय अपना पद त्याग कर सकता।

(6) मृत्यु, पद त्याग या किसी अन्य कारण से हुई कोई खिा, ऐसी खिा के होने की तारीख से नब्बे दिन के भीतर नामनिर्दिष्टन द्वारा पुनः भर ली जाएगी।

7. **वेतन और भत्ते**—(1) धारा 6 में अन्वया यथावत्प्रवर्धित के सिवाए, अख्य को भारत सरकार के मंत्रिमंडल सचिव के वेतन के समस्त वेतन संदल किया जाएगा और प्रत्येक अन्य सदस्य को भारत सरकार के सचिव के समस्त वेतन संदल किया जाएगा :

परन्तु जहाँ कोई अख्य या कोई अन्य सदस्य सरकारी, अधिसरकारी निकाय, पब्लिक सेक्टर उपक्रम या मान्यता प्राप्त अनुसंधान संस्था से सेवानिवृत्त सेवक है वहाँ उसके द्वारा प्राप्त पेंशन या सेवानिवृत्त प्रसुविधियाओं के पेंशनही मूल्य या दोनों के साथ संदल वेतन, अतिम लिए गए वेतन से अधिक नहीं होगा।

(2) आयोग के प्रयोजन के लिए नियुक्त किए गए सदस्य सचिव और अन्य अधिकारियों तथा कर्मचारियों को संदल वेतन और भत्ते तथा सेवा की निबंधन और शर्तें ऐसी होंगी जो केन्द्रीय सरकार द्वारा समय-समय पर अवधारित की जाए।

(3) यदि अख्य या कोई सदस्य केन्द्रीय सरकार या राज्य सरकार की सेवा में है तो उसका वेतन उसको लागू नियमों के अनुसार विनियमित किया जाएगा।

8. **महंगाई भत्ता**—अख्य और प्रत्येक अन्य सदस्य, केन्द्रीय सरकार के समस्त वेतन स्तर के अधिकारियों को अनुज्ञेय दर पर उनके वेतन का समुचित महंगाई भत्ता प्राप्त करेगा।

9. **प्रतिकारनामक (नगर)** भत्ता—अख्य और प्रत्येक अन्य सदस्य केन्द्रीय सरकार के समस्त वेतन स्तर के अधिकारियों को अनुज्ञेय दर पर उनके वेतन का समुचित प्रतिकारनामक (नगर) भत्ता प्राप्त करेगा।

10. **छुट्टी**—अख्य और प्रत्येक अन्य सदस्य निम्नानुसार छुट्टी का पात्र होगा—

(क) समय-समय पर यथासंशोधित केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अनुसार केन्द्रीय सरकार के सेवकों की यथा अनुज्ञेय अर्हित छुट्टी, अवैतन छुट्टी और परिवर्तित छुट्टी :

(ख) समय-समय पर यथासंशोधित केन्द्रीय सिविल सेवा (छुट्टी) नियम, 1972 के अधीन अस्थायी केन्द्रीय सरकार के सेवकों की यथा अनुज्ञेय असाधारण छुट्टी।

**11. छुट्टी मंजूर करने का प्राधिकारी—**(1) केन्द्रीय सरकार अध्यक्ष को छुट्टी मंजूर करने के लिए सक्षम प्राधिकारी होगी।

(2) अध्यक्ष प्रत्येक सदस्य जिसमें सदस्य-सचिव भी सम्मिलित है, छुट्टी मंजूर करने के लिए प्राधिकारी होगा।

(3) सदस्य-सचिव, आयोग के किसी अधिकारी या अन्य कर्मचारी की छुट्टी मंजूर करने के लिए प्राधिकारी होगा।

**12. यात्रा भत्ता—**(1) अध्यक्ष और प्रत्येक अन्य सदस्य, केन्द्रीय सरकार के पद के समतुल्य अनुज्ञेय उनके वेतन की समुचित दरों पर यात्रा भत्ता और दैनिक भत्ता लेने के लिए हकदार होगा।

(2) अध्यक्ष और प्रत्येक अन्य सदस्य अपनी यात्रा भत्ता और दैनिक भत्ते से संबंधित अपने बिलों के संबंध में स्वयं का नियंत्रक अधिकारी होगा।

**13. निवास स्थान—**(1) अध्यक्ष और प्रत्येक अन्य सदस्य भारत सरकार द्वारा यथा अवधारित किसी शासकीय निवास का उपयोग करने के लिए हकदार होगा।

(2) यदि अध्यक्ष या सदस्य को उपनियम (1) के अधीन उपबंधित वास सुविधा नहीं दी गई है या वह स्वयं प्राप्त नहीं करता है तो उसे केन्द्रीय सरकार के किसी समतुल्य पंक्ति के अधिकारियों को अनुज्ञेय दरों पर प्रत्येक मास में किराया भत्ता संदाय किया जाएगा।

**14. वाहन की सुविधा—**अध्यक्ष और प्रत्येक अन्य सदस्य, समय-समय पर यथासंशोधित भारत सरकार के स्टाफ कार नियम के अनुसार शासकीय और प्राइवेट प्रयोजन के लिए यात्रा के लिए स्टाफ कार की सुविधा का हकदार होगा।

**15. चिकित्सीय उपचार की सुविधा—**अध्यक्ष और प्रत्येक अन्य सदस्य केन्द्रीय सरकार अंशदान स्वास्थ्य स्कीम नियम, 1954 में यथाउपबंधित समतुल्य पंक्ति के केन्द्रीय सरकार के सेवकों को यथा लागू चिकित्सीय उपचार और अस्पताल सुविधाओं का हकदार होगा।

**16. अवशिष्ट उपबंध—**अध्यक्ष और अन्य सदस्यों की सेवा की शर्तें, जिनके लिए इन नियमों में कोई स्पष्ट उपबंध नहीं किए गए हैं, वे ऐसी होंगी जैसी केन्द्रीय सरकार द्वारा अवधारित की जाएं।

**17. आयोग के कृत्य—**आयोग, धारा 13 की उपधारा (1) के खंड (क) से खंड (ज) तक के अधीन समनुदेशित कृत्यों के अतिरिक्त निम्नलिखित कृत्य करेगा, अर्थात् :—

(क) बालक के अधिकार संबंधी अभिसमय का अनुपालन का निर्धारण करने के लिए विद्यमान विधि, नीति, और पद्धति का विश्लेषण करना, बालकों को प्रभावित करने वाली नीति या प्रथा के किसी पहलु के संबंध में जांचें करना और रिपोर्ट प्रस्तुत करना तथा बालक अधिकार परिप्रेक्ष्य से प्रस्तावित नए विधान पर टिप्पणी करना ;

(ख) उन सुरक्षोपायों के कार्यकरण पर केन्द्रीय सरकार को वार्षिक रूप में और ऐसे अन्य अन्तरालों पर, जैसा आयोग ठीक समझे, रिपोर्ट देना ;

(ग) वहां औपचारिक अन्वेषण करना जहां चिन्ता या तो स्वयं बालकों द्वारा या उनकी ओर से संबद्ध व्यक्ति द्वारा की गई है।



(घ) यह सुनिश्चित करना कि आयोग का कार्य बालकों की दृष्टि द्वारा सीधा सूचित किया जाता है जिससे उनकी प्राथमिकताओं तथा परिप्रेक्ष्यों को परिलक्षित किया जा सके ;

(ङ) अपने कार्य में तथा बालक से संबंधित सभी सरकारी विभागों तथा संगठनों के कार्य में बालकों की दृष्टि का संवर्धन करना, उनका आदर करना तथा उनपर गंभीर विचार करना ;

(च) बालक अधिकारों के संबंध में सूचना प्रस्तुत करना और उसका प्रसार करना ;

(छ) बालकों के संबंध में आकड़े संकलित करना तथा उनका विश्लेषण करना ;

(ज) विद्यालय पाठ्यक्रम, अध्यापक तथा बालकों से संबंधित कार्मिकों के प्रशिक्षण में बालक अधिकारों के समावेशन को प्रोत्साहन देना ।

18. कारबार के संयवहार के लिए प्रक्रिया—(1) आयोग दिल्ली स्थित अपने कार्यालय में ऐसे समय पर नियमित रूप से बैठक करेगा जैसा अध्यक्ष ठीक समझे, किन्तु अन्तिम बैठक तथा अगली बैठक के बीच तीन मास का अन्तर नहीं होगा ।

(2) आयोग सामान्यतः दिल्ली अवस्थित अपने कार्यालय में अपनी बैठक करेगा किन्तु अपने विवेकानुसार भारत में किसी अन्य स्थान पर अपनी बैठकें कर सकेगा यदि वह ऐसा करना आवश्यक या समीचीन समझता है ।

(3) सचिवालय सहायता :— सदस्य सचिव, ऐसे अधिकारियों के साथ, जैसा अध्यक्ष निदेश दे, आयोग की बैठकों में उपस्थित होगा ।

(4) (i) सदस्य सचिव, अध्यक्ष के परामर्श से आयोग की प्रत्येक बैठक के लिए कार्यसूची तैयार करेगा और सचिवालय द्वारा तैयार टिप्पण रखेगा और ऐसे टिप्पण, यथासंभव स्वतः पूर्ण होंगे ।

(ii) कार्यसूची की मदों को सम्मिलित करने वाले अभिलेखों को आयोग के निर्देश के लिए तुरंत उपलब्ध कराया जाएगा ;

(iii) ऐसे मामलों को, जिनमें अत्यावश्यक ध्यान अपेक्षित हो, छोड़कर कार्यसूची पत्रों को सदस्यों को सामान्यतः बैठक से कम से कम दो स्पष्ट कार्य दिवस पूर्व परिचालित किया जाएगा ।

5) आयोग की प्रत्येक बैठक में अध्यक्ष सहित चार सदस्य गणपूर्ति करेंगे ।

(6) आयोग की बैठकों में सभी निर्णय बहुमत से लिए जाएंगे :

परन्तु समान मतों के मामले में अध्यक्ष, या उसकी अनुपस्थिति में पीठासीन व्यक्ति द्वितीय या निर्णायक मत का प्रयोग करेगा ।

(7) यदि किसी कारणवश, अध्यक्ष आयोग की बैठक में उपस्थित होने के लिए असमर्थ है तो बैठक में उपस्थित सदस्यों द्वारा स्वयं में से चुना गया कोई सदस्य अध्यक्षता करेगा ।

19. बैठक के कार्यवृत्त : (1) आयोग की प्रत्येक बैठक के कार्यवृत्तों को स्वयं बैठक के दौरान या उसके तुरंत पश्चात् आयोग के सदस्य-सचिव या किसी अन्य अधिकारी द्वारा, जैसा कि निदेश दिया जाए, लेखबद्ध किया जाएगा ।

(2) आयो ग की बैठक के कार्यवाही की अनुमति के लिए अध्यक्ष को प्रस्ताव किया जाएगा और अनुमति के पश्चात् उसे सीधे प्रस्ताव और किसी भी दशा में प्रस्ताव से पूर्व सभी सदस्यों को परिचित कराया जाएगा ।

(3) आयो ग द्वारा प्रस्ताव किए गए प्रत्येक मामले में उसके निकषों की किसी बात के लिये में संशोधन किया जाएगा और विधायी रूप में स्वीकृत हो जायेगी । जहाँ बात में कोई मतभेद है वहाँ बहुमत या बहुमत के आधार पर कार्यवाही की जाएगी ।

(4) आयो ग की सभी आदेशों और विनियमों को सदस्य-सचिव या सदस्य सचिव द्वारा अध्यक्ष के इस निमित्त पूर्व अनुमति के साथ सत्यक रूप से मान्यता प्राप्त होनी चाहिए ।

(5) जब तक कि विनियमों से प्राधिकृत न किया गया हो आयो ग के सचिवालय द्वारा बैठक के कार्यवाही पर तब तक कोई कार्यवाही नहीं की जाएगी, जब तक अध्यक्ष उसकी पूर्ति न कर दे ।

(6) आयो ग की सभी बैठकों और बाकी की, सदस्य-सचिव द्वारा सत्यक रूप से अधिसूचित आदेशों की एक मास्टर प्रती बनाए रखी जाएगी ।

(7) प्रत्येक मद से संबंधित कार्यवाही की एक प्रति को सचिव कार्यवाही के लिए संबंधित फाइलों में रखा जाएगा । बाकी की संबंधित अभिलेखों में रखा जाएगा और सचिव के लिए उनकी प्रतियों को सचिव अधिसूचित किया जाएगा ।

20. की गई कार्यवाही की रिपोर्ट-सदस्य-सचिव प्रत्येक कार्यवाही की बैठक में अगली कार्यवाही की रिपोर्ट आयो ग को प्रस्तुत करेगा जिसमें ऐसी सभी कार्यवाही का खाका प्रस्तुत होगा । प्रत्येक मद पर जिसके संबंध में आयो ग द्वारा उसकी किसी पूर्व बैठक में कोई विचार किया गया था, पर की गई कार्यवाही के विद्यमान प्रक्रम को उपलब्ध करवाया जाएगा ।

21. मुख्यालय से बाहर कारबार की सख्तरी : अध्यक्ष द्वारा जब कभी पूर्व में अनुमति के लिए मुख्यालय से बाहर कारबार की सख्तरी मुख्यालय से बाहर कारबार कर सकेंगे, पूर्ण यदि जाते पर आयो ग या कोई सदस्य मुख्यालय से बाहर कारबार की सख्तरी कर सकेंगे, पूर्ण यदि अधिनियम के अन्तर्गत किसी बात के संबंध में प्रस्तावों को रखा जाना है तो कम से कम दो सदस्य ऐसे प्रस्तावों के लिए आयो ग की खटौत गठित करेंगे ।

22. परामर्शदाताओं का चयन : (1) आयो ग विभिन्न प्रकार के कार्यों जैसे अनुमति या जाय, फलित वली या समितियों को सेवा देने और विवरण के लिए अनुमति और परामर्शदाताओं को एक चयन बना सकेंगे ।

(2) इस आयो ग चयन-बनाने के लिए शैक्षिक, अनुसंधान, प्रशासनिक, अवैधानिक, विधिक या विचार सामाजिक समूहों से विचार हो सकेंगे ।

(3) आयो ग इन परामर्शदाताओं का चयन बनाने के लिए एक परामर्श प्रक्रिया अपना सकेंगे ताकि वे कार्यों के लिये प्रस्तावों के लिए उपलब्ध हो सकें ।

23. वार्षिक रिपोर्ट : (1) आयो ग प्रत्येक वर्ष 31 दिसंबर से पूर्व केन्द्रीय सरकार को प्रस्तुत करके के लिए एक वार्षिक रिपोर्ट तैयार और प्रकाशित करेगा ।

(2) आयो ग अध्यक्ष के निर्देश के अन्तर्गत वर्ष कभी विनियमित रिपोर्ट भी तैयार कर सकेंगे ।

(3) केन्द्रीय सरकार, आयोग की वार्षिक रिपोर्ट और विशेष रिपोर्टों को संसद् के प्रत्येक सदन के समक्ष रखवाएगी ।

(4) वार्षिक रिपोर्ट में किसी अन्य मामले के, जिसे आयोग रिपोर्ट में सम्मिलित करना आवश्यक समझे, अलावा प्रशासनिक और वित्तीय मामलों पर जानकारी, अन्वेषित/जांच किए गए परिवारों, मामलों पर की गई कार्रवाई, अनुसंधान के ब्यौरे, पुनरीक्षणों, शैक्षणिक और संवर्धन प्रयासों, परामर्शों, किसी मामले पर आयोग के ब्यौरे और विनिर्दिष्ट सिफारिशों को सम्मिलित करेगी ।

(5) यदि आयोग यह समझता है कि वार्षिक रिपोर्ट, तैयार करने में समय लग सकता है, तो वह विशेष रिपोर्ट तैयार कर सकेगा और केन्द्रीय सरकार को प्रस्तुत कर सकेगा ।

(6) वे प्ररूप जिनमें बजट तैयार और उपबंधित किया जा सकेगा तथा केन्द्रीय सरकार को भेजा जा सकेगा अनुसूची 1 के प्ररूप 1, प्ररूप 2, प्ररूप 3 और प्ररूप 4 में उपबंधित के अनुसार होगा ।

(7) सुसंगत वित्तीय वर्ष के लिए प्राक्कलित प्राप्तियां और व्यय पुनरीक्षित बजट प्राक्कलनों के साथ होंगे ।

(8) बजट, जहां तक हो सके, अनुसूची 2 में विनिर्दिष्ट लेखा शीर्षों पर आधारित होगा ।

**24. वित्तीय शक्तियां—(1)** आयोग इस अधिनियम के प्रयोजनों के लिए उसके द्वारा प्राप्त धनराशियों को व्यय करेगा ।

(2) उन मामलों के सिवाय, जिनको केन्द्रीय सरकार का पूर्व अनुमोदन अपेक्षित है, अध्यक्ष आयोग के वित्तीय संव्यवहार से संबंधित सभी शक्तियां रखेगा ।

(3) अध्यक्ष, पदों के सृजन, वेतनमानों के पुनरीक्षण, यानों के उपापन, निधियों के एक शीर्ष से दूसरे शीर्ष में पुनर्विनियोग, आयोग के किसी अधिकारी को सेमीनारों, सम्मेलनों या प्रशिक्षण कार्यक्रमों में विदेश में भाग लेने के लिए अनुज्ञात करने और केन्द्रीय सरकार द्वारा आदेश द्वारा अवधारित ऐसे अन्य मामलों में केन्द्रीय सरकार का पूर्व अनुमोदन प्राप्त करेगा ।

(4) अध्यक्ष, ऐसी शर्तों और परिसीमाओं तथा नियंत्रण और पर्यवेक्षण के अध्यक्षीन रहते हुए, अपनी वित्तीय शक्तियों को किसी सदस्य या सदस्य-सचिव को प्रत्यायोजित करेगा :

परन्तु अध्यक्ष के पूर्व अनुमोदन के बिना ऐसी कोई शक्ति किसी मद पर एक लाख रुपए से अधिक व्यय उपगत करने के संबंध में प्रत्यायोजित नहीं की जाएगी ।

(5) अध्यक्ष को मानदेय, यात्रा भत्ता, मंहगाई भत्ता से संबंधित अग्रिम निबंधनों और शर्तों पर सहमत होने पर किसी विनिर्दिष्ट प्रयोजन और विनिर्दिष्ट अवधि के लिए किसी व्यक्ति या व्यक्तियों को परामर्शदाता या परामर्शदाताओं के रूप में नियुक्त करने की शक्तियां होंगी ।

(6) सदस्य-सचिव को अध्यक्ष या किसी अन्य सदस्य द्वारा वित्तीय मामलों से संबंधित उसकी ओर से लिए गए सभी विनिश्चयों को निष्पादित करने की शक्तियां होंगी ।

(7) आयोग की सभी वित्तीय शक्तियां साधारण वित्तीय नियम, वित्तीय शक्ति नियम के प्रत्यायोजन और केन्द्रीय सरकार के वित्त मंत्रालय द्वारा समय-समय पर जारी आर्थिक अनुदेशों द्वारा शासित होंगी ।

## अनुसूची 1

## प्रारूप 1

राष्ट्रीय बालक अधिकार संरक्षण आयोग  
वर्ष 200..... के लिए विस्तृत बजट प्राक्कलन  
(नियम 23(6) देखिए)  
प्रशासन  
(व्यय)

लेखा का शीर्ष	पिछले तीन वर्षों के लिए वास्तविक प्राक्कलन			चालू वर्ष 200... के लिए अनुमोदित प्राक्कलन	गत छह मास का वास्तविक अर्थात् 200.. 200....	चालू वर्ष 200.. के छह महीनों का वास्तविक	चालू वर्ष 200... के लिए पुनरीक्षित प्राक्कलन	अगले वर्ष 200... के लिए बजट प्राक्कलन	स्तंभ 5 और स्तंभ 8 के बीच अंतर	स्तंभ 8 और स्तंभ 9 के बीच अंतर	स्तंभ 10 और स्तंभ 11 के लिए स्पष्टीकरण
1	2	3	4	5	6	7	8	9	10	11	12

वर्ष 200.....-200.... के लिए अधिकारियों के वेतन/स्थापन के लिए उपबंध की विवरणी  
(नियम 23(6) देखिए)

1	2	3	4	5	6	7
नाम और पदनाम	प्राक्कलित प्ररूप के पृष्ठ का संदर्भ	पद का स्वीकृत वेतन अगले वर्ष की 1 अप्रैल को देय संबंधित व्यक्ति का न्यूनतम/अधिकतम वार्षिक वास्तविक वेतन	स्तंभ में वर्ष के लिए दी गई दर पर उपबंध की रकम	वर्ष के भीतर शोध्य वेतन वृद्धि वेतनवृद्धि की तारीख	वर्ष के लिए वेतनवृद्धि की रकम	वर्ष के लिए कुल उपबंध अर्थात् कुल स्तंभ 4 और 5
		(क) (ख) (ग)	3(ग)	(क) (ख) (ग)		

### प्ररूप 3

[illegible]

**प्ररूप 4**  
**राष्ट्रीय बालक अधिकार संरक्षण आयोग**  
**(अभिहित नामावली का सार)**  
**(नियम 23(6) देखिए)**

1 मार्च 200... को वास्तविक स्वीकृत संख्या	पदों की विशिष्टियां	स्वीकृत बजट अनुदान 20....- 20....		पुनरीक्षित प्राक्कलन 20....-20....		बजट प्राक्कलन 20....-20....		स्वीकृत पुनरीक्षित बजट प्राक्कलनों और बजट प्राक्कलनों के बीच अंतर के लिए स्पष्टीकरण
		सम्मिलित पदों की सं०	वेतन और भत्ते	सम्मिलित पदों की सं०	वेतन और भत्ते	सम्मिलित पदों की सं०	वेतन और भत्ते	
1	2	3	4	5	6	7	8	9
	I. अधिकारी (क) भरे गए पद (ख) खाली पद कुल अधिकारी I  II. स्थापन (क) भरे गए पद (ख) खाली पद कुल II स्थापन  III. वर्ग IV (क) भरे गए पद (ख) खाली पद कुल III- वर्ग IV							
	कुल योग - I, II और III							

**अनुसूची 2**  
**बजट और लेखा शीर्ष**  
**(नियम 23(8) देखिए)**  
**प्रशासन**  
**लेखाओं के शीर्ष (व्यय)**

1. वेतन
2. मजदूरी
3. यात्रा व्यय
4. कार्यालय व्यय
  - (क) फर्नीचर
  - (ख) पोस्टेज
  - (ग) कार्यालय मशीन/उपकरण
  - (घ) वर्दी
  - (ङ) गर्म और ठंडे मौसम मद भार
  - (च) टेलीफोन
  - (छ) विद्युत और जल प्रभार
  - (ज) लेखन सामग्री
  - (झ) मुद्रण
  - (ञ) स्टाफ कार और अन्य वाहन
  - (ट) अन्य मदें
5. फीस और मानदेय
6. व्यावसायिक और विशेष सेवाओं के लिए संदाय
7. भाटक, दरे और कर/रायल्टी
8. प्रकाशन
9. विज्ञापन विक्रय और प्रकाशन व्यय
10. सहायता अनुदान/अभिदाय/सहायिकी
11. आतिथ्य व्यय/सत्कार भत्ता आदि
12. पेंशन/ग्रेच्युटी
13. अपलिखित/हानि
14. अनुलंब
15. अन्य प्रभार (अवशिष्ट शीर्ष जिसमें सम्मान और पुरस्कार भी सम्मिलित होंगे)

**लेखा शीर्ष (प्राप्तियां)**

1. केन्द्रीय सरकार द्वारा संदाय
2. अन्य प्राप्तियां

[फा. सं. 3-2/2005-सीडब्ल्यू]

लवलीन कक्कड़, संयुक्त सचिव



## MINISTRY OF WOMEN AND CHILD DEVELOPMENT

## NOTIFICATION

New Delhi, the 31st July, 2006

**G.S.R. 450(E).**—In exercise of the powers conferred by sub-section (1), read with clauses (a) to (d) of sub-section (2), of section 35 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), the Central Government hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the National Commission for Protection of Child Rights Rules, 2006.

(2) They shall come into force on the date on which the Commission for Protection of Child Rights Act, 2005 (4 of 2006) shall come into force.

**2. Definitions.**— 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 National Commission for Protection of Child Rights constituted under section 3;
- (c) “Chairperson” means the Chairperson of the Commission;
- (d) “Member” means the Member of the Commission;
- (e) “Member Secretary” means the Member Secretary of the Commission;
- (f) “section” means a section of the Act;
- (g) words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

**3. Eligibility for appointment as Chairperson and other Members:** 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.

**4. Member Secretary.**— (1) The Member–Secretary appointed by the Central Government under sub-section (1) of section 11

(2) The Member Secretary shall have a minimum tenure of three years.

**5. Powers and duties of the Member-Secretary— (1) The Member-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 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 11;
- (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 Ministry 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 Parliament, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation abroad and any other matter requiring the approval of the Central Government;
- (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 one lakh rupees shall be incurred without the sanction of the Chairperson;
- (xii) 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 under section 7, 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, 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 re-nomination as Chairperson or, as the case may be, as Member.

(4) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Central 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 Central 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 ninety days from the date of occurrence of such vacancy.

**7. Salaries and allowances.**— (1) Save as otherwise provided in section 6, the Chairperson shall be paid salary equivalent to the salary of the Cabinet Secretary to the Government of India and every other Member shall be paid salary equivalent to that of a Secretary to the Government of India.

Provided that where the Chairperson or any other Member is a retired Government servant, Semi-Government body, public sector undertaking or recognized research institution, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed to the last pay drawn.

(2) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary and the other officers and other employees appointed for the purpose of the Commission shall be such as may be determined by the Central Government from time to time.

(3) If the Chairperson or a Member is in service of the Central Government or a State Government, his salary shall be regulated in accordance with the rules applicable to him.

**8. Dearness allowance.**— The Chairperson and every other Member shall receive dearness allowance appropriate to their pay at the rates admissible to officers of the equivalent level of the Central Government.

**9. Compensatory (City) Allowance.**— The Chairperson and every other Member shall receive compensatory (city) allowance appropriate to their pay at the rates admissible to officers of the Central Government of equivalent level.

**10. Leave.**— The Chairperson and every other Member shall be entitled to leave as follows:—

- (a) earned leave, half pay leave and commuted leave as admissible to Central Government servants in accordance with the Central Civil Services (Leave) Rules, 1972, as amended from time to time.
- (b) Extraordinary leave as admissible to the temporary Central Government servants under the Central Civil Services (Leave) Rules, 1972, as amended from time to time.

**11. Leave sanctioning authority.**— (1) The Central Government shall be the authority competent to sanction leave to the Chairperson.

(2) The Chairperson shall be the authority to sanction leave to every Member including the Member-Secretary.

(3) The Member-Secretary shall be the authority to sanction leave to any officer or other employee of the Commission.

**12. Traveling allowance.**— (1) The Chairperson and every other Member shall be entitled to draw traveling allowances and daily allowance at the rates appropriate to their pay admissible to equivalent post of the Central Government.

(2) The Chairperson and every other Member shall be his own controlling officer in respect of his bills relating to traveling allowances and daily allowances.

**13. Residential accommodation.**— (1) The Chairperson and every other Member shall be entitled to the use of an official residence as may be determined by the Government of India.

(2) If the Chairperson or a Member is not provided with or does not avail himself of the accommodation provided under sub-rule (1), he shall be paid every month house rent allowance at the rates admissible to officers of an equivalent rank in the Central Government.

**14. Facility for conveyance.**— The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Staff Car Rules of the Government of India, as amended from time to time.

**15. Facility for medical treatment.**— The Chairperson and every other Member shall be entitled to medical treatment and hospital facilities as applicable to Central Government servants of equivalent rank as provided in the Central Government Contributory Health Scheme Rules, 1954 or as may be determined by the Central Government.

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**16. Residuary provisions.**— The conditions 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 Central Government.

**17. Functions of the Commission.**— The Commission shall, in addition to the functions assigned to it under clauses (a) to (j) of sub-section(1) of section 13, perform the following functions, namely:—

- (a) analyze 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 Central 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 analyze data on children;
- (h) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

**18. Procedure for transaction of business.**— (1) The Commission shall meet regularly at its office at Delhi 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 Delhi but may, in its discretion, hold its meetings at any other place in India if it considers it necessary or expedient to do so.

(3) **Secretariat assistance:** The Member-Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission.

(4) (i) The Member-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.

**19. 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 Member-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 Member-Secretary or any other officer of the Commission duly authorized by the Member-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 Member-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.

**20. Report of Action Taken:** Report of the follow up action shall be submitted by the Member 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.

**21. 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.

**22. 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 the empanelling these consultants so that they are available for quick delegation of tasks.

**23. 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 Central Government.

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

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

(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 Central Government.

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

(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 Schedule II.

**24. 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 Central Government.

(3) The Chairperson shall obtain prior approval of the Central 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 Central 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 Member-Secretary:

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding one lakh rupees 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, dearness allowance.

(6) The Member-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 the General Financial Rules, delegation of financial powers Rules and economy instructions issued by the Ministry of Finance of the Central Government from time to time.



**FORM I**  
**THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
Detailed Budget Estimates for the Year 200\_  
(See rule 23(6))  
**ADMINISTRATION**  
(Expenditure)

Head of Accounts	Actual for the past three year			Sanctioned estimate for the current year 200....	Actuals of last six 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	4	5	6	7	8	9	10	11	12

**FORM II**  
**THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**ESTABLISHMENT**

Statement details of provision for pay of officers/Establishment for the year 200... - 200...  
(See rule 23(6)).

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 Pay of the Person concerned due on 1 <sup>st</sup> April next year.	Actual			Date of increment	Rate of increment	Amount of increment for the year		
		(a)	(b)	(c)	3(c)	(a)	(b)	(c)		

**FORM III**  
**THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**NOMINAL ROLLS**  
(See rule 23(6))

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 NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**(Abstract of Nominal Rolls)**  
**(See rule 23(6))**

Actual sanctioned strength as on 1 <sup>st</sup> March, 200...	Particulars of posts	Sanctioned budget grant 20... - 20...		Revised Estimates 20... - 20...		Budget Estimates 20... - 20...		Explanation for the difference between sanctioned budget revised estimates and estimates
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	<b>I. Officer</b> (a) Posts filled (b) Post vacant Total I officers  <b>II. Establishment</b> (a) Posts filled (b) Post vacant Total II Establishment  <b>III. Class IV</b> (a) Posts filled (b) Post vacant Total III-Class IV.							
	<b>GRAND TOTAL - I, II and III.</b>							

**SCHEDULE II**  
**BUDGET AND ACCOUNT HEADS**

(See rule 23(8))

**ADMINISTRATION**

Heads 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
  - (f) 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/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 Central Government
2. Other receipts

[F.No.3-2/2005-CW]

LOVELEEN KACKER, Jt. Secy.

CC-93

**GOVERNMENT OF KERALA**  
**Social Welfare (A) Department**  
**NOTIFICATION**

G.O.(P)No. 59/2012/SWD

Dated, Thiruvananthapuram 04.10.2012.

S.R.O No...../2012.- In exercise of the powers conferred by Section 36 of the Commissions for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006), the Government of Kerala hereby makes the following rules, namely:-

**RULES**

**Chapter 1**

**PRELIMINARY**

1. **Short title and commencement.**- (1) These rules may be called the Kerala State Commission for Protection of Child Rights Rules, 2012.  
  
(2) They shall come into force at once.
2. **Definitions.**- (1) In these rules, unless the context otherwise requires,-
  - (a) "Act" means the Commission for Protection of Child Rights Act, 2005 (Central Act 4 of 2006) ;
  - (b) "Chairperson" means Chairperson of the Commission;
  - (c) "Code" means the Code of Civil Procedure, 1908;
  - (d) "Commission" means "the Kerala State Commission for Protection of Child Rights" constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005;
  - (e) "Complaint" means all petitions or communications received by the Commission from a victim or any other person on his behalf, in person or by post or telegram or fax or by any other means whatsoever, alleging violation of child rights as defined in clause (b) of section 2 of the Act;
  - (f) "Division" means and includes different sections of the Administration Division, Complaints Division, Research Division and such other Divisions in the Commission as may be constituted by the Chairperson;
  - (g) "Division Bench" means a Bench consisting of two Members of the Commission or a Bench consisting of the Chairperson and one Member as may be constituted by the Chairperson;
  - (h) "Form" means a form appended to these Rules;
  - (i) "Full Bench" means a Bench consisting of the Chairperson and two Members of the Commission as may be constituted by the Chairperson;
  - (j) "Government" means the Government of Kerala;

- 
- (k) "Member" means the Member of the Commission;
  - (l) "Registrar" means Registrar of the Commission;
  - (m) "Secretary" means the Secretary of the Commission;
  - (n) "Section" means a section of the Act;
  - (o) "Single Bench" means a Bench consisting of one Member of the Commission as constituted by the Chairperson;
  - (p) "Zone" means and includes division of the State made by the Commission for administrative and functional convenience;
- (2) words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

## Chapter 2

### PROCEDURE FOR APPOINTMENT AND TERMS AND CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS

3. **Eligibility for Appointment as Chairperson and Members.**- (1) No person who has not attained the age of 35 years and has not possess ten years experience in the areas stated in clause (b) of sub-section (2) of section 17 of the Act may be appointed as Chairperson or Member of the Commission.
- (2) 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.
  - (3) No person having been convicted and sentenced for imprisonment of an offence which in the opinion of the Government involves moral turpitude, shall be eligible for appointment as Chairperson or Member of the Commission.
  - (4) No person having been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government shall be eligible for appointment as Chairperson or Member of the Commission.
  - (5) The Chairperson or Member shall not be a Member of Parliament or be a Member of Legislature of any State and shall not hold any office of trust or profit other than his office as Chairperson or Member. In case he carries on any business or practices any profession, he shall suspend as the case may be such business of practice before he assumes his office.
4. **Selection Procedure.**- (1) The Chairperson and the Members of the Commission shall be appointed on the recommendation of a three Member Selection Committee constituted by the Government under the Chairmanship of the Minister of Social Welfare.

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(2) For the purposes of selection of the Chairperson and Members of the Commission, the Government shall invite applications from qualified candidates from the public through an advertisement in at least two leading national and vernacular dailies. The Government shall prepare a short list from the applications so received. The short listed candidates shall be selected on merit and interview by the Selection Committee. Such selected candidates shall be recommended by the Selection Committee to the Government for appointment.

(3) The selection procedure shall be fair and transparent.

(4) The Selection Committee shall also prepare a wait list of two persons for each of the posts. The wait list shall be valid for three months.

**5. Terms and Conditions of Service of Chairperson and Members.-** (1) The Commission shall function full time as an independent and autonomous body.

(2) The Chairperson shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty-five years, whichever is earlier.

(3) Every Member shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty years, whichever is earlier.

(4) Notwithstanding anything contained in sub-rule (2) or sub-rule (3),-

(a) a person who has held the office of Chairperson shall be eligible for reappointment, and

(b) a person who has held the office of a Member shall be eligible for reappointment as a Member or appointment as 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 reappointment as a Member of Chairperson.

(5) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the 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.

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

(7) A vacancy caused by death, resignation or any other reason shall be filled-up within ninety days from the date of occurrence of such vacancy.



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6. **Secretary.-** (1) The Secretary shall be appointed by the Government in accordance with sub-section (1) of section 21 of the Act.

(2) The Secretary shall hold office on full time and for a tenure of three years or such extended period.

7. **Terms and Conditions of Service of Officers and other employees of the Commission.-** (1) The Government shall appoint such officers and employees as may be necessary for the efficient performance of the Commission.

(2) The terms and conditions of service of officers and employees shall be as specified in the Kerala Service Rules.

(3) The officers and employees of the Commission shall perform such duties as may be assigned to them by the Commission or the Secretary.

(4) The category and number of employees of the Commission method of appointment and scale of pay shall be as specified in Schedule III of these Rules and or as may be decided by the Government from time to time.

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 as provided in the sections 13 and 14 of the Act;

(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 the Chairperson and serve notices of the meetings to all concerned;

(iv) take steps to ensure that the quorum required for convening a meeting of Commission is secured;

(v) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission and shall cause submitted self-contained and brief notes to the Chairperson and Members ;

(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;

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- (viii) prepare the minutes of the meetings of the Commission and execute the decisions of the Commission taken in the meeting and shall also ensure placing the Action Taken Report of the decisions of the Commission before the Commission in its subsequent meetings;
  - (ix) Ensure that procedure of the Commission is followed by it in transactions of its business;
  - (x) take up all such matters in consultation with the Commission with the Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Legislative Assembly, re-appropriation of funds, residential accommodation, and any other matter requiring the approval of the State Government;
  - (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 one lakh rupees at a time shall be incurred without the sanction of the Chairperson;
  - (xii) to be the appointing and disciplinary authority in respect of other officers and employees of the Commission.
  - (xiii) interact and liaison with concerned departments including Department of Social Welfare, Department of Education, Department of Health and Family Welfare, Department of Local Self Government, Department of Home and other departments of the Government for carrying out the functions of the Commission under the Act.
9. **Salaries and Allowances.**- (1) Chairperson or members shall receive a fixed honorarium as allowances as prescribed by Government from time to time.

Provided that if the Chairperson or any other member is a retired Government Servant, his pay has to be fixed as per rule 100-part III KSRs.

(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.

(3) If the Chairperson or member is in the service of the Central Government or State Government his salary shall be regulated in accordance with the rules applicable to him.

10. **Leave.**- The Chairperson and every other Member shall be entitled to leave rules as per appendix VIII-KSRs.

11. **Leave Sanctioning Authority.**- (1) The Government shall be the authority competent to sanction leave to the Chairperson.

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(2) The Chairperson shall be the authority competent to sanction leave to every Member and the Secretary

(3) The Secretary shall be the authority competent to sanction leave to any officer or other employee of the Commission.

**12. Travelling allowance.-** (1) The Chairperson and every other Member shall be entitled to draw travelling allowances and daily allowances at the rates appropriate to their pay admissible to equivalent post in the State Government.

(2) The Chairperson and every other Member shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

**13. Residential accommodation.-** (1) The Chairperson and every other Member shall be entitled to the use of an official residence as may be determined by the Government .

(2) If the Chairperson or a Member is not provided with or does not avail himself of the accommodation provided under sub-rule (1), he shall be paid every month house rent allowance at the rates admissible to officers of an equivalent rank in the Government.

**14. Facility for conveyance.-** The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the rules or orders of the Government, issued from time to time in that behalf.

**15. Facility for medical treatment.-** The Chairperson and every other Member shall be entitled to the medical treatment and hospital facilities as applicable to State Government servants of equivalent rank as provided in the State Service Rules.

**16. Residuary Provisions.-** The condition of service of the Chairperson and the other Members of which no express provision has been made in these Rules shall be such as may be determined by the Government.

### **Chapter 3:**

### **FUNCTIONS**

**17. Functions of the Commission.-** The Commission shall, in addition to the functions assigned to it under clauses (a) to (j) of sub-section (1) of section 13, perform the following functions, namely:-

- (a.) analyze 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 and practice affecting children and comment on proposed new legislation from a child rights perspective;

- 
- (b.) study State policies that impact children and ensure that they comply with international child rights standards.
  - (c.) present to the State Government, National Commission for the Protection of Child Rights and other State Commissions annually and such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
  - (d.) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
  - (e.) ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives;
  - (f.) promote, respect and give serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child;
  - (g.) produce and disseminate information about child rights;
  - (h.) compile and analyze data on children;
  - (i.) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.
  - (j.) refer cases and issues of national and inter-state importance to the National Commission for the Protection of Child Rights as and when required;
  - (k.) make regional visits and hold public meetings at least once in every year in all regions of the State.
  - (l.) Call for Action Taken Reports on the recommendations made to various departments and authorities
  - (m.) Review the plans and programmes of the Local Self Government and relevant government departments from the child rights perspective and make appropriate recommendations.

#### CHAPTER 4:

##### TRANSACTION OF BUSINESS

18. *Procedure for transaction of business.*- (1) The Commission shall ordinarily hold its meetings and sittings at the headquarters located in Thiruvananthapuram, during the first and last week of every month. However, the Commission may at the discretion of the Chairperson hold its meetings and sittings at any other place in the State if it considers that it necessary or expedient to do so.
- (2) The Commission may hold Camp Sittings at District Headquarters and at such other places in the State taking into consideration the exigencies of individual cases and in the interest of the general public.
- (3) The Chairperson may, of his own accord or as required by any Member of the Commission, order special meetings of the Commission to be convened at any convenient place, to consider any specific matter of urgency.

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(4) Notwithstanding anything contained in sub-rules (1), (2), and (3), Secretary shall convene an extraordinary meeting of the Commission on the requisition made to the Secretary in writing for the purpose by majority of the Members of the Commission

(5) The Commission shall meet at regular intervals for the purpose of disposing of complaints.

(6) 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 function as a bench of the Commission for such purpose.

(7) The Commission shall normally have its regular sittings on all working days of every month, excepting Saturdays and other Public holidays. The Chairperson may, however either suo-motu or at the request of one or more members, direct a special sitting to be convened to consider any matter of urgency.

(8) (i) The Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission;

(ii) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretary and such notes shall, as far as possible, be self-contained;

(iii) The records covering the agenda items shall be made readily available to the Commission for its reference;

(iv) The agenda papers shall ordinarily be circulated to Members at least two clear working days in advance of the meeting, except in cases where urgent attention is required;

(9) More than half of the members appointed to the Commission including Chairperson shall form the quorum at every meeting of the Commission;

(10) All decisions of the Commission at its meeting 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;

(11)(i) The Commission may invite, if it is considered necessary, for such purposes and on such conditions as may be prescribed, any person or person with expert knowledge in the particular subject coming up before the Commission for its disposal to be present at the meeting to assist the Commission in arriving at a decision but such person shall not be entitled to vote.

(ii) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, shall be paid a sitting fee Rs. 500 (Rupees five hundred only) for attendance of each day of the meeting of the Commission subject to a maximum of Rs.1500 (Rupees one thousand five hundred only) per month.

(iii) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, attending a meeting of the Commission shall be paid, in addition to the sitting fee payable under sub-rule clause (ii) travelling allowance and daily allowance at the rates admissible to the First Grade Officer under the rules and orders made by the State Government from time to time.

(12) 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.

19. **Officers to attend the meetings.**- The Secretary and other officer or officers of the Commission, if so, required by the Chairperson shall attend the meetings of the Commission.

20. **Office Hours.**- The working hours of the office shall be from 10.00 a.m. to 1.00 p.m. in the Fore-noon session and from 2.00 p.m. to 5.00 p.m. in the afternoon session or such other hours as notified by the Commission from time to time.

21. **Zones.**- (1) There shall be three zones in the State for facilitating the functioning of the Commission as indicated below:

Northern Zone - The Districts of Kasargod, Kannur, Kozhikode, Malappuram, Palakkad and Wayanad.

Central Zone - The Districts of Thrissur, Ernakulam, Kottayam and Idukki.

Southern Zone- The Districts of Alappuzha, Kollam, Pathanamthitta and Thiruvananthapuram.

(2) One Member as authorised by the Commission shall be in charge of a zone. The Chairperson may, taking into consideration the administrative and functional convenience re-allocate a particular district or districts already placed under one Member to another.

22. **Notice of meetings.**- (1) At least seven clear days notice of all meetings of the Commission shall be given to each Member, but an extraordinary meeting may be called for on a twenty-four hour notice.

(2) The notice shall state the venue, date, time and the agenda for the meeting.

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**23. 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 the 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 specially 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.

**24. 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, except in the items on which no further action is called for.

## **Chapter 5:**

### **PRELIMINARY ACTION ON RECEIPT OF COMPLAINTS**

**25. Language of Complaints.**— Complaint may be made to the Commission in Malayalam or in English or in any of the languages included in the Eighth Schedule of the Constitution of India. However, when complaints are made in any language other than in Malayalam or in English, translated version of the complaints either in Malayalam or in English shall also be furnished.

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26. No fee shall be chargeable on complaints.
27. Every complaint should disclose a complete picture of the matter complained of and disclose the name and address of the respondent. The Commission may, if it considers necessary, -
- (a) call for further relevant information from the complainant;
  - (b) direct the complainant to file affidavit/s in support of the complaint;
  - (c) obtain sworn statements of the complainant; and
  - (d) take statement of the complainant by issuing Commission for that purpose or by any other means considered necessary.
28. ***Complaints not ordinarily maintainable.***-The Commission may dismiss in limine the complaints of the following nature:
- (a) Illegible;
  - (b) vague or anonymous or pseudonymous;
  - (c) trivial or frivolous;
  - (d) issues relates to civil disputes, service matters, labour or industrial disputes;
  - (e) allegations do not raise any violation of child rights;
  - (f) matter is sub judice before a Court or Tribunal;
  - (g) matter is covered by a judicial verdict or decision of the National or State Commission;
  - (h) where complaint is only a copy of the petition addressed to some other authority;
  - (i) where the petition has not signed or where the original petition is not sent to the Commission;
  - (j) where matter is outside the purview of the Commission or on any other ground.

## Chapter 6

### RECEIPTS AND DISBURSEMENT OF TAPAL

29. Tapal, by whatsoever mode received, addressed to the Commission, its Chairman, Members or Officers of the Commission either by name or by designation shall be received by the designated officer in the office of the Commission

Note: Those communications which are addressed by name to the Chairperson, Members and other officers of the Commission shall be noted in separate 'Transit' Registers and delivered forthwith to the designated official and acknowledgement of receipt shall be obtained in the Register.

30. Unless otherwise directed, petitions or Communications received by the Chairperson, Members and other Officers of the Commission when marked to each division shall be dealt with as prescribed in the Rules.



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31. The Tapal shall be opened in the presence of the Section Officer in charge of Receipt and Despatch Section who shall get the same sort out Section wise and diarised in a register containing particulars, such as date of receipt, Diary No., sender's name and address and transmitted under acknowledgement to the concerned petition sections and to the respective heads of the other divisions. Separate Transmission Registers shall be maintained for each section in the Law Division as well as in other divisions.
32. (1) Distribution and disbursement of Tapal.- (1) The designated official shall submit the tapal to the Section Officer in charge of the Administrative division who shall get the Tapal sorted out division-wise. There shall be a Tapal Register maintained for each division. After the tapal is sorted division-wise each item in the tapal shall be numbered consecutively with the number being duplicated in the Tapal register also. Particulars such as date of receipt, sender's name and address outside number, if any, tapal number assigned, shall be recorded in an "Inward Register" maintained by the designated official. The tapal shall then be delivered with the tapal register to the division concerned. The Section Officer/Officer-in-charge of the division shall allot the tapal in accordance with the approved distribution of work and the acknowledgements of tapal received in the tapal register by the Assistants/officials concerned. Each Assistant in the divisions shall maintain a Personal Register in which the current tapal received by the Assistant shall be registered.
- (2) The papers received by tapal or otherwise in the office shall broadly fall under three categories, namely:
- (i) those relating to complaints regarding violation of child rights;
  - (ii) those relating to administrative matters;
  - (iii) those relating to miscellaneous matters.
33. *Scrutiny of Complaints.*- (1) Immediately on receipt of tapal relating to complaints regarding violation of child rights, the Section Officer in the Administrative Division shall forward the same to the Court Officer/Section Officer who shall sort out the new complaints, register them in the Child Rights Miscellaneous Petition Register maintained in the section and allot them to the Assistants concerned in accordance with the distribution of work. The Assistant, shall submit each Child Rights Miscellaneous Petition duly filled in to the Register and the Registrar shall place the case file before the Member concerned/Chairman as the case may be.
- (2) Complaints and other communications relating to violation of child rights requiring urgent attention shall, however, be placed by the Section Officer before the Registrar who shall cause it to be placed immediately before the Member available for appropriate orders.
34. If a petition/complaint is dismissed in limine by the Commission, the matter shall be treated as closed. In such cases, an intimation regarding the fact of disposal shall be given to the petitioner/complainant if it is so ordered by the Commission.

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35. Where the Commission finds that a complaint is not maintainable by it, but that it requires action by an authority other than the Commission, it shall be forwarded to that authority on the orders of the Commission.
36. **Registration.-** A common register called the Child Rights Petition Register shall be maintained by the Section Officer. Every complaint or petition received in the section shall be entered in the Register in the order in which it is received in the tapal. Particulars such as, the current number, date of receipt, the nature of complaint or petition, name of the complainant or petitioner, the date of occurrence, name of District in which the alleged violation has occurred, name of the respondent, if any, etc., shall be recorded in the register.
- (2) Records relating to each complaint shall be kept in a separate file cover, specifically printed for the purpose, and arranged chronologically in the following order, namely :-
- (i) index in form No
  - (ii) order sheet in form No
  - (iii) brief particulars of the complaint
  - (iv) Complaint or petition with Annexures if any
- (3) The Assistant concerned shall, after arranging the file in the manner prescribed in clause sub-rule(2) above, submit it to the Registrar for placing before the Commission.
- (4) All complaints newly registered shall be placed before the Bench concerned for preliminary consideration as expeditiously as possible but not later than 15 days from the date of its receipt
- (5) Complaints requiring urgent consideration shall be placed before the Commission as far as possible within 24 hours of its receipt.
37. (1) Upon deciding to entertain a complaint the bench concerned may direct whether the matter should be set down for inquiry by the Commission or be investigated by some other agency.
- (2) In case of complaints which are not dismissed in limine and decision is taken by the Bench concerned to hold an inquiry, the Registrar shall call for such reports from the Government or any other authority or organizations subordinate thereto as may be directed by the Commission. The time within which reports should be furnished to the Commission shall also be specified.
38. The Commission as a whole or Members individually or collectively may undertake visits to any place in the State for an on the spot study of facts relating to matters brought before it and when such visits are made a report thereon shall be prepared and kept as record.
39. **Constitution of Benches.-** (1) Subject to such special or general orders of the Chairperson, all complaints shall be dealt with by a Single Bench of the Commission. If the Single Bench dealing with the case, having due regard to the nature and importance of the issues involved, is of the opinion, that the case should be considered by a Division or a Full Bench, the Single Bench may refer the case to

the Chairperson who may constitute a Division Bench or Full Bench, as the case may be, and refer the case to the Bench so constituted.

(2) When a case is referred to a Division Bench/Full Bench, the Section Officer concerned shall have the requisite number of copies of the case file prepared for the use of all Members in the Bench.

## Chapter 7

### PREPARATION OF CAUSE LIST, SUMMONS, EXAMINATION OF WITNESSES AND REPORT

40. Preparation of Cause List.- Cause list shall be prepared listing the cases under the following heads, namely:-

(a.) Preliminary inquiry:

- (i) Petitions – the entertainability of which is under consideration;
- (ii) Petitions – relating to which the need for a preliminary inquiry either by the Commission or by any other agency is to be considered

(b.) Inquiry: All cases in which preliminary inquiry has been completed and orders have been passed admitting it to the file for recording evidence of the parties and to hear their arguments shall be included in this category

(c.) Final Orders: Cases in which recording of evidence and hearing of parties have been completed

(d.) Follow up action: Cases in which orders have been passed after inquiry requesting the Government or other authorities to offer their comments and particulars regarding the action taken by them consequent thereto.

41. *Posting of Cases*.- (1) Cause list of each Bench shall be prepared in accordance with the allocation of districts among the Members of the Commission.

(2) The cause list and the files relating to the cases listed therein shall be submitted to the Bench concerned two days prior to the date appointed for hearing.

(3) The Bench shall indicate the case or cases to be posted for each day and the cause list shall be prepared accordingly.

42. *Preliminary Examination/Investigation*: (1) If a complaint after consideration is dismissed the said order shall be communicated to the complainant concerned and the case shall then be treated as closed.

(2) If on consideration of the complaint or after taking cognizance of a matter suo motu, the commission orders issue of a notice to the State Government or to any authority or organization subordinate thereto, a notice signed by the Registrar shall be issued to the State Government or authority or organization concerned. Such notice shall be accompanied by a copy of the complaint or a description of the matter suo motu taken cognizance of.

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(3) If no time is fixed by the Commission for return of the notice or furnishing of the information or report, the time shall be thirty days from the date of service of the notice.

(4) If the information or report called for under clause (2) above is not received within the time allowed, or if it is received late, or if the information or report received is not complete in any respect, the case shall be submitted to the Bench for further orders or directions.

**43. Recording of Order.**- (1) Ordinarily short orders of the Commission shall be recorded in the order sheet. Orders which are lengthy shall be recorded on separate sheet and appended to the order sheet or kept separately. The Bench concerned shall make necessary entry in the relevant column of the order sheet mentioning the page number, date of order etc.

(2) In cases where urgent action is required to be taken pursuant to the order/proceeding issued by the Commission, the Bench Assistant concerned shall forthwith send the file to the Registrar. The Registrar shall then give suitable instructions with regard to the mode of communication i.e. by Telephone/Fax/Speed Post/Telegram etc. and transmit records.

(3) Other witnesses on the side of the petitioner/petitioners shall be examined as PW2, PW3 etc.

(4) (i) the evidence of the respondent or respondents shall then be taken up by examining if necessary the sole respondent or respondent No.1 or any of the respondents as RW.1 and documents produced on his/ her behalf shall be marked serially as Exhibits R1, R2, R3 etc.

(ii) Other witnesses on the side of the respondent/respondents shall be examined as RW2, RW3 etc.

(5) The Bench may, in its discretion, examine as witness any person other than the petitioner or petitioners, respondent or respondents and persons cited by them as witnesses and the persons so examined shall be CW1, CW2 etc. in the order in which they are examined and the documents produced by them shall be marked as Exhibit C I, Ext. C2 etc.

(6) Nothing mentioned in this Rules shall be regarded as a bar for the Bench in examining first the petitioner or petitioners, the respondent or respondents or witnesses, as the case may be.

(7) The petitioner or petitioners and respondent or respondents shall be at liberty to cross-examine or refrain from cross-examining the witnesses produced by other parties provided that no child shall be directly cross-examined.

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(8) Every affidavit shall be drawn up in the first person and shall be divided into paragraphs numbered consecutively. Each paragraph, as nearly as may be shall contain a distinct portion of the subject matter. The affidavit shall also state the full name, age, description and abode of the deponent and shall be signed in full or be marked with his thumb impression.

(9) After the close of inquiry a formal order culminating in the disposal of the complaint shall be pronounced by the Bench after giving both the petitioner or petitioners and the respondent or respondents an opportunity of being heard.

(10) A copy of such order shall be furnished to the petitioner/respondent free of cost.

44. Forms specified by the Commission under these Rules shall be used for the respective purposes therein mentioned with such variations as the particular circumstances of each case may require.

45. **Communication of Recommendations.**- In cases where the inquiry results in any recommendation to the Government or any other authority or organisation subordinate thereto a copy of the report thereon shall be forwarded to the Government or the authority or organisation subordinate thereto as the case may be within 20 days from the date of the order and the Government or authority shall be required to forward its comments on the report including the action taken or proposed to be taken thereon to the Commission within a period of one month or such further time as the Commission may allow.

46. **Application for copies.**- (1) Any person who desires to obtain a copy of any proceeding or document filed in or in the custody of the Commission may present an application with the name of the applicant, his position in the proceeding or the way in which he is interested in the proceeding and the description of the document of which the copy is required.

(2) Copies may be granted only under orders of the Bench concerned and on payment of the actual cost for taking such copies.

47. **Orders after disposal.**- When orders are passed by the Commission after inquiry under section 14 of the Act the Registrar shall cause to:

(a) prepare a list of such cases in which orders are passed;

(b) publish the list so prepared on the notice board of the Commission on the first working day of every month;

(c) make available to the library of the Commission two sets of inquiry report together with comments of the Government or authority concerned, if any, and the action taken or proposed to be taken by the Government or authority concerned on the recommendations of the Commission;

(d) send simultaneously free of cost a copy each of the documents referred to in clause (c) above to the complainant or to his representative;

(e) keep the original order in each case permanently in the record section of the office along with the order sheet.

## Chapter 8

### FINANCIAL POWERS AND PREPARATION OF BUDGET

48. The Commission shall spend the sums of money received by it for the purposes of its functioning.

49. The Chairperson shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.

50. The Chairperson 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.

51. 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:

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding *one lakh rupees at a time* without the prior approval of the Chairperson.

52. 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.

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

54. All financial powers of the Commission shall be governed by the General Financial Rules, delegation of financial powers Rules and instructions issued by the Finance Department of the State Government in this regard from time to time.

55. 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 and Schedule II.

- 
56. The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the relevant financial year.
57. The budget shall, as far as may be, be based on the account heads specified in Schedule II.

## Chapter 9

### MISCELLANEOUS

58. **Mode of communication-** Unless otherwise directed, all communications from the Commission shall be sent by registered post.
59. **Consignment of records -** Records of all cases finally disposed of shall be transmitted to the Section Officer of the Petition Section who will be in charge of the records. He shall make necessary entries in the register in a manner decided by the Commission.
60. **Preparation of statements.-** The Registrar shall cause to prepare such weekly, monthly, quarterly, half-yearly or yearly statements/returns/reports in such Form as may be specified by the Commission from time to time.
61. The Registrar shall review periodically the allocation of work in the petition section to ensure equitable distribution of work in each division of that section.
62. **Annual and Special Reports.-** (1) The Commission shall furnish its annual report for the period commencing from 1st April of every year to the 31st of March of the succeeding year to the State Government as provided in section 23 of the Act.
- (2) A draft of the report shall be prepared in the petition section before the 31st of March every year and be presented before the Commission for approval. The original report shall be signed by the Chairperson and Members of the Commission and three copies of the report duly authenticated shall be sent to the State Government by the end of April every year.
- (3) The Commission may furnish such special reports on specific matters as may be considered necessary as per section 23 of the Act under the direction of the Chairperson.
- (4) The Government shall cause the annual and special reports of the Commission to be laid as per sub-section (2) of section 23 of the Act within a period of one year from the date of receipt of such report
- (5) The Government as the case may be concerned, shall cause the annual and special reports of the Commission to be laid before the State Legislature, as the case may be, along with a memorandum of action taken or proposed to be taken on the

recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any within a period of one year from the date of receipt of such report

(6) 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;

(7) 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. The annual report shall be submitted within three months of submitting the special report.

(8) The Commission shall place the annual report on the Commission's website.

**63. Printing of Reports.-** The office of the Commission shall be responsible for the printing of the annual report with utmost expedition and in any case not later than one month of the finalisation of the report.

**64. Panel of consultants.-** (1) The Commission may constitute a panel of consultants for assisting the Commission in wide range of tasks including such as investigation, inquiry, to serve on task forces or Committees, for study, 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 of empanelling these consultants so that they are available for quick delegation of tasks.

#### Schedule 1

#### FORM 1

### THE KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

#### Detailed Budget Estimates for the Year 20..

(See Rule 57)

#### ADMINISTRATION

(Expenditure)

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



**FORM II**  
**KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**ESTABLISHMENT**

Statement details of provision for pay of officers/Establishment for the year 20..-20..  
(See Rule 57)

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		
		Minimum/Maximum Actual Pay of the Person concerned due on 1 <sup>st</sup> April next year		Date of increment	Rate of Increment	Amount of Increment
		(a) (b) (c)	3(c)	(a)	(b)	(c)

**FORM III**  
**KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**NOMINAL ROLLS**

(See Rule 57)

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**  
**KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
**(Abstract of Nominal Rolls)**  
**(See Rule 57)**

Actual sanctioned strength as on March 1 20..	Particulars of posts	Sanctioned budget grant 20..-20..		Revised Estimates 20..-20..		Budget Estimates 20..-20..		Explanation for the difference between sanctioned budget, revised estimates and budget estimates
		No of posts included	Pay and allowances	No of posts included	Pay and allowances	No of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	1. Officer (a) Posts filled (b) Posts vacant Total (1) Officers 2. Establishment (a) Posts filled (b) Posts vacant (c) Total (2) Establishment 3. Class IV (a) Posts filled (b) Posts vacant Total (3) Class IV							
	Grand Total of 1,2,3							

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**Schedule II**  
**BUDGET AND ACCOUNT HEADS**  
(See Rule 57)  
**ADMINISTRATION**  
Heads 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
  - (f) Telephones
  - (g) Electricity and Water charges
  - (h) Stationery
  - (i) Printing
  - (j) Staff car and other vehicles
  - (k) 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. Suspense
15. Other charges (a residuary head, this will also include rewards and prizes)

Heads of Accounts (Receipts)

1. Payments by Central Government
2. Other receipts

### Schedule III

#### Staff to be appointed to the Commission

(See Rule 7 (4))

Sl No (1)	Category (2)	No of Post (3)	Method of Appointment (4)	Scale of pay (5)
1	Registrar	1	By deputation from the category of Addl. Secretary to Government, Law Department, Secretariat	As applicable to the corresponding categories in the State Subordinate service subject to changes in pay Revision Orders.
2	Administrative Officer	1	By deputation from the category of Joint Secretary to Government General Administration Department, Secretariat	"
3	Finance Officer	1	By deputation from the category of Joint Secretary to Government, Finance Department, Secretariat	"
4	Section Officer or Senior Superintendent/Court Officer	4	By deputation from the category of Section Officer General Administration department, Law Department or similar category of officers	"
5.	Accountant	1	By deputation from the category of Accountant, Finance Department, Secretariat	"
6.	Public Relations Officer	1	By deputation from the category of PRO, from the information	"

			and Public Relations Department General Administration, Secretariat	
7.	Assistant Grade I	2	By deputation from the category of Legal Assistant Gr II of the Law Department or similar category of Officers from the Judicial Ministerial Service or from any other Subordinate Services of Government	"
8.	Clerk cum computer data entry operator	7	By deputation from the category of Typists Grade II in the Government Secretariat or from similar category of Officers in any other Subordinate Service	"
9.	Driver	2	By deputation from the category of Driver in the Subordinate Service	"
10.	Peons	3	By deputation from the category of Peons in the Subordinate Service	"
11.	Part-time Sweeper	1	In the manner provided in the Kerala Part-time Contingent Service Rules	"

By order of the Governor

Dr.K.M.ABRAHAM  
Principal Secretary to Govt.

			and Public Relations Department General Administration, Secretariat	
7.	Assistant Grade 1	2	By deputation from the category of Legal Assistant Gr II of the Law Department or similar category of Officers from the Judicial Ministerial Service or from any other Subordinate Services of Government	"
8.	Clerk cum computer data entry operator	7	By deputation from the category of Typists Grade II in the Government Secretariat or from similar category of Officers in any other Subordinate Service	"
9.	Driver	2	By deputation from the category of Driver in the Subordinate Service	"
10.	Peons	3	By deputation from the category of Peons in the Subordinate Service	"
11.	Part-time Sweeper	1	In the manner provided in the Kerala Part-time Contingent Service Rules	"

By order of the Governor

Dr.K.M.ABRAHAM  
Principal Secretary to Govt.

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2014



Regn. No. KERBIL/2012/45073  
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Reg. No. KL/TV(N)/634/2012-14

## കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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		1189 മകരം 14 14th Makaram 1189	
		1935 മാഘം 7 7th Magha 1935	

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 06/2014/SJD. Dated, Thiruvananthapuram, 23rd January, 2014.

**S. R. O. No. 66/2014.**—In exercise of the powers conferred by sub-section (2) of section 17 and section 18 of the Commission for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006), Government of Kerala hereby appoint the following persons as Members of the Kerala State Commission for Protection of Child Rights, constituted vide notification issued under G. O. (P) No. 44/2013/SJD dated 23rd May, 2013 and published as S. R. O. No. 428/2013 in the Kerala Gazette Extraordinary No. 1458 dated 27th May, 2013 for exercising the powers and performing the functions under the said Act and the Rules made thereunder, namely:—

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AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2014.

33/463/2014/DTP.

1. Shri K. Nazeer, .. Member  
Advocate, 'Amnesty', Chaliyam P. O.,  
Kozhikode, Pin-673 301.
2. Smt. Meena, C. U., .. Member  
A3, Star Castle, Sastha Temple Road,  
Link Avenue, Kaloore P. O.,  
Cochin, Pin-682 017.
3. Shri Babu, N. .. Member  
Narikuni House,  
Pantheerankavu P. O.,  
Kozhikode, Pin-673 019.
4. Fr. Philip Parakatt, P. V., .. Member  
Don Bosco, Manvila,  
Kulathoor P. O.,  
Thiruvananthapuram, Pin-695 583.
5. Adv. Sandhya, J., .. Member  
P-14, Palayam Police Quarters,  
Vikas Bhavan P. O.,  
Thiruvananthapuram, Pin-695 033.
6. Smt. Glory George, .. Member  
Arpitha, Cholavayal,  
Kalpetta P. O.,  
Wayanad, Pin-673 121.

By order of the Governor,

DR. K. M. ABRAHAM,  
*Additional Chief Secretary to Government.*



**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per notification issued under G. O. (P) No. 44/2013/SJD dated 23rd May, 2013 and published as S. R. O. No. 428/2013 in the Kerala Gazette Extraordinary No.1458 dated 27th May, 2013 Government of Kerala have constituted the Kerala State Commission for Protection of Child Rights with Smt. Neela Gangadharan as the Chairperson, Clause (b) of sub-section (2) of section 17 of the Commission for Protection of Child Rights Act, 2005 (Central Act 4 of 2006), provides that the State Commission shall consists of six Members other than the Chairperson out of which at least two shall be women from among persons of eminence, ability and integrity from the fields specified in the said section. Now Government have decided to appoint six Members to the Commission after complying with the provisions in the said Act and the Kerala State Commission for Protection of Child Rights Rules, 2012 made thereunder. The terms and conditions of the Members of the Commission shall be as stipulated under section 19 of the said Act and rule 5 of the said Rules.

The notification is intended to achieve the above object.

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EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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		1189 മകരം 14 14th Makaram 1189	
		1935 മാഘം 7 7th Magha 1935	

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 07/2014/SJD. Dated, Thiruvananthapuram, 23rd January, 2014.

**S. R. O. No. 67/2014.**—In exercise of the powers conferred by sub-section (1) of section 21 of the Commission for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006) the Government of Kerala hereby appoint Shri C. K. Viswanathan, IAS (Rtd.), now working as Officer on Special Duty, Social Justice Department in the rank of Secretary to Government, as the Secretary of the Kerala State Commission for Protection of Child Rights for the proper administration of the affairs of the State Commission and its day-to-day management and shall exercise and discharge powers and perform duties as provided in the said Act and in the Kerala State Commission for Protection of Child Rights Rules, 2012 made thereunder.

By order of the Governor,

Dr. K. M. ABRAHAM,

Additional Chief Secretary to Government.

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**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 21 of the Commission for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006) provides that the State Government shall, by notification, appoint an Officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission for the efficient performance of its functions. According to rule 6 (2) of the said rules the Secretary shall hold office in full time and for a tenure of three years or such extended period.

Now, in exercise of the powers conferred by section 21 of the said Act, Government have decided to appoint Shri C. K. Viswanathan, IAS (Rtd.) presently working as Officer on Special Duty, Social Justice Department in the rank of Secretary to Government as the Secretary, Kerala State Commission for Protection of Child Rights for the efficient discharge of its functions under the said Act and the State Rules made thereunder.

The notification is intended to achieve the above object.

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# കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം  
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ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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		5th Chaithra 1937	

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 13/2015/SJD. Dated, Thiruvananthapuram, 6th March, 2015  
22nd Kumbham, 1190.

S. R. O. No. 161/2015.—In exercise of the powers conferred by sub-section (2) of section 8 and section 18 the Commissions for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006), Government of Kerala hereby appoint Smt. Shoba Koshy, 'Hatherly', Hatherly Road, Coonoor, 643 101 Tamilnadu, presently residing at A-9 PRS-Lakeville, Aakulam, Thiruvananthapuram 695 017, as the Chairperson of the Kerala State Commission for the Protection of Child Right subject to the result of Writ Petition (C) No. 6019/2015 pending before the Hon'ble High Court of Kerala.

By order of the Governor,

A. SHAJAHAN,  
Special Secretary to Government.

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Government had appointed Smt. Neela Gangadharan, IAS (Rtd.), as the Chairperson of the Kerala State Commission for the Protection of Child Rights as per notification issued under G.O. (P) No. 44/2013/SJD dated 23rd May, 2013 and published as S.R.O. No. 428/2013 in the Kerala Gazette Extraordinary No. 1458 dated 27th May, 2013. Government had also appointed six members to the said Child Rights Commission as per notification issued under G.O. (P) No. 06/2014/SJD dated 23rd January, 2014 and published as S.R.O. No. 60/2014 in the Kerala Gazette Extraordinary No. 286 dated 27th January, 2014. Then Smt. Neela Gangadharan has resigned as the Chairperson of the Commission due to personal reasons and Government have accepted the resignation. Now, Government have decided to appoint Smt. Shoba Koshy as the Chairperson of the Kerala State Protection of Child Rights Commission.

This notification is intended to achieve the above object.

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2015



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**കേരള ഗസറ്റ്**  
**KERALA GAZETTE**

**അസാധാരണം**  
**EXTRAORDINARY**

**ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്**  
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		1937 ചൈത്രം 17 17th Chaithra 1937		

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 23/2015/SJD: Dated, Thiruvananthapuram, 31st March, 2015  
17th Meenam, 1190.

**S. R. O. No. 203/2015.**—In exercise of the powers conferred by section 25 of the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006), and in supersession of the notification issued under G. O. (P) No. 22/2009/SWD, dated 3rd June, 2009 and published as S. R. O. No. 446/2009 in the Kerala Gazette Extraordinary No. 1011 dated 6th June, 2009, the Government of Kerala, with the concurrence of the Chief Justice of the High Court of Kerala, hereby specify the Court of Sessions mentioned in column (2) of the Schedule below, as a Children's Court to try the offences against children or of violation of child rights, for the Districts shown against each in column (3) of the Schedule below:

## SCHEDULE

<i>Sl. No.</i>	<i>Court of Sessions</i>	<i>District</i>
(1)	(2)	(3)
1	Additional District and Sessions Court-I, Thiruvananthapuram	Thiruvananthapuram
2	Additional District and Sessions Court-I, Kollam	Kollam
3	Additional District and Sessions Court-I, Pathanamthitta	Pathanamthitta
4	Additional District and Sessions Court-I, Alappuzha	Alappuzha
5	Additional District and Sessions Court-I, Kottayam	Kottayam
6	Additional District and Sessions Court-I, Thodupuzha	Idukki
7	Additional District and Sessions Court for the trial of cases relating to atrocities and sexual violence towards women and children, Ernakulam	Ernakulam
8	Additional District and Sessions Court-I, Thrissur	Thrissur
9	Additional District and Sessions Court-I, Palakkad	Palakkad
10	Additional District and Sessions Court-I, Manjeri	Malappuram
11	Additional District and Sessions Court-I, Kozhikode	Kozhikode

(1)	(2)	(3)
12	Additional District and Sessions Court-I, Kalpetta	Wayanad
13	Additional District and Sessions Court-I, Thalassery	Kannur
14	Additional District and Sessions Court-I, Kasaragod	Kasaragod

By order of the Governor,

DR. K. M. ABRAHAM,  
*Additional Chief Secretary to Government.*

#### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per notification issued under G. O. (P) No. 22/2009/SWD, dated 3rd June, 2009 and published as S.R.O. No. 446/2009 in the Kerala Gazette Extraordinary No. 1011 dated 6th June, 2009 the Government of Kerala with the concurrence of the Chief Justice of the High Court have notified the Principal Sessions Court in each District as children's court for the purpose of providing speedy trial of offences against children or of violation of child rights. For speedy disposal of cases relating to atrocities and sexual violence against children, the State Commission for Protection of Child Rights has requested the Hon'ble High Court to notify any other court of session having lesser work in every District as Special Court to try the offences under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012). The Registrar of High Court of Kerala has recommended to the Government to notify the 1st Additional District and Sessions Court in each District as Children's Court. Therefore, Government have decided to notify the 1st Additional District and Sessions Court in each District as Children's Court for the purpose of providing speedy trial of offences against children or of violation of child rights.

The notification is intended to achieve the above object.



Government of Kerala  
കേരള സർക്കാർ  
2012



Reg. No. രജി. നമ്പർ  
KL/TV(N)/12/12-14

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

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GOVERNMENT OF KERALA

Social Welfare (A) Department

NOTIFICATION

G. O. (P) No. 59/2012/SWD. Dated, Thiruvananthapuram, 4th October, 2012.

S. R. O. No. 700/2012.—In exercise of the powers conferred by Section 36 of the Commissions for the Protection of Child Rights Act, 2005 (Central Act 4 of 2006), the Government of Kerala hereby makes the following rules, namely:—

## RULES

### CHAPTER I

#### PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Commission for Protection of Child Rights Rules, 2012.

(2) They shall come into force at once.

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

(a) “Act” means the Commission for Protection of Child Rights Act, 2005 (Central Act 4 of 2006);

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES  
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(b) "Chairperson" means Chairperson of the Commission;

(c) "Code" means the Code of Civil Procedure, 1908;

(d) "Commission" means "the Kerala State Commission for Protection of Child Rights" constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005;

(e) "Complaint" means all petitions or communications received by the Commission from a victim or any other person on his behalf, in person or by post or telegram or fax or by any other means whatsoever, alleging violation of child rights as defined in clause (b) of section 2 of the Act;

(f) "Division" means and includes different sections of the Administration Division, Complaints Division, Research Division (and such other Divisions) in the Commission as may be constituted by the Chairperson;

(g) "Division Bench" means a Bench consisting of two Members of the Commission or a Bench consisting of the Chairperson and one Member as may be constituted by the Chairperson;

(h) "Form" means a form appended to these Rules;

(i) "Full Bench" means a Bench consisting of the Chairperson and two Members of the Commission as may be constituted by the Chairperson;

(j) "Government" means the Government of Kerala;

(k) "Member" means the Member of the Commission;

(l) "Registrar" means Registrar of the Commission;

(m) "Secretary" means the Secretary of the Commission;

(n) "Section" means a section of the Act;

(o) "Single Bench" means a Bench consisting of one Member of the Commission as constituted by the Chairperson;

(p) "Zone" means and includes division of the State made by the Commission for administrative and functional convenience;

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

## CHAPTER 2

PROCEDURE FOR APPOINTMENT AND TERMS AND CONDITIONS OF  
SERVICE OF CHAIRPERSON AND MEMBERS

3. *Eligibility for Appointment as Chairperson and Members.*—(1) No person who has not attained the age of 35 years and has not possess ten years experience in the areas stated in clause (b) of sub-section (2) of section 17 of the Act may be appointed as Chairperson or Member of the Commission. *Amended.*

(2) 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.

(3) No person having been convicted and sentenced for imprisonment of an offence which in the opinion of the Government involves moral turpitude, shall be eligible for appointment as Chairperson or Member of the Commission.

(4) No person having been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government shall be eligible for appointment as Chairperson or Member of the Commission.

(5) The Chairperson or Member shall not be a Member of Parliament or be a Member of Legislature of any State and shall not hold any office of trust or profit other than his office as Chairperson or Member. In case he carries on any business or practices any profession, he shall suspend as the case may be such business of practice before he assumes his office.

4. *Selection Procedure.*—(1) The Chairperson and the Members of the Commission shall be appointed on the recommendation of a three Member Selection Committee constituted by the Government under the Chairmanship of the Minister of Social Welfare.

(2) For the purposes of selection of the Chairperson and Members of the Commission, the Government shall invite applications from qualified candidates from the public through an advertisement in at least two leading national and vernacular dailies. The Government shall prepare a short list from the applications so received. The short listed candidates shall be selected on merit and interview by the Selection Committee. Such selected candidates shall be recommended by the Selection Committee to the Government for appointment.

(3) The selection procedure shall be fair and transparent.

(4) The Selection Committee shall also prepare a wait list of two persons for each of the posts. The wait list shall be valid for three months.

5. *Terms and Conditions of Service of Chairperson and Members.*

(1) The Commission shall function full time as an independent and autonomous body.

(2) The Chairperson shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty-five years, whichever is earlier.

(3) Every Member shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty years, whichever is earlier.

(4) Notwithstanding anything contained in sub-rule (2) or sub-rule (3),

(a) a person who has held the office of Chairperson shall be eligible for reappointment, and

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

Provided that a person who has hold an office of Chairperson or Member for two terms in any capacity shall not be eligible for reappointment as a Member ~~of~~ Chairperson.

(5) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the 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.

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

(7) A vacancy caused by death, resignation or any other reason shall be filled-up within ninety days from the date of occurrence of such vacancy.

6. *Secretary.*—(1) The Secretary shall be appointed by the Government in accordance with sub-section (1) of section 21 of the Act.

(2) The Secretary shall hold office on full time and for a tenure of three years or such extended period.

7. *Terms and Conditions of Service of Officers and other employees of the Commission.*—(1) The Government shall appoint such officers and employees as may be necessary for the efficient performance of the Commission.

(2) The terms and conditions of service of officers and employees shall be as specified in the Kerala Service Rules.

(3) The officers and employees of the Commission shall perform such duties as may be assigned to them by the Commission or the Secretary.

(4) The category and number of employees of the Commission, method of appointment and scale of pay shall be as specified in Schedule III of these Rules and or as may be decided by the Government from time to time.

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 as provided in the sections 13 and 14 of the Act;

(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 the Chairperson and serve notices of the meetings to all concerned;

(iv) take steps to ensure that the quorum required for convening a meeting of Commission is secured;

(v) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission and shall cause submitted self-contained and brief notes to the Chairperson and Members; //

(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 execute the decisions of the Commission taken in the meeting and shall also ensure placing the Action Taken Report of the decisions of the Commission before the Commission in its subsequent meetings;

(ix) Ensure that procedure of the Commission is followed by it in transactions of its business;

(x) take up all such matters in consultation with the Commission with the Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Legislative Assembly, re-appropriation of funds, residential accommodation, and any other matter requiring the approval of the State Government;

(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 one lakh rupees at a time shall be incurred without the sanction of the Chairperson;

(xii) to be the appointing and disciplinary authority in respect of other officers and employees of the Commission.

(xiii) interact and liaison with concerned departments including Department of Social Welfare, Department of Education, Department of Health and Family Welfare, Department of Local Self Government, Department of Home and other departments of the Government for carrying out the functions of the Commission under the Act.

9. *Salaries and Allowances.*—(1) Chairperson or members shall receive a fixed honorarium as allowances as prescribed by Government from time to time:

Provided that if the Chairperson or any other member is a retired Government Servant, his pay has to be fixed as per rule 100-part III KSRs.

(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.

(3) If the Chairperson or member is in the service of the Central Government or State Government his salary shall be regulated in accordance with the rules applicable to him.

10. *Leave.*—The Chairperson and every other Member shall be entitled to leave rules as per Appendix VIII-KSRs.

11. *Leave Sanctioning Authority.*—(1) The Government shall be the authority competent to sanction leave to the Chairperson.

(2) The Chairperson shall be the authority competent to sanction leave to every Member and the Secretary.

(3) The Secretary shall be the authority competent to sanction leave to any officer or other employee of the Commission.

12. *Travelling allowance.*—(1) The Chairperson and every other Member shall be entitled to draw travelling allowances and daily allowances at the rates appropriate to their pay admissible to equivalent post in the State Government.

(2) The Chairperson and every other Member shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

13. *Residential accommodation.*—(1) The Chairperson and every other Member shall be entitled to the use of an official residence as may be determined by the Government.

(2) If the Chairperson or a Member is not provided with or does not avail himself of the accommodation provided under sub-rule (1), he shall be paid every month house rent allowance at the rates admissible to officers of an equivalent rank in the Government.

14. *Facility for conveyance.*—The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the rules or orders of the Government, issued from time to time in that behalf.

15. *Facility for medical treatment.*—The Chairperson and every other Member shall be entitled to the medical treatment and hospital facilities as applicable to State Government servants of equivalent rank as provided in the State Service Rules.

16. *Residuary Provisions.*—The condition of service of the Chairperson and the other Members of which no express provision has been made in these Rules shall be such as may be determined by the Government.

### CHAPTER 3

### FUNCTIONS

17. *Functions of the Commission.*—The Commission shall, in addition to the functions assigned to it under clauses (a) to (j) of sub-section (1) of section 13, perform the following functions, namely:—

(a) analyze 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 and practice affecting children and comment on proposed new legislation from a child rights perspective;

(b) study State policies that impact children and ensure that they comply with international child rights standards.

(c) present to the State Government, National Commission for the Protection of Child Rights and other State Commissions annually and such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;

(d) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;

(e) ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives;

(f) promote, respect and give serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child;

(g) produce and disseminate information about child rights;

(h) compile and analyze data on children;

(i) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children;

(j) refer cases and issues of national and inter-state importance to the National Commission for the Protection of Child Rights as and when required;

(k) make regional visits and hold public meetings at least once in every year in all regions of the State;

(l) call for Action Taken Reports on the recommendations made to various departments and authorities;

(m) review the plans and programmes of the Local Self Government and relevant Government departments from the child rights perspective and make appropriate recommendations.



## CHAPTER 4

## TRANSACTION OF BUSINESS

18. *Procedure for transaction of business.*—(1) The Commission shall ordinarily hold its meetings and sittings at the headquarters located in Thiruvananthapuram, during the first and last week of every month. However, the Commission may at the discretion of the Chairperson hold its meetings and sittings at any other place in the State if it considers that it necessary or expedient to do so.

(2) The Commission may hold Camp Sittings at District Headquarters and at such other places in the State taking into consideration the exigencies of individual cases and in the interest of the general public.

(3) The Chairperson may, of his own accord or as required by any Member of the Commission, order special meetings of the Commission to be convened at any convenient place, to consider any specific matter of urgency.

(4) Notwithstanding anything contained in sub-rules (1), (2), and (3), Secretary shall convene an extraordinary meeting of the Commission on the requisition made to the Secretary in writing for the purpose by majority of the Members of the Commission.

(5) The Commission shall meet at regular intervals for the purpose of disposing of complaints.

(6) 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 function as a bench of the Commission for such purpose.

(7) The Commission shall normally have its regular sittings on all working days of every month, excepting Saturdays and other Public holidays. The Chairperson may, however either suo motu or at the request of one or more members, direct a special sitting to be convened to consider any matter of urgency.

(8) (i) The Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission;

(ii) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretary and such notes shall, as far as possible, be self-contained;

(iii) The records covering the agenda items shall be made readily available to the Commission for its reference;

(iv) The agenda papers shall ordinarily be circulated to Members at least two clear working days in advance of the meeting, except in cases where urgent attention is required;

(9) More than half of the members appointed to the Commission including Chairperson shall form the quorum at every meeting of the Commission;

(10) All decisions of the Commission at its meeting 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;

(11) (i) The Commission may invite, if it is considered necessary, for such purposes and on such conditions as may be prescribed, any person or person with expert knowledge in the particular subject coming up before the Commission for its disposal to be present at the meeting to assist the Commission in arriving at a decision but such person shall not be entitled to vote.

(ii) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, shall be paid a sitting fee ₹ 500 (Rupees five hundred only) for attendance of each day of the meeting of the Commission subject to a maximum of ₹1500 (Rupees one thousand five hundred only) per month.

(iii) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, attending a meeting of the Commission shall be paid, in addition to the sitting fee payable under sub-rule clause (ii) travelling allowance and daily allowance at the rates admissible to the First Grade Officer under the rules and orders made by the State Government from time to time.

(12) 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.

19. *Officers to attend the meetings.* The Secretary and other officer or officers of the Commission, if so, required by the Chairperson shall attend the meetings of the Commission.

20. *Office Hours.*—The working hours of the office shall be from 10 a.m. to 1 p.m. in the fore-noon session and from 2 p.m. to 5 p.m. in the afternoon session or such other hours as notified by the Commission from time to time.

21. *Zones.*—(1) There shall be three zones in the State for facilitating the functioning of the Commission as indicated below:

Northern Zone—The Districts of Kasargod, Kannur, Kozhikode, Malappuram, Palakkad and Wayanad.

Central Zone—The Districts of Thrissur, Ernakulam, Kottayam and Idukki.

Southern Zone—The Districts of Alappuzha, Kollam, Pathanamthitta and Thiruvananthapuram.

(2) One Member as authorised by the Commission shall be in charge of a zone. The Chairperson may, taking into consideration the administrative and functional convenience re-allocate a particular district or districts already placed under one Member to another.

22. *Notice of meetings.*—(1) At least seven clear days notice of all meetings of the Commission shall be given to each Member, but an extraordinary meeting may be called for on a twenty-four hour notice.

(2) The notice shall state the venue, date, time and the agenda for the meeting.

23. *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 the 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 specially 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.

24. *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, except in the items on which no further action is called for.

## CHAPTER 5

### PRELIMINARY ACTION ON RECEIPT OF COMPLAINTS

25. *Language of Complaints.*--Complaint may be made to the Commission in Malayalam or in English or in any of the languages included in the Eighth Schedule of the Constitution of India. However, when complaints are made in any language other than in Malayalam or in English, translated version of the complaints either in Malayalam or in English shall also be furnished.

26. No fee shall be chargeable on complaints.

27. Every complaint should disclose a complete picture of the matter complained of and disclose the name and address of the respondent. The Commission may, if it considers necessary,

- (a) call for further relevant information from the complainant;
- (b) direct the complainant to file affidavit/s in support of the complaint;
- (c) obtain sworn statements of the complainant; and
- (d) take statement of the complainant by issuing Commission for that purpose or by any other means considered necessary.

28. *Complaints not ordinarily maintainable.*—The Commission may dismiss in limine the complaints of the following nature:

- (a) Illegible;
- (b) vague or anonymous or pseudonymous;
- (c) trivial or frivolous;
- (d) issues <sup>related</sup> ~~relates~~ to civil disputes, service matters, labour or industrial disputes;
- (e) <sup>that</sup> allegations do not raise any violation of child rights;
- (f) matter is sub judice before a Court or Tribunal;
- (g) matter is covered by a judicial verdict or decision of the National or State Commission;
- (h) where complaint is only a copy of the petition addressed to some other authority;
- (i) where the petition has not signed or where the original petition is not sent to the Commission;
- (j) where matter is outside the purview of the Commission or on any other ground.

#### CHAPTER 6

#### RECEIPTS AND DISBURSEMENT OF TAPAL

29. Tapal, by whatsoever mode received, addressed, to the Commission, its Chairman, Members or Officers of the Commission either by name or by designation shall be received by the designated officer in the office of the Commission.

*Note.*—Those communications which are addressed by name to the Chairperson, Members and other officers of the Commission shall be noted in separate 'Transit' Registers and delivered forthwith to the designated official and acknowledgement of receipt shall be obtained in the Register.

30. Unless otherwise directed, petitions or Communications received by the Chairperson, Members and other Officers of the Commission when marked to each division shall be dealt with as prescribed in the Rules.

31. The Tapal shall be opened in the presence of the Section Officer in charge of Receipt and Despatch Section who shall get the same sort out Section wise and diarised in a register containing particulars, such as date of receipt, Diary No., sender's name and address and transmitted under acknowledgement to the concerned petition sections and to the respective heads of the other divisions. Separate Transmission Registers shall be maintained for each section in the Law Division as well as in other divisions.

32. *Distribution and disbursement of Tapal.* (1) The designated official shall submit the tapal to the Section Officer in charge of the Administrative division who shall get the Tapal sorted out division-wise. There shall be a Tapal Register maintained for each division. After the tapal is sorted division-wise each item in the tapal shall be numbered consecutively with the number being duplicated in the Tapal register also. Particulars such as date of receipt, sender's name and address outside number, if any, tapal number assigned, shall be recorded in an "Inward Register" maintained by the designated official. The tapal shall then be delivered with the tapal register to the division concerned. The Section Officer/Officer-in-charge of the division shall allot the tapal in accordance with the approved distribution of work and the acknowledgements of tapal received in the tapal register by the Assistants/officials concerned. Each Assistant in the divisions shall maintain a Personal Register in which the current tapal received by the Assistant shall be registered.

(2) The papers received by tapal or otherwise in the office shall broadly fall under three categories; namely:

- (i) those relating to complaints regarding violation of child rights;
- (ii) those relating to administrative matters;
- (iii) those relating to miscellaneous matters.

33. *Scrutiny of Complaints.*—(1) Immediately on receipt of tapal relating to complaints regarding violation of child rights, the Section Officer in the Administrative Division shall forward the same to the Court Officer/Section Officer who shall sort out the new complaints, register them in the Child Rights Miscellaneous Petition Register maintained in the section and allot them to the Assistants concerned in accordance with the distribution of work. The Assistant, shall submit each Child Rights Miscellaneous Petition duly filled in to the Register and the Registrar shall place the case file before the Member concerned Chairman as the case may be.

(2) Complaints and other communications relating to violation of child rights requiring urgent attention shall, however, be placed by the Section Officer before the Registrar who shall cause it to be placed immediately before the Member available for appropriate orders.

34. If a petition/complaint is dismissed in limine by the Commission, the matter shall be treated as closed. In such cases, an intimation regarding the fact of disposal shall be given to the petitioner/complainant if it is so ordered by the Commission.

35. Where the Commission finds that a complaint is not maintainable by it, but that it requires action by an authority other than the Commission, it shall be forwarded to that authority on the orders of the Commission.

36. *Registration.*— A common register called the Child Rights Petition Register shall be maintained by the Section Officer. Every complaint or petition received in the section shall be entered in the Register in the order in which it is received in the tapal. Particulars such as, the current number, date of receipt, the nature of complaint or petition, name of the complainant or petitioner, the date of occurrence name of District in which the alleged violation has occurred, name of the respondent, if any, etc., shall be recorded in the register.

(2) Records relating to each complaint shall be kept in a separate file cover, specifically printed for the purpose, and arranged chronologically in the following order, namely:—

- (i) index in Form No.
- (ii) order sheet in Form No.
- (iii) brief particulars of the complaint
- (iv) Complaint or petition with Annexures if any.

(3) The Assistant concerned shall, after arranging the file in the manner prescribed in clause sub-rule (2) above, submit it to the Registrar for placing before the Commission.

(4) All complaints newly registered shall be placed before the Bench concerned for preliminary consideration as expeditiously as possible but not later than 15 days from the date of its receipt.

(5) Complaints requiring urgent consideration shall be placed before the Commission as far as possible within 24 hours of its receipt.

37. (1) Upon deciding to entertain a complaint the bench concerned may direct whether the matter should be set down for inquiry by the Commission or be investigated by some other agency.

(2) In case of complaints which are not dismissed in limine and decision is taken by the Bench concerned to hold an inquiry, the Registrar shall call for such reports from the Government or any other authority or organizations subordinate thereto as may be directed by the Commission. The time within which reports should be furnished to the Commission shall also be specified.

38. The Commission as a whole or Members individually or collectively may undertake visits to any place in the State for an on the spot study of facts relating to matters brought before it and when such visits are made a report thereon shall be prepared and kept as record.

39. *Constitution of Benches.*—(1) Subject to such special or general orders of the Chairperson, all complaints shall be dealt with by a Single Bench of the Commission. If the Single Bench dealing with the case, having due regard to the nature and importance of the issues involved, is of the opinion, that the case should be considered by a Division or a Full Bench, the Single Bench may refer the case to the Chairperson who may constitute a Division Bench or Full Bench, as the case may be, and refer the case to the Bench so constituted.

(2) When a case is referred to a Division Bench/Full Bench, the Section Officer concerned shall have the requisite number of copies of the case file prepared for the use of all Members in the Bench.

#### CHAPTER 7

### PREPARATION OF CAUSE LIST, SUMMONS, EXAMINATION OF WITNESSES AND REPORT

40. *Preparation of Cause List.*—Cause list shall be prepared listing the cases under the following heads, namely:—

(a) Preliminary inquiry:

(i) Petitions—the entertainability of which is under consideration:

(ii) Petitions—relating to which the need for a preliminary inquiry either by the Commission or by any other agency is to be considered.

(b) Inquiry: All cases in which preliminary inquiry has been completed and orders have been passed admitting it to the file for recording evidence of the parties and to hear their arguments shall be included in this category.

(c) Final Orders: Cases in which recording of evidence and hearing of parties have been completed.



(d) Follow up action: Cases in which orders have been passed after inquiry requesting the Government or other authorities to offer their comments and particulars regarding the action taken by them consequent thereto.

41. *Posting of Cases.*—(1) Cause list of each Bench shall be prepared in accordance with the allocation of districts among the Members of the Commission.

(2) The cause list and the files relating to the cases listed therein shall be submitted to the Bench concerned two days prior to the date appointed for hearing.

(3) The Bench shall indicate the case or cases to be posted for each day and the cause list shall be prepared accordingly.

42. *Preliminary Examination/Investigation.*—(1) If a complaint after consideration is dismissed the said order shall be communicated to the complainant concerned and the case shall then be treated as closed.

(2) If on consideration of the complaint or after taking cognizance of a matter *suo motu*, the commission orders issue of a notice to the State Government or to any authority or organization subordinate thereto, a notice signed by the Registrar shall be issued to the State Government or authority or organization concerned. Such notice shall be accompanied by a copy of the complaint or a description of the matter *suo motu* taken cognizance of.

(3) If no time is fixed by the Commission for return of the notice or furnishing of the information or report, the time shall be thirty days from the date of service of the notice.

(4) If the information or report called for under clause (2) above is not received within the time allowed, or if it is received late, or if the information or report received is not complete in any respect, the case shall be submitted to the Bench for further orders or directions.

43. *Recording of Order.*—(1) Ordinarily short orders of the Commission shall be recorded in the order sheet. Orders which are lengthy shall be recorded on separate sheet and appended to the order sheet or kept separately. The Bench concerned shall make necessary entry in the relevant column of the order sheet mentioning the page number, date of order, etc.

(2) In cases where urgent action is required to be taken pursuant to the order/proceeding issued by the Commission, the Bench Assistant concerned shall forthwith send the file to the Registrar. The Registrar shall then give suitable instructions with regard to the mode of communication i.e. by Telephone/Fax/Speed Post/Telegram etc. and transmit records.

(3) Other witnesses on the side of the petitioner/petitioners shall be examined as PW2, PW3 etc.

(4) (i) the evidence of the respondent or respondents shall then be taken up by examining if necessary the sole respondent or respondent No. 1 or any of the respondents as RW1 and documents produced on his/her behalf shall be marked serially as Exhibits R1, R2, R3 etc.

(ii) Other witnesses on the side of the respondent/respondents shall be examined as RW2, RW3 etc.

(5) The Bench may, in its discretion, examine as witness any person other than the petitioner or petitioners, respondent or respondents and persons cited by them as witnesses and the persons so examined shall be CW1, CW2 etc. in the order in which they are examined and the documents produced by them shall be marked as Exhibit C1, Ext. C2 etc.

(6) Nothing mentioned in this Rules shall be regarded as a bar for the Bench in examining first the petitioner or petitioners, the respondent or respondents or witnesses, as the case may be.

(7) The petitioner or petitioners and respondent or respondents shall be at liberty to cross-examine or refrain from cross-examining the witnesses produced by other parties provided that no child shall be directly cross-examined.

(8) Every affidavit shall be drawn up in the first person and shall be divided into paragraphs numbered consecutively. Each paragraph, as nearly as may be shall contain a distinct portion of the subject matter. The affidavit shall also state the full name, age, description and abode of the deponent and shall be signed in full or be marked with his thumb impression.

(9) After the close of inquiry a formal order culminating in the disposal of the complaint shall be pronounced by the Bench after giving both the petitioner or petitioners and the respondent or respondents an opportunity of being heard.

(10) A copy of such order shall be furnished to the petitioner/respondent free of cost.

44. Forms specified by the Commission under these Rules shall be used for the respective purposes therein mentioned with such variations as the particular circumstances of each case may require.

45. *Communication of Recommendations.*—In cases where the inquiry results in any recommendation to the Government or any other authority or organisation subordinate thereto a copy of the report thereon shall be forwarded to the Government or the authority or organisation subordinate thereto as the case may be within 20 days from the date of the order and the Government or authority shall be required to forward its comments on the report including the action taken or proposed to be taken thereon to the Commission within a period of one month or such further time as the Commission may allow.

46. *Application for copies.*—(1) Any person who desires to obtain a copy of any proceeding or document filed in or in the custody of the Commission may present an application with the name of the applicant, his position in the proceeding or the way in which he is interested in the proceeding and the description of the document of which the copy is required.

(2) Copies may be granted only under orders of the Bench concerned and on payment of the actual cost for taking such copies.

47. *Orders after disposal.*—When orders are passed by the Commission after inquiry under section 14 of the Act the Registrar shall cause to:

(a) prepare a list of such cases in which orders are passed;

(b) publish the list so prepared on the notice board of the Commission on the first working day of every month;

(c) make available to the library of the Commission two sets of inquiry report together with comments of the Government or authority concerned, if any, and the action taken or proposed to be taken by the Government or authority concerned on the recommendations of the Commission;

(d) send simultaneously free of cost a copy each of the documents referred to in clause (c) above to the complainant or to his representative;

(e) keep the original order in each case permanently in the record section of the office along with the order sheet.

## CHAPTER 8

## FINANCIAL POWERS AND PREPARATION OF BUDGET

48. The Commission shall spend the sums of money received by it for the purposes of its functioning.

49. The Chairperson shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.

50. The Chairperson 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.

51. 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:

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding *one lakh rupees at a time* without the prior approval of the Chairperson.

52. 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, travelling allowance and dearness allowance.

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

54. All financial powers of the Commission shall be governed by the General Financial Rules, delegation of financial powers, rules and instructions, issued by the Finance Department of the State Government in this regard from time to time.

55. 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 and Schedule II.

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

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

## CHAPTER 9

## MISCELLANEOUS

58. *Mode of communication*—Unless otherwise directed, all communications from the Commission shall be sent by registered post.

59. *Consignment of records*—Records of all cases finally disposed of shall be transmitted to the Section Officer of the Petition Section who will be in charge of the records. He shall make necessary entries in the register in a manner decided by the Commission.

60. *Preparation of statements*.—The Registrar shall cause to prepare such weekly, monthly, quarterly, half-yearly or yearly statements/returns/reports in such Form as may be specified by the Commission from time to time.

61. The Registrar shall review periodically the allocation of work in the petition section to ensure equitable distribution of work in each division of that section.

62. *Annual and Special Reports*.—(1) The Commission shall furnish its annual report for the period commencing from 1st April of every year to the 31st of March of the succeeding year to the State Government as provided in section 23 of the Act.

(2) A draft of the report shall be prepared in the petition section before the 31st of March every year and be presented before the Commission for approval. The original report shall be signed by the Chairperson and Members of the Commission and three copies of the report duly authenticated shall be sent to the State Government by the end of April every year.

(3) The Commission may furnish such special reports on specific matters as may be considered necessary as per section 23 of the Act under the direction of the Chairperson.

(4) The Government shall cause the annual and special reports of the Commission to be laid as per sub-section (2) of section 23 of the Act within a period of one year from the date of receipt of such report.

(5) The Government as the case may be concerned, shall cause the annual and special reports of the Commission to be laid before the State Legislature, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any within a period of one year from the date of receipt of such report.

(6) The annual report shall include information on administrative 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;

(7) 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. The annual report shall be submitted within three months of submitting the special report.

(8) The Commission shall place the annual report on the Commission's website.

63. *Printing of Reports.*—The office of the Commission shall be responsible for the printing of the annual report with utmost expedition and in any case not later than one month of the finalisation of the report.

64. *Panel of consultants.*—(1) The Commission may constitute a panel of consultants for assisting the Commission in wide range of tasks including such as investigation, inquiry, to serve on task forces or Committees, for study, 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 of empanelling these consultants so that they are available for quick delegation of tasks.

SCHEDULE 1

FORM—I

KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

ADMINISTRATION

(Expenditure)

Detailed Budget Estimates for the year 20.....

(See Rule 57) 55

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

FORM—II

KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

ESTABLISHMENT

Statement details of provisions for pay of Officers/Establishment for the year 20....-20....

(See Rule 57 55)

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		
		(a)	(b)	(c)	3(c)	(a)	(b)	(c)		



FORM—III

KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

NOMINAL ROLLS

(See Rule 57) 53

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

## KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

## (Abstract of Nominal Rolls)

(See Rule 57) 55

Actual sanctioned strength as on March 1, 20....	Particulars of posts	Sanctioned budget grant 20.... 20....		Revised Estimates 20.... 20....		Budget Estimates 20.... 20....		Explanation for the difference between sanctioned budget, revised estimates and budget estimates
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	1. Officer (a) Posts filled (b) Posts vacant  Total (1) Officers							

	2. Establish- ment						
	(a) Posts filled						
	(b) Posts vacant						
	Total (2) Establi shment						
	3. Class IV						
	(a) Posts filled						
	(b) Posts vacant						
	Total (3) Class IV						
	Grand Total of 1, 2, 3						

## SCHEDULE II

## BUDGET AND ACCOUNT HEADS

(See Rule 57)

## ADMINISTRATION

## Heads 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 :
  - (f) Telephones :
  - (g) Electricity and water charges :
  - (h) Stationery :
  - (i) Printing :
  - (j) Staff car and other vehicles :
  - (k) 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. Suspense
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

## SCHEDULE III

## STAFF TO BE APPOINTED TO THE COMMISSION

[See Rule 7 (4)]

<i>Sl. No.</i>	<i>Category</i>	<i>No. of Post</i>	<i>Method of Appointment</i>	<i>Scale of pay</i>
(1)	(2)	(3)	(4)	(5)
1	Registrar	1	By deputation from the category of Additional Secretary to Government, Law Department, Secretariat	As applicable to the corresponding categories in the State Subordinate service subject to changes in Pay Revision Orders
2	Administrative Officer	1	By deputation from the category of Joint Secretary to Government, General Administration Department, Secretariat	"
3	Finance Officer	1	By deputation from the category of Joint Secretary to Government, Finance Department, Secretariat	"
4	Section Officer or Senior Superintendent/ Court Officer	4	By deputation from the category of Section Officer, General Administration Department, Law Department or similar category of Officers	"
5	Accountant	1	By deputation from the category of Accountant, Finance Department, Secretariat	"

(1)	(2)	(3)	(4)	(5)
6	Public Relations Officer	1	By deputation from the category of PRO, from the Information and Public Relations Department, General Administration, Secretariat	As applicable to the corresponding categories in the State Subordinate service subject to changes in Pay Revision Orders
7	Assistant <u>Grade-I</u>	2	By deputation from the category of Legal Assistant Grade-II of the Law Department or similar category of Officers from the Judicial Ministerial Service or from any other Subordinate Services of Government	"
8	Clerk cum Computer Data Entry Operator	7	By deputation from the category of Typists Grade-II in the Government Secretariat or from similar category of Officers in any other Subordinate Service	"
9	Driver	2	By deputation from the category of Driver in the Subordinate Service	"
10	<u>Peons</u>	3	By deputation from the category of Peons in the Subordinate Service	"
11	Part-time Sweeper	1	In the manner provided in the Kerala Part-time Contingent Service Rules.	"

By order of the Governor,

Dr. K. M. ABRAHAM,  
Principal Secretary to Government.

**Explanatory Note**

(This does not form part of the notification, but it is intended to indicate its general purport.)

Section 36 of the Commissions for Protection of Child Rights Act, 2005 (Central Act No. 4 of 2006) empowers the State Government to make rules to carry out the provisions of the Act. It is proposed to issue the rules accordingly.

This notification is intended to achieve the above purpose.

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Bill No. 63-F of 2005

THE COMMISSIONS FOR PROTECTION OF  
CHILD RIGHTS ~~BILL~~, 2005  
*Act*

(AS PASSED BY THE HOUSES OF PARLIAMENT—

LOK SABHA ON THE 21ST DECEMBER, 2005  
RAJYA SABHA ON THE 22ND DECEMBER, 2005)

ASSENTED TO  
ON 20TH JAN. 2006  
ACT No. 4 OF 2006

THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS BILL, 2005

ARRANGEMENT OF CLAUSES

*Act*  
*Sections*

CHAPTER I  
PRELIMINARY

CLAUSES *Sections*

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

3. Constitution of National Commission for Protection of Child Rights.
4. Appointment of Chairperson and Members.
5. Term of office and conditions of service of Chairperson and Members.
6. Salary and allowances of Chairperson and Members.
7. Removal from office.
8. Vacation of office by Chairperson or Member.
9. Vacancies, etc., not to invalidate proceedings of Commission.
10. Procedure for transaction of business.
11. Member-Secretary, officers and other employees of Commission.
12. Salaries and allowances to be paid out of grants.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

13. Functions of Commission.
14. Powers relating to inquiries.
15. Steps after inquiry.
16. Annual and special reports of Commission.

CHAPTER IV

STATE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

17. Constitution of State Commission for Protection of Child Rights.
18. Appointment of Chairperson and other Members.
19. Term of office and conditions of service of Chairperson and Members.
20. Salary and allowances of Chairperson and Members.
21. Secretary, officers and other employees of the State Commission.
22. Salaries and allowances to be paid out of grants.
23. Annual and special reports of State Commission.
24. Application of certain provisions relating to National Commission for Protection of Child Rights to State Commissions.

CHAPTER V  
CHILDREN'S COURTS

25. Children's Courts.
26. Special Public Prosecutor.

(ii)

**CHAPTER VI**  
**FINANCE, ACCOUNTS AND AUDIT**

**CLAUSES**

- 27. Grants by Central Government.
- 28. Grants by State Governments.
- 29. Accounts and audit of Commission.
- 30. Accounts and audit of State Commission.

**CHAPTER VII**  
**MISCELLANEOUS**

- 31. Protection of action taken in good faith.
- 32. Chairperson, Members and other officers to be public servant.
- 33. Directions by Central Government.
- 34. Returns or information.
- 35. Power of Central Government to make rules.
- 36. Power of State Government to make rules.
- 37. Power to remove difficulties.

Bill No. 63-F of 2005

**THE COMMISSIONS FOR PROTECTION OF  
CHILD RIGHTS BILL, 2005**

(AS PASSED BY THE HOUSES OF PARLIAMENT)

Am

~~BILL~~

*to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.*

WHEREAS India participated in the United Nations (UN) General Assembly Summit in 1990, which adopted a Declaration on Survival, Protection and Development of Children;

AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken for Children is the adoption of National Charter for Children, 2003;

AND WHEREAS the UN General Assembly Special Session on Children held in May, 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments;

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Commissions for Protection of Child Rights Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Chairperson" means the Chairperson of the Commission or of the State Commission, as the case may be;

(b) "child rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992;

(c) "Commission" means the National Commission for Protection of Child Rights constituted under section 3;

(d) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "State Commission" means a State Commission for Protection of Child Rights constituted under section 17.

## CHAPTER II

### THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Constitution  
of National  
Commission  
for  
Protection of  
Child Rights.

3. (1) The Central Government shall, by notification, constitute a body to be known as the National Commission for Protection of Child Rights to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in, —

(i) education;

(ii) child health, care, welfare or child development;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

(iv) elimination of child labour or children in distress;

(v) child psychology or sociology; and

(vi) laws relating to children.

(3) The office of the Commission shall be at Delhi.

4. The Central Government shall, by notification, appoint the Chairperson and other Members:

Appointment of Chairperson and Members.

Provided that the Chairperson shall be appointed on the recommendation of a three member Selection Committee constituted by the Central Government under the Chairmanship of the Minister in-charge of the Ministry of Human Resource Development.

5. (1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Term of office and conditions of service of Chairperson and Members.

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that no Chairperson or any other Member shall hold office as such after he has attained—

(a) in the case of the Chairperson, the age of sixty-five years; and

(b) in the case of a Member, the age of sixty years.

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

6. The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed by the Central Government:

Salary and allowances of Chairperson and Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

7. (1) Subject to the provisions of sub-section (2), the Chairperson may be removed from his office by an order of the Central Government on the ground of proved misbehaviour or incapacity.

Removal from office.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may by order remove from office the Chairperson or any other Member, if the Chairperson or, as the case may be, such other Member, —

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) refuses to act or becomes incapable of acting; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has so abused his office as to render his continuance in office detrimental to the public interest; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude; or

(g) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

8. (1) If the Chairperson or, as the case may be, a Member, —

Vacation of office by Chairperson or Member.

(a) becomes subject to any of the disqualifications mentioned in section 7; or

(b) tenders his resignation under sub-section (2) of section 5,

his seat shall thereupon become vacant.

(2) 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 afresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed would have held that office.

Vacancies,  
etc., not to  
invalidate  
proceedings  
of  
Commission.

9. No act or proceeding of the Commission shall be invalid merely by reason of —

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person as the Chairperson or a Member; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

Procedure for  
transaction of  
business.

10. (1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting 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 casting vote.

(3) 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.

(4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed by the Central Government.

(5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by Member-Secretary in this behalf.

Member-Secretary,  
officers and  
other  
employees of  
Commission.

11. (1) The Central Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government of India as a Member-Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Member-Secretary 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 Central Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

Salaries and  
allowances to  
be paid out of  
grants.

12. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, other officers and employees referred to in section 11, shall be paid out of the grants referred to in sub-section (1) of section 27.

## CHAPTER III

## FUNCTIONS AND POWERS OF THE COMMISSION

13. (1) The Commission shall perform all or any of the following functions, namely:—

Functions of  
Commission.

(a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;

(b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;

(c) inquire into violation of child rights and recommend initiation of proceedings in such cases;

(d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;

(e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;

(f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;

(g) undertake and promote research in the field of child rights;

(h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;

(i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;

(j) inquire into complaints and take *suo motu* notice of matters relating to,—

(i) deprivation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities; and

(k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

(2) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

14. (1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—

Powers  
relating to  
inquiries.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;



- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Steps after  
inquiry.

15. The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely :—

- (i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

Annual and  
special  
reports of  
Commission.

16. (1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government concerned, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

#### CHAPTER IV

##### STATE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

Constitution  
of State  
Commission  
for  
Protection of  
Child Rights.

17. (1) A State Government may constitute a body to be known as the ..... (name of the State) Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

(2) The State Commission shall consist of the following Members, namely: —

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the State Government from amongst persons of eminence, ability, integrity, standing and experience in,—

- (i) education;
- (ii) child health, care, welfare or child development;
- (iii) juvenile justice or care of neglected or marginalized children or children with disabilities;

- (iv) elimination of child labour or children in distress;
- (v) child psychology or sociology; and
- (vi) laws relating to children.

(3) The headquarter of the State Commission shall be at such place as the State Government may, by notification, specify.

18. The State Government shall, by notification, appoint the Chairperson and other Members:

Appointment of Chairperson and other Members.

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in-charge of the Department dealing with children.

19. (1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Term of office and conditions of service of Chairperson and Members.

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that 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.

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

20. The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Salary and allowances of Chairperson and Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

21. (1) The State Government shall, by notification, appoint an officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission and shall make available to the State Commission such other officers and employees as may be necessary for the efficient performance of its functions.

Secretary, officers and other employees of the State Commission.

(2) The Secretary shall be responsible for the proper administration of the affairs of the State 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.

(3) The salary and allowances payable to, and the 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 prescribed by the State Government.

22. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 21, shall be paid out of the grants referred to in sub-section (1) of section 28.

Salaries and allowances to be paid out of grants.

23. (1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

Annual and special reports of State Commission.

(2) The State Government shall cause all the reports referred to in sub-section (1) to be laid before each House of State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

Application  
of certain  
provisions  
relating to  
National  
Commission  
for  
Protection of  
Child Rights  
to State  
Commissions.

24. The provisions of sections 7, 8, 9, 10, sub-section (1) of section 13 and sections 14 and 15 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

(a) references to "Commission" shall be construed as references to "State Commission";

(b) references to "Central Government" shall be construed as references to "State Government"; and

(c) references to "Member-Secretary" shall be construed as references to "Secretary".

## CHAPTER V

### CHILDREN'S COURTS

Children's  
Courts.

25. For the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a court in the State or specify, for each district, a Court of Session to be a Children's Court to try the said offences:

Provided that nothing in this section shall apply if—

(a) a Court of Session is already specified as a special court; or

(b) a special court is already constituted,

for such offences under any other law for the time being in force.

Special Public  
Prosecutor.

26. For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

## CHAPTER VI

### FINANCE, ACCOUNTS AND AUDIT

Grants by  
Central  
Government.

27. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Grants by  
State  
Governments.

28. (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The State Commission may spend such sums of money as it thinks fit for performing the functions under Chapter III of this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and  
audit of  
Commission.

29. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

30. (1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

Accounts and  
audit of State  
Commission.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(4) The accounts of the State Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

## CHAPTER VII

### MISCELLANEOUS

31. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Commission, the State Commission, or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission, or the State Commission of any report or paper.

Protection of  
action taken  
in good faith.

32. Every Member of the Commission, State Commission and every officer appointed in the Commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Chairperson,  
Members and  
other officers  
to be public  
servant.

33. (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes, as may be given to it by the Central Government.

Directions by  
Central  
Government.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government thereon shall be final.

Returns or  
information.

34. The Commission shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

Power of  
Central  
Government  
to make rules.

35. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6;

(b) the procedure to be followed by the Commission in the transaction of its business at a meeting under sub-section (4) of section 10;

(c) the powers and duties which may be exercised and performed by the Member-Secretary of the Commission under sub-section (2) of section 11;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11; and

(e) form of the statement of accounts and other records to be prepared by the Commission under sub-section (1) of section 29.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of  
State  
Government  
to make rules.

36. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the State Commission and their salaries and allowances under section 20;

(b) the procedure to be followed by the State Commission in the transaction of its business at a meeting under sub-section (4) of section 10 read with section 24;

(c) the powers and duties which may be exercised and performed by the Secretary of the State Commission under sub-section (2) of section 21;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the State Commission under sub-section (3) of section 21; and

(e) form of the statement of accounts and other records to be prepared by the State Commission under sub-section (1) of section 30.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

37. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

A  
BILL

to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

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*(As passed by the Houses of Parliament)*

CC-93

Bill No. 75-F of 2006

THE COMMISSIONS FOR PROTECTION OF  
CHILD RIGHTS (AMENDMENT)  
BILL, 2006

*Art*

(AS PASSED BY THE HOUSES OF PARLIAMENT—

LOK SABHA ON 13TH DECEMBER, 2006

RAJYA SABHA ON 14TH DECEMBER, 2006)

ASSENTED TO  
ON 29 DECEMBER, 2006  
ACT NO. 4 OF 2007



Bill No. 75-F of 2006

THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS  
(AMENDMENT) BILL, 2006

(AS PASSED BY THE HOUSES OF PARLIAMENT)

AM

BILL

*to amend the Commissions for Protection of Child Rights Act, 2005.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Commissions for Protection of Child Rights (Amendment) Act, 2006.

Short title:

2. In the Commissions for Protection of Child Rights Act, 2005, in the proviso to section 4, for the words "Minister in-charge of the Ministry of Human Resource Development", the words "Minister in-charge of the Ministry or the Department of Women and Child Development" shall be substituted.

Amendment  
of section 4  
of Act 4 of  
2006.

A  
BILL

to amend the Commissions for Protection of Child Rights Act, 2005.

*(As passed by the Houses of Parliament)*

CC:93

ഭാരത സർക്കാർ  
നിയമ മന്ത്രാലയം



**ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള  
കമ്മീഷനുകൾ ആക്ട്, 2005**

(2006-ലെ 4-ാം നമ്പർ ആക്ട്)

(2010 ഫെബ്രുവരി 9-ാം തീയതി നിലവിലിരുന്ന പ്രകാരം)

**THE COMMISSIONS FOR THE PROTECTION  
OF CHILD RIGHTS ACT, 2005**

(ACT No. 4 OF 2006)

(As on 9th February, 2010)

വില : 40 രൂപ

©

യൂണിയൻ സർക്കാരിനുവേണ്ടി കേരള സർക്കാർ പ്രസ്സുകളുടെ സുപ്രണ്ട് തിരുവനന്തപുരം  
സർക്കാർ പ്രസ്സിൽ അച്ചടിച്ച് പ്രസിദ്ധീകരിക്കുന്നത്

2010

## ആമുഖം

2010 ഫെബ്രുവരി 9-ാം തീയതി നിലവിലിരുന്ന പ്രകാരമുള്ള 2005-ലെ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ് (2006-ലെ 4-ാം ആക്റ്റ്)-ന്റെ മലയാളത്തിലെ ആധികാരികപാഠം ഈ പതിപ്പിൽ അടങ്ങിയിരിക്കുന്നു. 2010 ഏപ്രിൽ 30-ാം തീയതിയിലെ അസാധാരണ ഭാരത ഗസറ്റ് XI-ാം ഭാഗം 1-ാം വകുപ്പ്, 1-ാം വാല്യം, 6-ാം നമ്പരായി 2 മുതൽ 15 വരെയുള്ള പുറങ്ങളിൽ ഇത് പ്രസിദ്ധീകരിച്ചിരിക്കുന്നു.

ഈ ആധികാരിക പരിഭാഷ, ആധികാരിക പാഠങ്ങൾ (കേന്ദ്ര നിയമങ്ങൾ) ആക്റ്റ്, 1973-ന്റെ 2-ാം വകുപ്പ് (ക) ഖണ്ഡം അനുസരിച്ച് രാഷ്ട്രപതി അധികാരപ്പെടുത്തിയ പ്രകാരം പ്രസിദ്ധീകരിക്കുകയും അങ്ങനെ പ്രസിദ്ധീകരിച്ചതിന്മേൽ അത് ആ ആക്റ്റിന്റെ മലയാളത്തിലെ ആധികാരിക പാഠമായിത്തീരുകയും ചെയ്തു.

വി. കെ. ഭാസിൻ,  
ഭാരത സർക്കാരിന്റെ സെക്രട്ടറി.

## PREFACE

This Edition of the Commissions for Protection of Child Rights Act, 2005 (Act 4 of 2006) as on 9th February, 2010 contains the authoritative text of that Act in Malayalam which was published in the Gazette of India Extraordinary Part XI, Section I, Vol. 1, No. 6 dated 30th April, 2010 on pages 2 to 15.

This authorised translation was published under the authority of the President under clause (a) of section 2 of the Authoritative Texts (Central Laws) Act, 1973 and on such publication it became the authoritative text of that Act in Malayalam.

V. K. BHASIN,  
*Secretary to the Government of India.*

ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ്, 2005  
(2006-ലെ 4-ാം നമ്പർ ആക്റ്റ്)

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**2005-ലെ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള**

**കമ്മീഷനുകൾ ആക്ട്**

**(2006-ലെ 4-ാം നമ്പർ ആക്ട്)**

[2006 ജനുവരി 20]

ബാലാവകാശങ്ങളുടെ സംരക്ഷണത്തിനുവേണ്ടി ഒരു ദേശീയ കമ്മീഷനും

സംസ്ഥാന കമ്മീഷനുകളും കുട്ടികൾക്കെതിരെയുള്ള കുറ്റകൃത്യങ്ങളു

ടെയോ ബാലാവകാശലംഘനത്തിന്റേയോ സത്വരവിചാരണ

ഏർപ്പെടുത്തുന്നതിന് കുട്ടികളുടെ കോടതികളും രൂപവൽക്കരി

ക്കുന്നതിനും അവയുമായി ബന്ധപ്പെട്ടതോ അതിന്

ആനുഷംഗികമോ ആയ കാര്യങ്ങൾക്കുംവേണ്ടി

വ്യവസ്ഥ ചെയ്യുന്നതിനുള്ള

ഒരു

ആക്ട്

കുട്ടികളുടെ അതിജീവനത്തിനും സംരക്ഷണത്തിനും വികസനത്തിനുമേലുള്ള ഒരു പ്രഖ്യാപനം അംഗീകരിച്ച 1990-ലെ ഐക്യരാഷ്ട്ര (യു.എൻ.) പൊതുസഭയുടെ ഉന്നതതല സമ്മേളനത്തിൽ ഭാരതം പങ്കെടുത്തിട്ടുള്ളതിനാലും;

1992 ഡിസംബർ 11-ാം തീയതി ബാലാവകാശത്തിന്മേലുള്ള ഉടമ്പടി (സി. ആർ. സി.) ഭാരതവും അംഗീകരിച്ചിട്ടുള്ളതിനാലും;

സമ്മേളനത്തിൽ ഇന്നം തിരിച്ച് പറഞ്ഞിട്ടുള്ള കുട്ടികളുടെ അവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിന് ആവശ്യമായ എല്ലാ നടപടികളും എടുക്കുന്നതിന് പ്രതിനിധിരാഷ്ട്രങ്ങളെ കടമപ്പെടുത്തിയ സി. ആർ. സി. ഒരു അന്താരാഷ്ട്ര ഉടമ്പടി ആകയാലും;

കുട്ടികളുടെ അവകാശങ്ങളുടെ സംരക്ഷണം ഉറപ്പുവരുത്തുന്നതിനായി കുട്ടികൾക്കായി സർക്കാർ അടുത്തകാലത്തായി തുടക്കം കുറിച്ചവയിൽ ഒന്നാണ് 2003-ലെ കുട്ടികൾക്കു വേണ്ടിയുള്ള നാഷണൽ ചാർട്ടറിന്റെ അംഗീകാരം എന്നതിനാലും;

നടപ്പ് ദശകത്തിനുവേണ്ടി അംഗരാജ്യങ്ങളാൽ ഏറ്റെടുക്കപ്പെടേണ്ട ഉദ്ദേശ്യങ്ങളും ലക്ഷ്യങ്ങളും തന്ത്രവൈദഗ്ധ്യങ്ങളും പ്രവർത്തനങ്ങളും അടങ്ങുന്ന “കുട്ടികൾക്ക് അനുയോജ്യമായ ഒരു ലോകം” എന്ന ശീർഷകത്തോടുകൂടിയ ഒരു പരിണത രേഖ 2002 മേയ് മാസത്തിൽ കൂടിയ ഐക്യരാഷ്ട്ര പൊതുസഭയുടെ കുട്ടികൾക്കുവേണ്ടിയുള്ള പ്രത്യേക സമ്മേളനം അംഗീകരിച്ചിട്ടുള്ളതിനാലും;

സി. ആർ. സി. യിൽ നിർദ്ദേശിച്ചിട്ടുള്ള മാനദണ്ഡങ്ങളും മറ്റെല്ലാ പ്രസക്തമായ അന്താരാഷ്ട്ര പ്രമാണങ്ങളുമായി ബന്ധപ്പെട്ട് സർക്കാർ അംഗീകരിച്ചിട്ടുള്ള നയങ്ങൾക്ക് പ്രഭാവം നൽകുന്നതിനായി കുട്ടികളെ സംബന്ധിക്കുന്ന ഒരു നിയമമുണ്ടാക്കുന്നത് യുക്തമായതിനാലും;

ഭാരത റിപ്പബ്ലിക്കിന്റെ അമ്പത്തിയാറാം സംവത്സരത്തിൽ പാർലമെന്റ് താഴെ പറയും പ്രകാരം നിയമം ഉണ്ടാക്കിയിരിക്കുന്നു:—

## അദ്ധ്യായം I

## പ്രാരംഭികം

1. ചുരുക്കപ്പേരും വ്യാപ്തിയും പ്രാരംഭവും.—(1) ഈ ആക്റ്റിന് 2005-ലെ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ് എന്ന് പേര് പറയാവുന്നതാണ്.

(2) ഇതിന് ജമ്മു-കാശ്മീർ സംസ്ഥാനമൊഴികെ ഭാരതം മുഴുവൻ വ്യാപ്തി ഉണ്ടായിരിക്കുന്നതാണ്.

(3) ഇത് കേന്ദ്ര സർക്കാർ, ഔദ്യോഗിക ഗസറ്റിൽ, വിജ്ഞാപനം വഴി, നിശ്ചയിക്കാവുന്ന അങ്ങനെയുള്ള തീയതിയിൽ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. നിർവ്വചനങ്ങൾ.—ഈ ആക്റ്റിൽ, സന്ദർഭം മറ്റു വിധത്തിൽ ആവശ്യപ്പെടാത്തപക്ഷം,—

(ക) “ചെയർപേഴ്സൺ” എന്നാൽ കമ്മീഷന്റെയോ സംസ്ഥാന കമ്മീഷന്റെയോ, അതതു സംഗതിപോലെ, ചെയർപേഴ്സൺ എന്നർത്ഥമാകുന്നു;

(ഖ) “ബാലാവകാശങ്ങൾ” എന്നതിൽ 1989 നവംബർ 20-ാം തീയതി ബാലാവകാശത്തിന്മേൽ ഐക്യരാഷ്ട്ര സമ്മേളനം അംഗീകരിച്ചതും 1992 ഡിസംബർ 11-ാം തീയതി ഭാരതസർക്കാർ സ്ഥിരീകരിച്ചതുമായ കുട്ടികളുടെ അവകാശങ്ങളും ഉൾപ്പെടുന്നു;

(ഗ) “കമ്മീഷൻ” എന്നാൽ 3-ാം വകുപ്പിൻകീഴിൽ രൂപവൽക്കരിക്കപ്പെട്ട ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷൻ എന്നർത്ഥമാകുന്നു;

(ഘ) “അംഗം” എന്നാൽ കമ്മീഷന്റെയോ സംസ്ഥാന കമ്മീഷന്റെയോ, അതതു സംഗതിപോലെ, ഒരംഗം എന്നർത്ഥമാകുന്നതും, ചെയർപേഴ്സൺ ഉൾപ്പെടുന്നതുകൊണ്ടുമാകുന്നു;

(ങ) “വിജ്ഞാപനം” എന്നാൽ ഔദ്യോഗിക ഗസറ്റിൽ പ്രസിദ്ധീകരിച്ച ഒരു വിജ്ഞാപനം എന്നർത്ഥമാകുന്നു;

(ച) “നിർണ്ണയിക്കപ്പെട്ട” എന്നാൽ ഈ ആക്റ്റിൻകീഴിൽ ഉണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളാൽ നിർണ്ണയിക്കപ്പെട്ട എന്നർത്ഥമാകുന്നു;

(ഛ) “സംസ്ഥാന കമ്മീഷൻ” എന്നാൽ 17-ാം വകുപ്പിൻകീഴിൽ രൂപവൽക്കരിക്കപ്പെട്ട ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ഒരു സംസ്ഥാന കമ്മീഷൻ എന്നർത്ഥമാകുന്നു.

## അദ്ധ്യായം II

## ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷൻ

3. ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷന്റെ രൂപവൽക്കരണം.—(1) കേന്ദ്രസർക്കാർ, വിജ്ഞാപനം വഴി, ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടി ദേശീയ കമ്മീഷൻ എന്നറിയപ്പെടുന്ന ഒരു നികായം ഈ ആക്റ്റിൻകീഴിൽ അതിനു നൽകിയിട്ടുള്ള അധികാരങ്ങൾ വിനിയോഗിക്കുന്നതിനും ചുമതലകൾ നിർവ്വഹിക്കുന്നതിനും വേണ്ടി, രൂപവൽക്കരിക്കേണ്ടതാണ്.

(2) കമ്മീഷനിൽ താഴെപ്പറയുന്ന അംഗങ്ങൾ അടങ്ങിയിരിക്കേണ്ടതാണ്, അതായത്:—

(ക) കുട്ടികളുടെ ക്ഷേമം അഭിവൃദ്ധിപ്പെടുത്തുന്നതിനുവേണ്ടി ശ്രദ്ധേയമായി പ്രവർത്തിച്ചിട്ടുള്ള ശ്രേഷ്ഠനായ ഒരാൾ ചെയർപേഴ്സണും;

(ഖ) കേന്ദ്രസർക്കാർ താഴെപ്പറയുന്ന മേഖലകളിൽ, ശ്രേഷ്ഠതയും കഴിവും സ്വഭാവദാർഢ്യവും പദവിയും അനുഭവജ്ഞാനവുമുള്ള വ്യക്തികളിൽ നിന്നും ആറ് അംഗങ്ങളെ നിയമിക്കേണ്ടതും, അതിൽ കുറഞ്ഞത് രണ്ടു പേരെങ്കിലും വനിതകളായിരിക്കേണ്ടതുമാണ്,—



- (i) വിദ്യാഭ്യാസവും;
- (ii) ശിശു ആരോഗ്യം, പരിരക്ഷ, ശിശുക്ഷേമം അല്ലെങ്കിൽ വികസനവും;
- (iii) അവഗണിക്കപ്പെട്ടതോ പാർശ്വവൽക്കരിക്കപ്പെട്ടതോ ആയ കുട്ടികളുടെയോ വൈകല്യങ്ങളുള്ള കുട്ടികളുടെയോ ബാലനീതി അല്ലെങ്കിൽ പരിരക്ഷയും;
- (iv) ബാലവേലയുടെയോ കുട്ടികളുടെ ദുരിതത്തിന്റെയോ ദുരീകരണവും;
- (v) ശിശു മനുഷാസ്ത്രം അല്ലെങ്കിൽ സാമൂഹിക ശാസ്ത്രവും;
- (vi) കുട്ടികളെ സംബന്ധിക്കുന്ന നിയമങ്ങളും.

(3) കമ്മീഷന്റെ ആസ്ഥാനം ഡൽഹി ആയിരിക്കുന്നതാണ്.

4. ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും നിയമനം.—കേന്ദ്രസർക്കാർ, വിജ്ഞാപനംവഴി, ചെയർപേഴ്സണെയും മറ്റ് അംഗങ്ങളെയും നിയമിക്കേണ്ടതാണ്.

എന്നാൽ, '[വനിത-ശിശുവികസന വകുപ്പിന്റെയോ മന്ത്രാലയത്തിന്റെയോ ചുമതല വഹിക്കുന്ന മന്ത്രി] യുടെ അദ്ധ്യക്ഷതയിൽ കേന്ദ്രസർക്കാരിനാൽ രൂപവൽക്കരിച്ച മൂന്നംഗ തെരഞ്ഞെടുപ്പ് സമിതിയുടെ ശുപാർശയിൻമേൽ ചെയർപേഴ്സണെ നിയമിക്കേണ്ടതാണ്.

5. ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും ഔദ്യോഗിക കാലാവധിയും സേവന വ്യവസ്ഥകളും.—(1) ചെയർപേഴ്സണും ഓരോ അംഗവും താൻ ഉദ്യോഗത്തിൽ പ്രവേശിച്ച തീയതി മുതൽ മൂന്നു വർഷക്കാലത്തേക്ക് ആ നിലയിൽ ഉദ്യോഗം വഹിക്കേണ്ടതാണ്.

എന്നാൽ, ചെയർപേഴ്സണോ ഒരംഗമോ രണ്ട് തവണയിൽ കൂടുതൽ ഉദ്യോഗം വഹിക്കാൻ പാടുള്ളതല്ല.

എന്നു മാത്രമല്ല, ചെയർപേഴ്സണോ മറ്റേതെങ്കിലും അംഗമോ, അയാൾക്ക്,—

- (ക) ചെയർപേഴ്സന്റെ സംഗതിയിൽ അറുപത്തിയഞ്ച് വയസ്സും;
  - (ഖ) ഒരംഗത്തിന്റെ സംഗതിയിൽ അറുപതു വയസ്സും,
- തികഞ്ഞതിനു ശേഷം ആ നിലയിൽ ഉദ്യോഗം വഹിക്കാൻ പാടുള്ളതല്ല.

(2) ചെയർപേഴ്സണോ ഒരംഗത്തിനോ ഏതു സമയത്തും കേന്ദ്രസർക്കാരിനെ സംബോധന ചെയ്തുകൊണ്ട് സ്വന്തം കൈപ്പടിയിൽ എഴുതി ഉദ്യോഗത്തിൽ നിന്നും രാജിവയ്ക്കാവുന്നതാണ്.

6. ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും ശമ്പളവും ബത്തകളും.—ചെയർപേഴ്സണും അംഗങ്ങൾക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും, മറ്റു സേവന നിബന്ധനകളും ഉപാധികളും കേന്ദ്ര സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള പ്രകാരമായിരിക്കേണ്ടതാണ്.

എന്നാൽ, ചെയർപേഴ്സന്റെയോ ഒരംഗത്തിന്റെയോ ശമ്പളവും ബത്തകളും അതുമല്ലെങ്കിൽ മറ്റു സേവന നിബന്ധനകളും ഉപാധികളും, അതതു സംഗതിപോലെ, അയാളുടെ നിയമനത്തിനു ശേഷം അയാൾക്ക് ഗുണകരമല്ലാത്ത വിധത്തിൽ മാറ്റുവാൻ പാടുള്ളതല്ല.

7. ഉദ്യോഗത്തിൽ നിന്നും നീക്കം ചെയ്യൽ.—(1) (2)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകൾക്ക് വിധേയമായി തെളിയിക്കപ്പെട്ട ദുർവൃത്തിയുടെയോ കഴിവില്ലായ്മയുടെയോ കാരണത്താൽ കേന്ദ്ര സർക്കാരിന് ഒരു ഉത്തരവുവഴി ചെയർപേഴ്സണെ അയാളുടെ ഉദ്യോഗത്തിൽ നിന്നും നീക്കം ചെയ്യാവുന്നതാണ്.

(2) (1)-ാം ഉപവകുപ്പിൽ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും, കേന്ദ്ര സർക്കാരിന്, ചെയർപേഴ്സണോ മറ്റേതെങ്കിലും അംഗമോ,—

- (ക) നിർധനനെന്ന് വിധിക്കപ്പെടുകയോ;
- (ഖ) തന്റെ ഉദ്യോഗകാലാവധിക്കുള്ളിൽ തന്റെ ഔദ്യോഗിക കർത്തവ്യങ്ങൾക്ക് പുറമെ പ്രതിഫലം പറ്റുന്ന മറ്റേതെങ്കിലും ജോലിയിൽ ഏർപ്പെടുകയോ;

<sup>1</sup> 2006-ലെ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ (ഭേദഗതി) ആക്റ്റ് (2007-ലെ 4-ാം നമ്പർ ആക്റ്റ്)-ന്റെ 2-ാം വകുപ്പുപ്രകാരം പകരം ചേർത്തത്.

(ഗ) പ്രവർത്തിക്കുവാൻ വിസമ്മതിക്കുകയോ പ്രവർത്തിക്കുവാൻ പ്രാപ്തിയില്ലാതായിത്തീരുകയോ;

(ഘ) ചിത്തഭ്രമമുണ്ടായിരിക്കുകയും ക്ഷമതയുള്ള ഒരു കോടതി അപ്രകാരം പ്രഖ്യാപിച്ചതു നിലനിൽക്കുകയോ;

(ങ) അയാൾ ഉദ്യോഗത്തിൽ തുടരുന്നത് പൊതുതാല്പര്യത്തിന് ഹാനികരമാകുംവിധം അയാളുടെ ഉദ്യോഗം അപ്രകാരം ദുരുപയോഗപ്പെടുത്തുകയോ;

(ച) കേന്ദ്ര സർക്കാരിന്റെ അഭിപ്രായത്തിൽ സാമ്പാർശ്വകാധിപത്യം ഉൾപ്പെടുന്ന ഒരു കുറ്റത്തിന് കുറ്റസ്ഥാപനം ചെയ്യപ്പെടുകയും തടവിന് ശിക്ഷിക്കപ്പെടുകയും ചെയ്യുകയോ;

(ഛ) കമ്മീഷനിൽ നിന്നും അനുമതി ലഭിക്കാതെ കമ്മീഷന്റെ തുടർച്ചയായുള്ള മൂന്നു യോഗങ്ങളിൽ ഹാജരാകാതിരിക്കുകയോ

ചെയ്യുകയാണെങ്കിൽ ചെയർപേഴ്സണെയോ അങ്ങനെയുള്ള മറ്റേതെങ്കിലും അംഗത്തെയോ, അതതു സംഗതിപോലെ, ഉത്തരവുവഴി, ഉദ്യോഗത്തിൽ നിന്നും നീക്കം ചെയ്യാവുന്നതാണ്.

(3) ഈ വകുപ്പിൻകീഴിൽ, യാതൊരാളെയും ഇക്കാര്യത്തിൽ അയാൾക്ക് പറയാവാനുള്ളത് ബോധിപ്പിക്കുവാനൊരവസരം നൽകുന്നതുവരെ നീക്കം ചെയ്യുവാൻ പാടുള്ളതല്ല.

8. ചെയർപേഴ്സണോ അംഗമോ ഉദ്യോഗത്തിൽ നിന്നും ഒഴിയുന്നത്.—(1) ചെയർപേഴ്സണോ, അതതു സംഗതിപോലെ, ഒരു അംഗമോ,—

(ക) 7-ാം വകുപ്പിൽ പറഞ്ഞിട്ടുള്ള ഏതെങ്കിലും അയോഗ്യതക്കു വിധേയനായിത്തീരുകയോ;

(ഖ) 5-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പു പ്രകാരം അയാൾ രാജി സമർപ്പിക്കുകയോ ചെയ്യുകയാണെങ്കിൽ, അതിൻമേൽ, അയാളുടെ സ്ഥാനത്ത് ഒഴിവുണ്ടാകുന്നതാണ്.

(2) മരണം, രാജി അല്ലെങ്കിൽ മറ്റുവിധ കാരണങ്ങളാൽ ചെയർപേഴ്സന്റെയോ ഒരു അംഗത്തിന്റെയോ ഔദ്യോഗികസ്ഥാനത്തിൽ യാദൃച്ഛികമായ ഒരു ഒഴിവ് ഉണ്ടാകുന്നപക്ഷം, അങ്ങനെയുള്ള ഒഴിവ് 4-ാം വകുപ്പിലെ വ്യവസ്ഥകൾക്ക് അനുസൃതമായി തൊണ്ണൂറ് ദിവസക്കാലാവധി കൈം പുതിയ നിയമനം നടത്തി നികത്തേണ്ടതും, ആരുടെ സ്ഥാനത്തേക്കാണോ അയാൾ അങ്ങനെ നിയമിതനായത്, ആ ചെയർപേഴ്സണോ അംഗമോ, അതതു സംഗതിപോലെ, ഉദ്യോഗം വഹിക്കുമായിരുന്ന അവശേഷിക്കുന്ന ഉദ്യോഗകാലാവധി വരെ ആ ആൾ ഉദ്യോഗം വഹിക്കേണ്ടതുമാണ്.

9. ഒഴിവുകൾ മുതലായവ കമ്മീഷന്റെ നടപടികളെ അസാധുവാക്കുന്നതല്ലെന്ന്.— കമ്മീഷന്റെ യാതൊരു പ്രവൃത്തിയും നടപടിയും,—

(ക) കമ്മീഷനിലെ ഏതെങ്കിലും ഒഴിവിന്റെയോ അതിന്റെ രൂപവൽക്കരണത്തിലെ ഏതെങ്കിലും ന്യൂനതയുടെയോ;

(ഖ) ഒരാളുടെ ചെയർപേഴ്സണായോ ഒരംഗമായോ ഉള്ള നിയമനത്തിലെ ന്യൂനതയുടെയോ;

(ഗ) കേസിന്റെ ഗുണാഗുണങ്ങളെ ബാധിക്കാത്ത കമ്മീഷന്റെ നടപടിക്രമത്തിലുള്ള ഏതെങ്കിലും ക്രമക്കേടിന്റെയോ,

കാരണത്താൽ മാത്രം അസാധുവാകുന്നതല്ല.

10. ബിസിനസ്സപരമായ ഇടപാടിനുള്ള നടപടിക്രമം.—(1) ചെയർപേഴ്സണ് യുക്തമെന്ന് കരുതുന്ന അങ്ങനെയുള്ള സമയത്ത് കമ്മീഷൻ പതിവായി അതിന്റെ ഓഫീസിൽ യോഗം ചേരേണ്ടതും, എന്നാൽ, അവസാനത്തേതും തൊട്ടടുത്തതുമായ യോഗങ്ങൾ തമ്മിൽ മൂന്നു മാസത്തെ ഇടവേളയുണ്ടാകാൻ പാടില്ലാത്തതുമാണ്.

(2) ഒരു യോഗത്തിലെ എല്ലാ തീരുമാനങ്ങളും ഭൂരിപക്ഷത്താൽ എടുക്കേണ്ടതാണ്.

എന്നാൽ, വോട്ടുകളുടെ തുല്യതയുടെ സംഗതിയിൽ, ചെയർപേഴ്സണോ അയാളുടെ അസാന്നിധ്യത്തിൽ ആധ്യക്ഷ്യം വഹിക്കുന്ന ആൾക്കോ രണ്ടാമത്തെ അല്ലെങ്കിൽ നിർണ്ണായക വോട്ട് ഉണ്ടായിരിക്കുന്നതും അത് പ്രയോഗിക്കേണ്ടതുമാണ്.

(3) ഏതെങ്കിലും കാരണത്താൽ ചെയർപേഴ്സൺ കമ്മീഷന്റെ യോഗത്തിൽ പങ്കെടുക്കുവാൻ സാധിക്കാതെ വന്നാൽ യോഗത്തിൽ ഹാജരായിട്ടുള്ള അംഗങ്ങൾ അവർക്കിടയിൽ നിന്നും തെരഞ്ഞെടുത്ത ഏതെങ്കിലും ഒരംഗം ആധ്യക്ഷ്യം വഹിക്കേണ്ടതാണ്.

(4) കമ്മീഷൻ, ഒരു യോഗത്തിൽ, അങ്ങനെയുള്ള യോഗത്തിന്റെ കോറം ഉൾപ്പെടെ അതിന്റെ ബിസിനസ്സ് നിർവ്വഹണത്തിന്, കേന്ദ്ര സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള നടപടിച്ചട്ടങ്ങൾ പാലിക്കേണ്ടതാണ്.

(5) കമ്മീഷന്റെ എല്ലാ ഉത്തരവുകളും തീരുമാനങ്ങളും മെമ്പർ-സെക്രട്ടറിയോ അല്ലെങ്കിൽ മെമ്പർ-സെക്രട്ടറി ഇതിലേക്കായി യഥാവിധി പ്രാധികാരപ്പെടുത്തിയ കമ്മീഷന്റെ മറ്റേതെങ്കിലും ഉദ്യോഗസ്ഥനോ പ്രമാണീകരിക്കേണ്ടതാണ്.

11. കമ്മീഷന്റെ മെമ്പർ-സെക്രട്ടറിയും ഉദ്യോഗസ്ഥരും മറ്റ് ജീവനക്കാരും.—(1) ഭാരത സർക്കാരിന്റെ ജോയിന്റ് സെക്രട്ടറിയുടെയോ അഡീഷണൽ സെക്രട്ടറിയുടെയോ പദവിയിൽ താഴെയല്ലാത്ത ഒരു ഉദ്യോഗസ്ഥനെ കമ്മീഷന്റെ മെമ്പർ-സെക്രട്ടറിയായി, കേന്ദ്ര സർക്കാർ, വിജ്ഞാപനംവഴി, നിയമിക്കേണ്ടതും കമ്മീഷന്റെ ചുമതലകളുടെ കാര്യക്ഷമമായ നിർവ്വഹണത്തിന് ആവശ്യമായേക്കാവുന്ന അങ്ങനെയുള്ള മറ്റ് ഉദ്യോഗസ്ഥരെയും ജീവനക്കാരെയും അതിന് ലഭ്യമാക്കേണ്ടതുമാണ്.

(2) കമ്മീഷന്റെ കാര്യങ്ങളുടെ ഉചിതമായ നടത്തിപ്പിനും അതിന്റെ ദൈനംദിന പ്രവർത്തനത്തിനും മെമ്പർ-സെക്രട്ടറി ഉത്തരവാദിയായിരിക്കുന്നതും കേന്ദ്ര സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള മറ്റ് അധികാരങ്ങൾ പ്രയോഗിക്കേണ്ടതും നിറവേറ്റേണ്ടതും അങ്ങനെയുള്ള മറ്റ് കർത്തവ്യങ്ങൾ നിർവ്വഹിക്കേണ്ടതുമാണ്.

(3) കമ്മീഷന്റെ ആവശ്യത്തിനുവേണ്ടി നിയമിക്കപ്പെട്ട മെമ്പർ-സെക്രട്ടറിനും മറ്റ് ഉദ്യോഗസ്ഥർക്കും ജീവനക്കാർക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും മറ്റു സേവന നിബന്ധനകളും ഉപാധികളും കേന്ദ്രസർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന പ്രകാരമായിരിക്കേണ്ടതാണ്.

12. ശമ്പളവും ബത്തകളും ഗ്രാന്റിൽ നിന്നും നൽകണമെന്ന്.—ചെയർപേഴ്സണും അംഗങ്ങൾക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും, 11-ാം വകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള മെമ്പർ-സെക്രട്ടറിനും മറ്റ് ഉദ്യോഗസ്ഥർക്കും ജീവനക്കാർക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും പെൻഷനും ഉൾപ്പെടെയുള്ള ഭരണപരമായ ചെലവുകളും, 27-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള ഗ്രാന്റിൽ നിന്നും നൽകേണ്ടതാണ്.

### അദ്ധ്യായം III

#### കമ്മീഷന്റെ ചുമതലകളും അധികാരങ്ങളും

13. കമ്മീഷന്റെ ചുമതലകൾ.—(1) കമ്മീഷൻ താഴെ പറയുന്ന എല്ലാമോ, ഏതെങ്കിലുമോ ചുമതലകൾ നിർവ്വഹിക്കേണ്ടതാണ്, അതായത്:—

(ക) ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടി തത്സമയം പ്രാബല്യത്തിലിരിക്കുന്ന ഏതെങ്കിലും നിയമത്തിലോ അതിൻകീഴിലോ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള സുരക്ഷാ ഏർപ്പാടുകൾ പരിശോധിക്കുകയും പുനഃപരിശോധിക്കുകയും അവ ഫലപ്രദമായി നടപ്പിലാക്കുന്നതിനാവശ്യമായ മാർഗ്ഗങ്ങൾ ശുപാർശ ചെയ്യുകയും ചെയ്യുക;

(ഖ) കമ്മീഷന് യുക്തമെന്ന് കരുതുന്നപക്ഷം, വാർഷികമായും അങ്ങനെയുള്ള ഇടവേളകളിലും അത്തരം സുരക്ഷാ ഏർപ്പാടുകളുടെ പ്രവർത്തനത്തിന്മേലുള്ള റിപ്പോർട്ടുകൾ കേന്ദ്ര സർക്കാരിന് ഹാജരാക്കുകയും ചെയ്യുക;

(ഗ) ബാലാവകാശ ലംഘനത്തിന്റെ അന്വേഷണവിചാരണ ചെയ്യുകയും അങ്ങനെയുള്ള കേസുകളിൽ നടപടികൾ തുടങ്ങുന്നതിന് ശുപാർശ ചെയ്യുകയും ചെയ്യുക;

(ഘ) ഭീകരപ്രവർത്തനം, വർഗ്ഗീയ കലാപം, ലഹള, പ്രകൃതിദുരന്തം, ഗാർഹിക ഹിംസ, എച്ച്. ഐ. വി./എയ്ഡ്സ്, അവിഹിത വാണിജ്യം, പീഡനം, ഭേദംചെയ്യലും ചൂഷണവും, അശ്ലീല സാഹിത്യം, വ്യഭിചാരം എന്നിവയാൽ ബാധിക്കപ്പെട്ട കുട്ടികളുടെ അവകാശങ്ങൾ അനുഭവിക്കുന്നത് നിഷേധിക്കുന്ന എല്ലാ ഘടകങ്ങളേയും പരിശോധിക്കുകയും ഉചിതമായ പരിഹാരമാർഗ്ഗങ്ങൾ ശുപാർശ ചെയ്യുകയും ചെയ്യുക;

(ങ) ദുരിതമനുഭവിക്കുന്ന കുട്ടികളും പാർശ്വവൽക്കരിക്കപ്പെട്ടതും പ്രതികൂലാവസ്ഥയിലുള്ള തുമായ കുട്ടികളും നിയമനിഷേധികളായ കുട്ടികളും പക്ഷതയില്ലാത്ത കുട്ടികളും കുടുംബമില്ലാത്ത കുട്ടികളും തടവുകാരുടെ കുട്ടികളും ഉൾപ്പെടെ പ്രത്യേക ശ്രദ്ധയും പരിരക്ഷയും ആവശ്യമുള്ള കുട്ടികളെ സംബന്ധിച്ച സംഗതികൾ കണക്കിലെടുക്കുകയും ഉചിതമായ പരിഹാരമാർഗ്ഗങ്ങൾ ശുപാർശ ചെയ്യുകയും ചെയ്യുക;

(ച) സമാധാന ഉടമ്പടികളും മറ്റ് അന്താരാഷ്ട്ര രേഖകളും പഠിക്കുകയും ബാലാവകാശങ്ങളിന്മേൽ നിലവിലുള്ള നയങ്ങളുടെയും കാര്യപരിപാടികളുടെയും മറ്റ് പ്രവർത്തനങ്ങളുടെയും ആനുകാലിക പുനഃപരിശോധന ഏറ്റെടുക്കുകയും കുട്ടികളുടെ ഉത്തമതാല്പര്യത്തിനായി അവയുടെ ഫലപ്രദമായ നടപ്പാക്കലിനുവേണ്ട ശുപാർശകൾ നടത്തുകയും ചെയ്യുക;

(ഛ) ബാലാവകാശ മേഖലയിൽ ഗവേഷണം നടത്തുകയും പ്രോത്സാഹിപ്പിക്കുകയും ചെയ്യുക;

(ജ) സമൂഹത്തിന്റെ വിവിധ വിഭാഗങ്ങൾക്കിടയിൽ ബാലാവകാശ സാക്ഷരത പ്രചരിപ്പിക്കുകയും പ്രസിദ്ധീകരണങ്ങൾ, മാധ്യമങ്ങൾ, സെമിനാറുകൾ, മറ്റ് ലഭ്യമായ മാർഗ്ഗങ്ങൾ എന്നിവയിലൂടെയും ഈ അവകാശങ്ങളുടെ സംരക്ഷണത്തിന് ലഭ്യമായിട്ടുള്ള സുരക്ഷാ ഏർപ്പാടുകളുടെ അവബോധം പ്രോത്സാഹിപ്പിക്കുകയും ചെയ്യുക;

(ട) സാമൂഹിക സംഘടനകൾ നടത്തുന്ന സ്ഥാപനങ്ങൾ ഉൾപ്പെടെയുള്ള ചികിത്സയുടെയോ പരിവർത്തനത്തിന്റെയോ സംരക്ഷണത്തിന്റെയോ ആവശ്യങ്ങൾക്കുവേണ്ടി കുട്ടികളെ തടങ്കലിൽ വയ്ക്കുകയോ പാർപ്പിക്കുകയോ ചെയ്യുന്ന കേന്ദ്ര സർക്കാരിന്റെയോ ഏതെങ്കിലും സംസ്ഥാന സർക്കാരിന്റെയോ അല്ലെങ്കിൽ മറ്റേതെങ്കിലും അധികാരസ്ഥാനത്തിന്റെയോ നിയന്ത്രണത്തിന് കീഴിലുള്ള ഏതെങ്കിലും ബാലസംരക്ഷണ മന്ദിരമോ മറ്റ് താമസസ്ഥലമോ, കുട്ടികൾക്ക് വേണ്ടിയുള്ള സ്ഥാപനമോ പരിശോധിക്കുകയോ പരിശോധിപ്പിക്കുകയോ ആവശ്യമെന്ന് കാണുന്നപക്ഷം, ഈ അധികാരസ്ഥാപനങ്ങളുമായിച്ചേർന്ന് പരിഹാരനടപടി എടുക്കുകയും ചെയ്യുക;

(ഠ) (i) ബാലാവകാശങ്ങൾ നിഷേധിക്കലും ലംഘനവും;

(ii) കുട്ടികളുടെ സംരക്ഷണത്തിനും അഭിവൃദ്ധിക്കും വേണ്ടി വ്യവസ്ഥ ചെയ്യുന്ന നിയമങ്ങൾ നടപ്പിലാക്കാതിരിക്കലും;

(iii) കുട്ടികളുടെ കഷ്ടപ്പാടുകൾ ലഘൂകരിക്കുന്നതിന് ലക്ഷ്യമിട്ട നയപരമായ തീരുമാനങ്ങളോ മാർഗ്ഗനിർദ്ദേശക രേഖകളോ നിർദ്ദേശങ്ങളോ നടപ്പിലാക്കാതിരിക്കലും കുട്ടികളുടെ ക്ഷേമം ഉറപ്പുവരുത്തുകയും അങ്ങനെയുള്ള കുട്ടികൾക്ക് ആശ്വാസം നൽകലും,

എന്നീ സംഗതികൾ സംബന്ധിച്ച പരാതികളിൽ അന്വേഷണവിചാരണ നടത്തുകയും സ്വമേധയാ പരിഗണനയ്ക്കെടുക്കുകയും,

അല്ലെങ്കിൽ അങ്ങനെയുള്ള സംഗതികളിൽ നിന്നും ഉരുട്ടലിനെ വിവാദ വിഷയങ്ങൾ സമുചിത അധികാരസ്ഥാനങ്ങളുമായിച്ചേർന്ന് പരിഗണനയ്ക്കെടുക്കുകയും ചെയ്യുക;

(ട) ബാലാവകാശങ്ങളുടെ പ്രോത്സാഹനത്തിന് ആവശ്യമെന്ന് അതിന് പരിഗണിക്കാവുന്ന അങ്ങനെയുള്ള മറ്റ് ചുമതലകളും മേൽപ്പറഞ്ഞ ചുമതലകൾക്ക് ആനുഷംഗികമായ മറ്റേതെങ്കിലും സംഗതികളും ചെയ്യുക.

(2) തത്സമയം പ്രാബല്യത്തിലിരിക്കുന്ന ഏതെങ്കിലും നിയമത്തിൻകീഴിൽ യഥാവിധി രൂപവൽക്കരിച്ച ഒരു സംസ്ഥാന കമ്മീഷന്റെയോ മറ്റേതെങ്കിലും കമ്മീഷന്റെയോ മുമ്പാകെ നടന്നു കൊണ്ടിരിക്കുന്ന ഏതെങ്കിലും സംഗതികളിൽ കമ്മീഷൻ അന്വേഷണവിചാരണ നടത്താൻ പാടുള്ളതല്ല.

14. അന്വേഷണവിചാരണകൾ സംബന്ധിച്ച അധികാരങ്ങൾ.—(1) കമ്മീഷൻ 13-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് (ബി) ഖണ്ഡത്തിൽ പരാമർശിക്കപ്പെട്ട ഏതെങ്കിലും സംഗതികളിൽ അന്വേഷണ വിചാരണ നടത്തുമ്പോൾ 1908-ലെ സിവിൽ നടപടി നിയമസംഹിത (1908-ലെ 5)യുടെ കീഴിൽ ഒരു വ്യവഹാരം വിചാരണ ചെയ്യുന്ന ഒരു സിവിൽ കോടതിക്കുള്ള എല്ലാ അധികാരങ്ങളും, പ്രത്യേകിച്ച്, താഴെ പറയുന്ന സംഗതികൾ സംബന്ധിച്ച് ഉണ്ടായിരിക്കുന്നതാണ്, അതായത്:—

(ക) ഏതൊരാളെയും വിളിച്ചുവരുത്തുകയും നിർബന്ധപൂർവ്വം ഹാജരാക്കുകയും, ശപഥത്തിന്മേൽ അയാളെ വിസ്തരിക്കുകയും ചെയ്യുക;

(ഖ) ഏതെങ്കിലും രേഖ വെളിപ്പെടുത്തുകയും ഹാജരാക്കുകയും ചെയ്യുക;

(ഗ) സത്യവാങ്മൂലത്തിന്മേൽ തെളിവ് സ്വീകരിക്കുക;

(ഘ) ഏതെങ്കിലും കോടതിയിൽനിന്നോ ആഫീസിൽനിന്നോ ഏതെങ്കിലും പൊതുരേഖയോ അതിന്റെ പകർപ്പോ ആവശ്യപ്പെടുക;

(ങ) സാക്ഷികളെ വിസ്തരിക്കുന്നതിനോ പ്രമാണങ്ങൾ പരിശോധിക്കുന്നതിനോ കമ്മീഷനുകളെ നിയമിക്കുകയും ചെയ്യുക;

(2) ഏത് കേസും അത് വിചാരണ ചെയ്യാൻ അധികാരമുള്ള ഒരു മജിസ്ട്രേറ്റിന് അയച്ചു കൊടുക്കുവാനുള്ള അധികാരം കമ്മീഷനുണ്ടായിരിക്കുന്നതും ഏത് മജിസ്ട്രേറ്റിനാണോ അങ്ങനെയുള്ള ഏതെങ്കിലും കേസ് അയച്ചുകൊടുത്തിട്ടുള്ളത്, ആ മജിസ്ട്രേറ്റ് കുറ്റാരോപണം ചെയ്യപ്പെട്ട ആൾക്കെതിരെയുള്ള പരാതി, ആ കേസ്, 1973-ലെ ക്രിമിനൽ നടപടി നിയമസംഹിത (1974-ലെ 2) യിലെ 346-ാം വകുപ്പിൻകീഴിൽ തനിക്ക് അയച്ചിട്ടുള്ളതായിരുന്നാലെന്നപോലെ വിസ്താരം നടത്തേണ്ടതുമാണ്.

15. അന്വേഷണവിചാരണയ്ക്കുശേഷമുള്ള നടപടികൾ.—ഈ ആക്റ്റിൻകീഴിൽ നടത്തപ്പെട്ട അന്വേഷണവിചാരണ പൂർത്തിയാക്കിയശേഷം താഴെ പറയുന്ന ഏതെങ്കിലും നടപടികൾ കമ്മീഷൻ എടുക്കാവുന്നതാണ്, അതായത്:—

(i) ബാലാവകാശത്തിന്മേൽ ഒരു ഗൗരവപരമായ ലംഘനമോ തത്സമയം പ്രാബല്യത്തിലിരിക്കുന്ന ഏതെങ്കിലും നിയമത്തിലെ വ്യവസ്ഥകളുടെ ലംഘനമോ നടന്നതായി അന്വേഷണ വിചാരണയിൽ വെളിപ്പെടുത്തിയത്, ബന്ധപ്പെട്ട ആളിനോ ആളുകൾക്കോ എതിരായി പ്രോസിക്യൂഷൻ നടപടികളോ കമ്മീഷൻ ഉചിതമെന്ന് തോന്നുന്ന അങ്ങനെയുള്ള മറ്റു നടപടിയോ ആരംഭിക്കുവാൻ ബന്ധപ്പെട്ട സർക്കാരിനോടോ അധികാരസ്ഥാനത്തിനോടോ ശുപാർശ ചെയ്യുക;

(ii) കോടതിക്ക് ഉചിതമെന്ന് കരുതാവുന്ന അങ്ങനെയുള്ള നിർദ്ദേശങ്ങൾക്കോ ഉത്തരവുകൾക്കോ റിട്ടുകൾക്കോ വേണ്ടി സുപ്രീംകോടതിയെയോ ബന്ധപ്പെട്ട ഹൈക്കോടതിയെയോ സമീപിക്കുക;

(iii) കമ്മീഷൻ ആവശ്യമെന്ന് കരുതാവുന്ന അങ്ങനെയുള്ള ഇടക്കാല ആശ്വാസം പീഡിതനോ അയാളുടെ കുടുംബാംഗങ്ങൾക്കോ നൽകുന്നതിനായി ബന്ധപ്പെട്ട സർക്കാരിനോടോ, അധികാരസ്ഥാനത്തിനോടോ ശുപാർശ ചെയ്യുക.

16. കമ്മീഷന്റെ വാർഷികവും പ്രത്യേകവുമായ റിപ്പോർട്ടുകൾ.—(1) കമ്മീഷൻ, കേന്ദ്ര സർക്കാരിനും ബന്ധപ്പെട്ട സംസ്ഥാന സർക്കാരിനും ഒരു വാർഷിക റിപ്പോർട്ട് സമർപ്പിക്കേണ്ടതും, അതിന്റെ അഭിപ്രായത്തിൽ വാർഷിക റിപ്പോർട്ട് സമർപ്പിക്കുന്നതുവരെ 'നീട്ടിവയ്ക്കുവാൻ പാടില്ലാത്ത അങ്ങനെയുള്ള അത്യാവശ്യമോ പ്രാധാന്യമോ ഉള്ള ഏതൊരു സംഗതിയിലും എപ്പോൾ വേണമെങ്കിലും പ്രത്യേക റിപ്പോർട്ടുകൾ സമർപ്പിക്കാവുന്നതുമാണ്.

(2) കമ്മീഷന്റെ ശുപാർശകളിൽമേലെടുത്തതോ എടുക്കുവാൻ ഉദ്ദേശിക്കുന്നതോ ആയ നടപടിയുടെയും സ്വീകരിക്കാത്ത ശുപാർശകൾ ഏതെങ്കിലുമുണ്ടെങ്കിൽ, അതിന്റെ കാരണങ്ങളുടെയും ഒരു വിവരക്കുറിപ്പോടുകൂടി കമ്മീഷന്റെ വാർഷികവും പ്രത്യേകവുമായ റിപ്പോർട്ടുകൾ, അതതു സംഗതിപോലെ, പാർലമെന്റിന്റെ ഓരോ സഭയിലും അല്ലെങ്കിൽ സംസ്ഥാന നിയമസഭയുടെ മുമ്പാകെ യഥാക്രമം കേന്ദ്രസർക്കാരും ബന്ധപ്പെട്ട സംസ്ഥാന സർക്കാരും, അതതു സംഗതിപോലെ, അത്തരം റിപ്പോർട്ടുകൾ ലഭിച്ച തീയതി മുതൽ ഒരു വർഷത്തിനകം വയ്പിക്കേണ്ടതാണ്.

(3) കേന്ദ്ര സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ഫാറത്തിലും മാതൃകയിലും അങ്ങനെയുള്ള വിശദവിവരങ്ങൾ ഉൾപ്പെടുത്തിയും വാർഷിക റിപ്പോർട്ട് തയ്യാറാക്കേണ്ടതാണ്.

#### അദ്ധ്യായം IV

#### **ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷനുകൾ**

17. ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള സംസ്ഥാന കമ്മീഷന്റെ രൂപവൽക്കരണം.—(1) ഈ അദ്ധ്യായത്തിൻകീഴിൽ ഒരു സംസ്ഥാന കമ്മീഷൻ നൽകിയിട്ടുള്ള അധികാരങ്ങൾ വിനിയോഗിക്കുന്നതിനും ഏല്പിച്ചിട്ടുള്ള ചുമതലകൾ നിർവഹിക്കുന്നതിനുമായി ബാലാവകാശ സംരക്ഷണത്തിനുവേണ്ടിയുള്ള..... (സംസ്ഥാനത്തിന്റെ പേര്) കമ്മീഷൻ എന്നറിയപ്പെടുന്ന ഒരു നിയമം ഒരു സംസ്ഥാന സർക്കാരിന് രൂപവൽക്കരിക്കാവുന്നതാണ്.

(2) സംസ്ഥാന കമ്മീഷനിൽ താഴെപ്പറയുന്ന അംഗങ്ങൾ ഉണ്ടായിരിക്കേണ്ടതാണ്, അതായത്:—

(ക) കുട്ടികളുടെ ക്ഷേമം അഭിവൃദ്ധിപ്പെടുത്തുന്നതിനുവേണ്ടി ശ്രദ്ധേയമായ പ്രവർത്തനം നടത്തിയിട്ടുള്ളതും ശ്രേഷ്ഠനായതുമായ ഒരാൾ ചെയർപേഴ്സണും;

(ഖ) താഴെപ്പറയുന്ന മേഖലകളിൽ ശ്രേഷ്ഠതയും കഴിവും സ്വഭാവദാർഢ്യവും പദവിയും അനുഭവജ്ഞാനവുമുള്ള വ്യക്തികളിൽനിന്നും സംസ്ഥാന സർക്കാർ ആറ് അംഗങ്ങളെ നിയമിക്കേണ്ടതും അതിൽ കുറഞ്ഞത് രണ്ടു പേരെങ്കിലും വനിതകളായിരിക്കേണ്ടതുമാണ്,—

- (i) വിദ്യാഭ്യാസവും;
- (ii) ശിശു ആരോഗ്യം, പരിരക്ഷ, ശിശുക്ഷേമം അല്ലെങ്കിൽ വികസനവും;
- (iii) അവഗണിക്കപ്പെട്ടതോ പാർശ്വവൽക്കരിക്കപ്പെട്ടതോ ആയ കുട്ടികളുടെയോ വൈകല്യങ്ങൾ ഉള്ള കുട്ടികളുടെയോ ബാലനീതി അല്ലെങ്കിൽ പരിരക്ഷയും;
- (iv) ബാലവേലയുടെയോ കുട്ടികളുടെ ദുരിതത്തിന്റെയോ ദുരീകരണവും;
- (v) ശിശു മനുഷ്യാസ്ത്രം അല്ലെങ്കിൽ സാമൂഹിക ശാസ്ത്രവും;
- (vi) കുട്ടികളെ സംബന്ധിക്കുന്ന നിയമങ്ങളും.

(3) സംസ്ഥാന കമ്മീഷന്റെ ആസ്ഥാനം, സംസ്ഥാന സർക്കാർ, വിജ്ഞാപനം വഴി, വിനിർദ്ദേശിക്കാവുന്ന അങ്ങനെയുള്ള സ്ഥലത്തായിരിക്കേണ്ടതാണ്.

18. ചെയർപേഴ്സന്റെയും മറ്റംഗങ്ങളുടെയും നിയമനം.—സംസ്ഥാന സർക്കാർ, വിജ്ഞാപനംവഴി, ചെയർപേഴ്സണെയും മറ്റംഗങ്ങളെയും നിയമിക്കേണ്ടതാണ്:

എന്നാൽ, കുട്ടികളുടെ വകുപ്പിന്റെ ചുമതല കൈകാര്യം ചെയ്യുന്ന മന്ത്രിയുടെ അധ്യക്ഷതയിൽ സംസ്ഥാന സർക്കാർ രൂപവൽക്കരിച്ച മൂന്നംഗ തെരഞ്ഞെടുപ്പ് സമിതിയുടെ ശുപാർശയിന്മേൽ ചെയർപേഴ്സണെ നിയമിക്കേണ്ടതാണ്.

19. ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും ഔദ്യോഗിക കാലാവധിയും സേവന വ്യവസ്ഥകളും.—(1) ചെയർപേഴ്സണും ഓരോ അംഗവും അയാൾ ഉദ്യോഗത്തിൽ പ്രവേശിച്ച തീയതി മുതൽ മൂന്നു വർഷക്കാലത്തേക്ക് ആ നിലയിൽ ഉദ്യോഗം വഹിക്കേണ്ടതാണ്.

എന്നാൽ ചെയർപേഴ്സണോ ഒരംഗമോ രണ്ട് തവണയിൽ കൂടുതൽ ഉദ്യോഗം വഹിക്കാൻ പാടുള്ളതല്ല.

എന്നുമാത്രമല്ല ചെയർപേഴ്സണോ മറ്റേതെങ്കിലും അംഗമോ, അയാൾക്ക്—

(ക) ചെയർപേഴ്സന്റെ സംഗതിയിൽ, അറുപത്തിയഞ്ച് വയസ്സും;

(ഖ) ഒരംഗത്തിന്റെ സംഗതിയിൽ അറുപത് വയസ്സും,

തികഞ്ഞതിനുശേഷം ആ നിലയിൽ ഉദ്യോഗം വഹിക്കാൻ പാടുള്ളതല്ല.

(2) ചെയർപേഴ്സണോ ഒരംഗത്തിനോ ഏതു സമയത്തും സംസ്ഥാന സർക്കാരിനെ സംബന്ധന ചെയ്തുകൊണ്ട് സ്വന്തം കൈപ്പടയിൽ എഴുതി ഉദ്യോഗത്തിൽനിന്നും രാജിവയ്ക്കാവുന്നതാണ്.

20. ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും ശമ്പളവും ബത്തകളും.—ചെയർപേഴ്സണും അംഗങ്ങൾക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും സേവനത്തിന്റെ മറ്റ് നിബന്ധനകളും ഉപാധികളും സംസ്ഥാന സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള പ്രകാരമായിരിക്കേണ്ടതാണ്.

എന്നാൽ, ചെയർപേഴ്സന്റെയോ ഒരംഗത്തിന്റെയോ ശമ്പളവും ബത്തകളും അതുമല്ലെങ്കിൽ മറ്റ് സേവന നിബന്ധനകളും ഉപാധികളും, അതതു സംഗതിപോലെ, അയാളുടെ നിയമനത്തിനുശേഷം അയാൾക്ക് ഗുണകരമല്ലാത്ത വിധത്തിൽ മാറ്റുവാൻ പാടുള്ളതല്ല.

21. സംസ്ഥാന കമ്മീഷന്റെ സെക്രട്ടറിയും ഉദ്യോഗസ്ഥരും മറ്റ് ജീവനക്കാരും.—

(1) സംസ്ഥാന സർക്കാരിന്റെ സെക്രട്ടറിയുടെ പദവിയിൽ താഴെയാണുള്ള ഒരു ഉദ്യോഗസ്ഥനെ കമ്മീഷന്റെ സെക്രട്ടറിയായി സംസ്ഥാന സർക്കാർ, വിജ്ഞാപനംവഴി, നിയമിക്കേണ്ടതും, സംസ്ഥാന കമ്മീഷന്റെ ചുമതലകളുടെ കാര്യക്ഷമമായ നിർവ്വഹണത്തിന് ആവശ്യമായേക്കാവുന്ന അങ്ങനെയുള്ള മറ്റ് ഉദ്യോഗസ്ഥരെയും ജീവനക്കാരെയും അതിന് ലഭ്യമാക്കേണ്ടതുമാണ്.

(2) സംസ്ഥാന കമ്മീഷന്റെ കാര്യങ്ങളുടെ ഉചിതമായ നടത്തിപ്പിനും അതിന്റെ ദൈനംദിന പ്രവർത്തനത്തിനും സെക്രട്ടറി ഉത്തരവാദിയായിരിക്കുന്നതും സംസ്ഥാന സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള മറ്റ് അധികാരങ്ങൾ വിനിയോഗിക്കേണ്ടതും നിറവേറ്റേണ്ടതും അങ്ങനെയുള്ള മറ്റ് കർത്തവ്യങ്ങൾ നിർവ്വഹിക്കേണ്ടതുമാണ്.

(3) സംസ്ഥാന കമ്മീഷന്റെ ആവശ്യത്തിനുവേണ്ടി നിയമിക്കപ്പെട്ട സെക്രട്ടറിക്കും മറ്റ് ഉദ്യോഗസ്ഥർക്കും ജീവനക്കാർക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും മറ്റ് സേവനവ്യവസ്ഥകളും നിബന്ധനകളും സംസ്ഥാന സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന പ്രകാരമായിരിക്കേണ്ടതാണ്.

22. ശമ്പളവും ബത്തകളും ഗ്രാന്റിൽനിന്നും നൽകണമെന്ന്.—ചെയർപേഴ്സണും അംഗങ്ങൾക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും 21-ാം വകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള സെക്രട്ടറിക്കും മറ്റ് ഉദ്യോഗസ്ഥർക്കും ജീവനക്കാർക്കും നൽകേണ്ട ശമ്പളവും ബത്തകളും പെൻഷനും ഉൾപ്പെടെയുള്ള ഭരണപരമായ ചെലവുകളും 28-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള ഗ്രാന്റിൽനിന്നും നൽകേണ്ടതാണ്.

23. സംസ്ഥാന കമ്മീഷന്റെ വാർഷികവും പ്രത്യേകവുമായ റിപ്പോർട്ടുകൾ.—(1) സംസ്ഥാന കമ്മീഷൻ, സംസ്ഥാന സർക്കാരിന് ഒരു വാർഷിക റിപ്പോർട്ട് സമർപ്പിക്കേണ്ടതും അതിന്റെ അടിപ്രായത്തിൽ വാർഷിക റിപ്പോർട്ട് സമർപ്പിക്കുന്നതുവരെ നീട്ടിവയ്ക്കാൻ പാടില്ലാത്ത അങ്ങനെയുള്ള അത്യാവശ്യമോ പ്രാധാന്യമോ ഉള്ള ഏതൊരു സംഗതിയിലും എപ്പോൾ വേണമെങ്കിലും പ്രത്യേക റിപ്പോർട്ടുകൾ സമർപ്പിക്കാവുന്നതുമാണ്.

(2) സംസ്ഥാന സർക്കാർ, (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള എല്ലാ റിപ്പോർട്ടുകളും സംസ്ഥാനത്തെ സംബന്ധിക്കുന്ന ശിപാർശകളിന്മേൽ എടുത്തതോ എടുക്കുവാൻ ഉദ്ദേശിക്കുന്നതോ ആയ നടപടിയും സ്വീകരിക്കാത്ത അങ്ങനെയുള്ള ശിപാർശകൾ ഏതെങ്കിലും ഉണ്ടെങ്കിൽ അവയുടെ കാരണങ്ങളും വിവരിച്ചുകൊണ്ടുള്ള ഒരു വിവരക്കുറിപ്പോടുകൂടി സംസ്ഥാന നിയമസഭ രണ്ടു സഭയോടുകൂടിയതാണെങ്കിൽ ഓരോ സഭയുടെ മുമ്പാകെയും ഒരു സഭ മാത്രം ഉള്ളിടത്ത് ആ സഭയുടെ മുമ്പാകെയും വയ്പിക്കേണ്ടതാണ്.

(3) സംസ്ഥാന സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ഫാറത്തിലും മാതൃകയിലും അങ്ങനെയുള്ള വിശദവിവരങ്ങൾ ഉൾപ്പെടുത്തിയും വാർഷിക റിപ്പോർട്ട് തയ്യാറാക്കേണ്ടതാണ്.

24. ബാലാവകാശ സംരക്ഷണത്തിനുവേണ്ടിയുള്ള ദേശീയ കമ്മീഷനെ സംബന്ധിച്ച ചില വ്യവസ്ഥകൾ സംസ്ഥാന കമ്മീഷൻ ബാധകമാണെന്ന്.—7-ഉം 8-ഉം 9-ഉം 10-ഉം വകുപ്പുകളിലെയും 13-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലേയും 14-ഉം 15-ഉം വകുപ്പുകളിലെയും വ്യവസ്ഥകൾ സംസ്ഥാന കമ്മീഷൻ ബാധകമായിരിക്കുന്നതും താഴെ പറയുന്ന രൂപഭേദങ്ങൾക്ക് വിധേയമായി പ്രാബല്യം ഉണ്ടായിരിക്കുന്നതുമാണ്, അതായത്:—

(ക) “കമ്മീഷൻ” എന്ന പരാമർശങ്ങൾക്ക് “സംസ്ഥാന കമ്മീഷൻ” എന്ന പരാമർശങ്ങളായി അർത്ഥം കൽപ്പിക്കേണ്ടതാണ്;

(ഖ) “കേന്ദ്രസർക്കാർ” എന്ന പരാമർശങ്ങൾക്ക് “സംസ്ഥാന സർക്കാർ” എന്ന പരാമർശങ്ങളായി അർത്ഥം കൽപ്പിക്കേണ്ടതാണ്;

(ഗ) “മെമ്പർ-സെക്രട്ടറി” എന്ന പരാമർശങ്ങൾക്ക് “സെക്രട്ടറി” എന്ന പരാമർശങ്ങളായി അർത്ഥം കൽപ്പിക്കേണ്ടതാണ്.

#### അദ്ധ്യായം V

#### **കുട്ടികളുടെ കോടതികൾ**

25. കുട്ടികളുടെ കോടതികൾ.—(1) കുട്ടികൾക്കെതിരെയുള്ള കുറ്റകൃത്യങ്ങളുടെയോ ബാലാവകാശ ലംഘനത്തിന്റെയോ സത്വര വിചാരണ ഏർപ്പെടുത്തുന്നതിന് സംസ്ഥാന സർക്കാരിന് ഹൈക്കോടതി ചീഫ് ജസ്റ്റീസിന്റെ അഭിപ്രായ ഐക്യത്തോടുകൂടി, വിജ്ഞാപനംവഴി, സംസ്ഥാനത്തെ ഒരു കോടതിയെ എങ്കിലും അല്ലെങ്കിൽ ഓരോ ജില്ലക്കും വേണ്ടി ഒരു സെഷൻസ് കോടതിയെ കുട്ടികളുടെ ഒരു കോടതിയായി പ്രസ്തുത കുറ്റകൃത്യങ്ങൾ വിചാരണ ചെയ്യുന്നതിനായി വിനിർദ്ദേശിക്കാവുന്നതാണ്.

എന്നാൽ, ഈ വകുപ്പിലെ യാതൊന്നും, തത്സമയം പ്രാബല്യത്തിലുള്ള മറ്റേതെങ്കിലും നിയമത്തിൻകീഴിൽ അങ്ങനെയുള്ള കുറ്റങ്ങൾക്കുവേണ്ടി,—

(ക) ഒരു സെഷൻസ് കോടതിയെ ഒരു സ്പെഷ്യൽ കോടതിയായി മുമ്പേതന്നെ വിനിർദ്ദേശിച്ചിട്ടുണ്ടെങ്കിലോ; അല്ലെങ്കിൽ

(ഖ) ഒരു സ്പെഷ്യൽ കോടതി മുമ്പേതന്നെ രൂപവൽക്കരിച്ചിട്ടുണ്ടെങ്കിലോ, ബാധകമാകുന്നതല്ല.

26. സ്പെഷ്യൽ പബ്ലിക് പ്രോസിക്യൂട്ടർ.—സംസ്ഥാന സർക്കാരിന്, വിജ്ഞാപനംവഴി, കുട്ടികളുടെ ഓരോ കോടതിക്കും ഒരു പബ്ലിക് പ്രോസിക്യൂട്ടറെ വിനിർദ്ദേശിക്കുകയോ അല്ലെങ്കിൽ ഏഴു വർഷത്തിൽ കുറയാതെ അഡ്വക്കേറ്റായി പ്രാക്ടീസുള്ള ഒരു അഡ്വക്കേറ്റിനെ ആ കോടതിയിൽ കേസുകൾ നടത്തുന്ന ആവശ്യത്തിലേക്കായി ഒരു സ്പെഷ്യൽ പബ്ലിക് പ്രോസിക്യൂട്ടറായി നിയമിക്കുകയോ ചെയ്യേണ്ടതാണ്.



## അദ്ധ്യായം VI

## ധനകാര്യവും, അക്കൗണ്ടുകളും ആഡിറ്റും

27. കേന്ദ്രസർക്കാരിനാലുള്ള ഗ്രാന്റുകൾ.—(1) പാർലമെന്റ് നിയമം മുഖേന ഇതിലേക്കായി നടത്തിയ മുറപ്രകാരമുള്ള ധനവിനിയോഗത്തിന് ശേഷം, ഈ ആക്റ്റിന്റെ ആവശ്യങ്ങൾക്കായി ഉപയോഗിക്കുന്നതിന് ഉചിതമെന്ന് കേന്ദ്രസർക്കാരിന് കരുതാവുന്ന അങ്ങനെയുള്ള പണത്തുകകൾ ഗ്രാന്റായി കമ്മീഷൻ കേന്ദ്രസർക്കാർ നൽകേണ്ടതാണ്.

(2) കമ്മീഷൻ ഈ ആക്റ്റിൻകീഴിലുള്ള ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് യുക്തമെന്ന് അത് കരുതുന്ന തുകകൾ ചെലവാക്കാവുന്നതും അങ്ങനെയുള്ള തുകകൾ (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള ഗ്രാന്റിൽനിന്നും കൊടുക്കാവുന്ന വ്യയമായി കരുതപ്പെടേണ്ടതുമാണ്.

28. സംസ്ഥാന സർക്കാരിനാലുള്ള ഗ്രാന്റുകൾ.—(1) നിയമസഭ നിയമം മുഖേന ഇതിലേക്കായി നടത്തിയ മുറപ്രകാരമുള്ള ധനവിനിയോഗത്തിന് ശേഷം, ഈ ആക്റ്റിന്റെ ആവശ്യങ്ങൾക്കായി ഉപയോഗിക്കുന്നതിന് ഉചിതമെന്ന് സംസ്ഥാന സർക്കാരിന് കരുതാവുന്ന അങ്ങനെയുള്ള പണത്തുകകൾ ഗ്രാന്റായി സംസ്ഥാന കമ്മീഷൻ സംസ്ഥാന സർക്കാർ നൽകേണ്ടതാണ്.

(2) സംസ്ഥാന കമ്മീഷൻ ഈ ആക്റ്റിന്റെ III-ാം അദ്ധ്യായത്തിൻകീഴിലുള്ള ചുമതലകൾ നിർവ്വഹിക്കുന്നതിന് യുക്തമെന്ന് അത് കരുതുന്ന തുകകൾ ചെലവാക്കാവുന്നതും അങ്ങനെയുള്ള തുകകൾ (1)-ാം ഉപവകുപ്പിൽ പരാമർശിച്ചിട്ടുള്ള ഗ്രാന്റിൽ നിന്നും കൊടുക്കാവുന്ന വ്യയമായി കരുതപ്പെടേണ്ടതുമാണ്.

29. കമ്മീഷന്റെ അക്കൗണ്ടുകളും ആഡിറ്റും.—(1) കമ്മീഷൻ ശരിയായ അക്കൗണ്ടുകളും പ്രസക്തമായ മറ്റു റിക്കാർഡുകളും വച്ചുപോരേണ്ടതും ഭാരതത്തിന്റെ കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലുമായി കൂടിയാലോചിച്ച് കേന്ദ്ര സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ഫാറത്തിൽ അക്കൗണ്ടുകളുടെ ഒരു വാർഷിക സ്റ്റേറ്റ്മെന്റ് തയ്യാറാക്കുകയും ചെയ്യേണ്ടതാണ്.

(2) കമ്മീഷന്റെ അക്കൗണ്ടുകൾ കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറൽ, അദ്ദേഹം വിനിർദ്ദേശിച്ചേക്കാവുന്ന ഇടവേളകളിൽ ആഡിറ്റ് ചെയ്യേണ്ടതും, അങ്ങനെയുള്ള ആഡിറ്റ് സംബന്ധിച്ച് നേരിടുന്ന ഏതെങ്കിലും ചെലവ് കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിന് കമ്മീഷൻ നൽകേണ്ടതുമാണ്.

(3) കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിനും ഈ ആക്റ്റിൻകീഴിൽ കമ്മീഷന്റെ അക്കൗണ്ടുകളുടെ ആഡിറ്റ് സംബന്ധിച്ച് അദ്ദേഹം നിയമിക്കുന്ന ഏതെങ്കിലും ആൾക്കും അങ്ങനെയുള്ള ആഡിറ്റ് സംബന്ധിച്ച്, സർക്കാർ അക്കൗണ്ടുകളുടെ ആഡിറ്റ് സംബന്ധിച്ച് കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിന് പൊതുവായുള്ളതിന് സമാനമായ അവകാശങ്ങളും വിശേഷാവകാശങ്ങളും അധികാരവും ഉണ്ടായിരിക്കുന്നതും പ്രത്യേകിച്ചും ബുക്കുകളും അക്കൗണ്ടുകളും ബന്ധപ്പെട്ട വച്ചറുകളും മറ്റു പ്രമാണങ്ങളും രേഖകളും ഹാജരാക്കാൻ ആവശ്യപ്പെടുവാനും, കമ്മീഷന്റെ ഏത് ആഫീസും പരിശോധിക്കുവാനും ഉള്ള അവകാശവും ഉണ്ടായിരിക്കുന്നതുമാണ്.

(4) കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലോ ഇതിലേക്ക് അദ്ദേഹം നിയമിച്ച മറ്റേതെങ്കിലും ആളോ സാക്ഷ്യപ്പെടുത്തിയ പ്രകാരമുള്ള കമ്മീഷന്റെ അക്കൗണ്ടുകൾ ആഡിറ്റ് റിപ്പോർട്ട് സഹിതം കമ്മീഷൻ വർഷംതോറും കേന്ദ്ര സർക്കാരിന് അയച്ചുകൊടുക്കേണ്ടതും, കേന്ദ്ര സർക്കാർ, അത് ലഭിച്ചശേഷം കഴിയുന്നത്രവേഗം, പാർലമെന്റിന്റെ ഓരോ സഭയുടെയും മുമ്പാകെ ആഡിറ്റ് റിപ്പോർട്ട് വയ്പിക്കേണ്ടതുമാണ്.

30. സംസ്ഥാന കമ്മീഷന്റെ അക്കൗണ്ടുകളും ആഡിറ്റും.—(1) സംസ്ഥാന കമ്മീഷൻ ശരിയായ അക്കൗണ്ടുകളും പ്രസക്തമായ മറ്റു റിക്കാർഡുകളും വച്ചുപോരേണ്ടതും ഭാരതത്തിന്റെ കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലുമായി കൂടിയാലോചിച്ച് സംസ്ഥാന സർക്കാരിനാൽ നിർണ്ണയിക്കപ്പെടാവുന്ന അങ്ങനെയുള്ള ഫാറത്തിൽ അക്കൗണ്ടുകളുടെ ഒരു വാർഷിക സ്റ്റേറ്റ്മെന്റ് തയ്യാറാക്കുകയും ചെയ്യേണ്ടതാണ്.

(2) സംസ്ഥാന കമ്മീഷന്റെ അക്കൗണ്ടുകൾ കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറൽ, അദ്ദേഹം വിനിർദ്ദേശിച്ചേക്കാവുന്ന ഇടവേളകളിൽ ആഡിറ്റ് ചെയ്യേണ്ടതും അങ്ങനെയുള്ള ആഡിറ്റ് സംബന്ധിച്ച് നേരിടുന്ന ഏതെങ്കിലും ചെലവ് കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിന് സംസ്ഥാന കമ്മീഷൻ നൽകേണ്ടതുമാണ്.

(3) കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിനും ഈ ആക്റ്റിൻകീഴിൽ സംസ്ഥാന കമ്മീഷന്റെ അക്കൗണ്ടുകളുടെ ആഡിറ്റുമായി ബന്ധപ്പെട്ട് അദ്ദേഹം നിയമിക്കുന്ന ഏതെങ്കിലും ആൾക്കും, അങ്ങനെയുള്ള ആഡിറ്റ് സംബന്ധിച്ച് സർക്കാരിന്റെ അക്കൗണ്ടുകൾ ആഡിറ്റ് ചെയ്യുന്നത് സംബന്ധിച്ച് കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലിന് പൊതുവായുള്ളതിന് സമാനമായ അവകാശങ്ങളും വിശേഷാവകാശങ്ങളും അധികാരവും ഉണ്ടായിരിക്കുന്നതും പ്രത്യേകിച്ചും ബുക്കുകളും അക്കൗണ്ടുകളും ബന്ധപ്പെട്ട വൗച്ചറുകളും പ്രമാണങ്ങളും മറ്റ് രേഖകളും ഹാജരാക്കുവാൻ ആവശ്യപ്പെടുവാനും സംസ്ഥാന കമ്മീഷന്റെ ഏത് ആഫീസും പരിശോധിക്കുവാനും ഉള്ള അവകാശവും ഉണ്ടായിരിക്കുന്നതുമാണ്.

(4) കമ്പ്ട്രോളർ ആന്റ് ആഡിറ്റർ-ജനറലോ അദ്ദേഹം ഇതിലേക്കായി നിയമിച്ച മറ്റേതെങ്കിലും ആളോ സാക്ഷ്യപ്പെടുത്തിയ പ്രകാരമുള്ള സംസ്ഥാന കമ്മീഷന്റെ അക്കൗണ്ടുകൾ അതിന്മേലുള്ള ആഡിറ്റ് റിപ്പോർട്ട് സഹിതം സംസ്ഥാന കമ്മീഷൻ വർഷം തോറും സംസ്ഥാന സർക്കാരിന് അയച്ചുകൊടുക്കേണ്ടതും സംസ്ഥാന സർക്കാർ അതു ലഭിച്ചശേഷം, കഴിയുന്നത്ര വേഗം, സംസ്ഥാന നിയമസഭയുടെ മുമ്പാകെ ആഡിറ്റ് റിപ്പോർട്ട് വയ്പിക്കേണ്ടതുമാണ്.

## അദ്ധ്യായം VII

### പലവക

31. ഉത്തമവിശ്വാസപൂർവ്വം എടുത്ത നടപടിക്കുള്ള സംരക്ഷണം.—കേന്ദ്രസർക്കാരിനോ സംസ്ഥാന സർക്കാരിനോ കമ്മീഷനോ സംസ്ഥാന കമ്മീഷനോ അല്ലെങ്കിൽ അതിന്റെ ഏതെങ്കിലും അംഗത്തിനോ അല്ലെങ്കിൽ കേന്ദ്രസർക്കാരിന്റെയോ സംസ്ഥാന സർക്കാരിന്റെയോ കമ്മീഷന്റെയോ അല്ലെങ്കിൽ സംസ്ഥാന കമ്മീഷന്റെയോ നിർദ്ദേശത്തിൻകീഴിൽ പ്രവർത്തിക്കുന്ന ഏതെങ്കിലും ആൾക്കോ എതിരായി ഈ ആക്റ്റിൻകീഴിലോ അതിൻകീഴിൽ ഉണ്ടാക്കപ്പെട്ട ഏതെങ്കിലും ചട്ടങ്ങൾക്ക് അനുസൃതമായോ ഉത്തമവിശ്വാസപൂർവ്വം ചെയ്തതോ, ചെയ്യുവാൻ ഉദ്ദേശിച്ചതോ ആയ എന്തെങ്കിലും സംബന്ധിച്ചോ അല്ലെങ്കിൽ, കേന്ദ്ര സർക്കാരിന്റെയോ, സംസ്ഥാന സർക്കാരിന്റെയോ, കമ്മീഷന്റെയോ സംസ്ഥാന കമ്മീഷന്റെയോ അധികാരത്താലോ അധികാരത്തിൻകീഴിലോ ഏതെങ്കിലും റിപ്പോർട്ടോ, രേഖകളോ പ്രസിദ്ധീകരിക്കുന്നത് സംബന്ധിച്ചോ യാതൊരു വ്യവഹാരമോ പ്രോസിക്യൂഷനോ മറ്റു നിയമ നടപടിയോ നിലനിൽക്കുന്നതല്ല.

32. ചെയർപേഴ്സണും അംഗങ്ങളും മറ്റ് ഉദ്യോഗസ്ഥരും പബ്ലിക് സർവന്റുമാരായിരിക്കുമെന്ന്.—കമ്മീഷനിലെയും സംസ്ഥാന കമ്മീഷനിലെയും ഓരോ അംഗവും ഈ ആക്റ്റിൻകീഴിലുള്ള ചുമതലകൾ നിർവ്വഹിക്കുവാൻ കമ്മീഷനിലോ സംസ്ഥാന കമ്മീഷനിലോ നിയമിതരായ ഓരോ ഉദ്യോഗസ്ഥനും ഇന്ത്യൻശിക്ഷാനിയമസംഹിത (1860-ലെ 45)-ലെ 21-ാം വകുപ്പിന്റെ അർത്ഥ വ്യാപ്തിക്കുള്ളിൽ വരുന്ന ഒരു പബ്ലിക് സർവന്റായി കരുതപ്പെടുന്നതാണ്.

33. കേന്ദ്ര സർക്കാരിനാൽ ഉള്ള നിർദ്ദേശങ്ങൾ.—(1) ഈ ആക്റ്റിൻകീഴിൽ അതിന്റെ ചുമതലകൾ നിർവ്വഹിക്കുന്നതിൽ ദേശീയ ആവശ്യങ്ങൾ സംബന്ധിച്ച നയപരമായ പ്രശ്നങ്ങളിന്മേൽ കമ്മീഷൻ കേന്ദ്ര സർക്കാരിനാൽ നൽകാവുന്ന അങ്ങനെയുള്ള നിർദ്ദേശങ്ങൾ മാർഗ്ഗദർശകമാകേണ്ടതാണ്.

(2) ദേശീയ ആവശ്യങ്ങൾ സംബന്ധിച്ച ഒരു പ്രശ്നം നയപരമായ പ്രശ്നമാണോ അല്ലയോ എന്ന് കേന്ദ്രസർക്കാരും കമ്മീഷനും തമ്മിൽ എന്തെങ്കിലും തർക്കം ഉണ്ടാകുന്ന പക്ഷം, അതിന്മേലുള്ള കേന്ദ്രസർക്കാരിന്റെ തീരുമാനം അന്തിമമായിരിക്കുന്നതാണ്.

34. റിട്ടേണുകൾ അല്ലെങ്കിൽ വിവരം.—കേന്ദ്രസർക്കാർ കാലാകാലങ്ങളിൽ ആവശ്യപ്പെടുമ്പോൾ കമ്മീഷൻ അതിന്റെ പ്രവർത്തനങ്ങൾ സംബന്ധിച്ച അങ്ങനെയുള്ള റിട്ടേണുകളും മറ്റുവിവരവും കേന്ദ്രസർക്കാരിന് നൽകേണ്ടതാണ്.

35. ചട്ടങ്ങൾ ഉണ്ടാക്കുവാനുള്ള കേന്ദ്രസർക്കാരിന്റെ അധികാരം.—(1) കേന്ദ്ര സർക്കാരിന്, വിജ്ഞാപനം വഴി, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിന് ചട്ടങ്ങൾ ഉണ്ടാക്കാവുന്നതാണ്.

(2) പ്രത്യേകിച്ചും, മുൻപറഞ്ഞ അധികാരത്തിന്റെ സാമാന്യതയ്ക്ക് ഭംഗം വരാത്ത വിധത്തിലും അങ്ങനെയുള്ള ചട്ടങ്ങളിൽ താഴെ പറയുന്ന വിഷയങ്ങളിൽ എല്ലാമോ ഏതിനെങ്കിലുമോ വ്യവസ്ഥ ചെയ്യാവുന്നതാണ്, അതായത്:—

(ക) 6-ാം വകുപ്പിൻകീഴിൽ കമ്മീഷനിലെ ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും സേവന നിബന്ധനകളും ഉപാധികളും അവരുടെ ശമ്പളവും ബത്തകളും;

(ഖ) 10-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പിൻകീഴിൽ ഒരു യോഗത്തിൽ അതിന്റെ കാര്യങ്ങളുടെ നടത്തിപ്പിനായി കമ്മീഷൻ അനുവർത്തിക്കേണ്ട നടപടിക്രമം;

(ഗ) 11-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൻകീഴിൽ കമ്മീഷനിലെ മെമ്പർ-സെക്രട്ടറിക്ക് വിനിയോഗിക്കാവുന്നതും നിർവ്വഹിക്കാവുന്നതുമായ അധികാരങ്ങളും ചുമതലകളും;

(ഘ) 11-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിൽ കമ്മീഷനിലെ ഉദ്യോഗസ്ഥരുടെയും മറ്റു ജീവനക്കാരുടെയും ശമ്പളവും ബത്തകളും മറ്റ് സേവന നിബന്ധനകളും ഉപാധികളും;

(ങ) 29-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൻകീഴിൽ കമ്മീഷൻ തയ്യാറാക്കേണ്ട അക്കൗണ്ടുകളുടെ സ്റ്റേറ്റുമെന്റിന്റെയും മറ്റ് റിക്കാർഡുകളുടെയും ഫോറം.

(3) ഈ ആക്റ്റിൻകീഴിൽ ഉണ്ടാക്കിയ ഓരോ ചട്ടവും അതുണ്ടാക്കിയശേഷം ആകുന്നത്ര വേഗത്തിൽ, പാർലമെന്റ് സമ്മേളനത്തിലിരിക്കുമ്പോൾ അതിന്റെ ഓരോ സഭയുടെയും മുമ്പാകെ ഒരു സമ്മേളനത്തിലോ തുടർച്ചയായുള്ള രണ്ടോ അതിലധികമോ സമ്മേളനത്തിലോ ആയി ആകെ മുപ്പത് ദിവസക്കാലത്തേക്ക് വയ്ക്കേണ്ടതും മുൻപറഞ്ഞ സമ്മേളനത്തിലോ തുടർച്ചയായുള്ള സമ്മേളനങ്ങൾക്കോ തൊട്ടടുത്തുവരുന്ന സമ്മേളനം അവസാനിക്കുന്നതിന് മുൻപ്, ഇരു സഭകളും ആ ചട്ടത്തിൽ എന്തെങ്കിലും രൂപഭേദം വരുത്തുന്നതിൽ യോജിക്കുകയോ, അല്ലെങ്കിൽ ഇരു സഭകളും ചട്ടം ഉണ്ടാക്കരുതെന്നതിൽ യോജിക്കുകയോ ചെയ്യുന്നപക്ഷം, ആ ചട്ടത്തിന്, അതതു സംഗതിപോലെ, അങ്ങനെ രൂപഭേദപ്പെടുത്തിയ രൂപത്തിൽ മാത്രം പ്രഭാവം ഉണ്ടായിരിക്കുകയോ അല്ലെങ്കിൽ പ്രഭാവം ഇല്ലാതിരിക്കുകയോ ചെയ്യുന്നതും ആകുന്നു; എന്നാൽ, അങ്ങനെയുള്ള ഏതെങ്കിലും രൂപഭേദപ്പെടുത്തലോ പ്രഭാവശൂന്യമാക്കലോ ആ ചട്ടത്തിൻകീഴിൽ മുൻപ് ചെയ്തിട്ടുള്ള എന്തിന്റെയെങ്കിലും സാധുതയ്ക്ക് ഭംഗം വരാത്ത വിധത്തിൽ ആയിരിക്കേണ്ടതുമാണ്.

36. ചട്ടങ്ങൾ ഉണ്ടാക്കുവാനുള്ള സംസ്ഥാന സർക്കാരിന്റെ അധികാരം.—(1) സംസ്ഥാന സർക്കാരിന്, വിജ്ഞാപനം വഴി, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിലേക്കായി ചട്ടങ്ങൾ ഉണ്ടാക്കാവുന്നതാണ്.

(2) പ്രത്യേകിച്ചും, മുൻപറഞ്ഞ അധികാരത്തിന്റെ സാമാന്യതയ്ക്ക് ഭംഗം വരാത്ത വിധത്തിലും അങ്ങനെയുള്ള ചട്ടങ്ങളിൽ താഴെ പറയുന്ന വിഷയങ്ങളിൽ എല്ലാമോ ഏതിനെങ്കിലുമോ വ്യവസ്ഥ ചെയ്യാവുന്നതാണ്, അതായത്:—

(ക) 20-ാം വകുപ്പിൻകീഴിൽ സംസ്ഥാന കമ്മീഷനിലെ ചെയർപേഴ്സന്റെയും അംഗങ്ങളുടെയും സേവന നിബന്ധനകളും ഉപാധികളും അവരുടെ ശമ്പളവും ബത്തകളും;

(ഖ) 10-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പ് 24-ാം വകുപ്പിനോട് കൂട്ടിവായിച്ചപ്രകാരം ഒരു യോഗത്തിൽ അതിന്റെ കാര്യങ്ങളുടെ നടത്തിപ്പിനായി സംസ്ഥാന കമ്മീഷൻ അനുവർത്തിക്കേണ്ട നടപടിക്രമം;

(ഗ) 21-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പിൻകീഴിൽ സംസ്ഥാന കമ്മീഷനിലെ സെക്രട്ടറിക്ക് വിനിയോഗിക്കാവുന്നതും നിർവ്വഹിക്കാവുന്നതുമായ അധികാരങ്ങളും ചുമതലകളും;

(ഘ) 21-ാം വകുപ്പ് (3)-ാം ഉപവകുപ്പിൻകീഴിൽ സംസ്ഥാന കമ്മീഷന്റെ ഉദ്യോഗസ്ഥരുടെയും മറ്റു ജീവനക്കാരുടെയും ശമ്പളവും ബത്തകളും മറ്റു സേവന നിബന്ധനകളും ഉപാധികളും;

(ങ) 30-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൻകീഴിൽ സംസ്ഥാന കമ്മീഷൻ തയ്യാറാക്കേണ്ട അക്കൗണ്ടുകളുടെ സ്റ്റേറ്റ്സ്മെന്റിന്റെയും മറ്റ് റിക്കാർഡുകളുടെയും ഫാറം.

(3) ഈ വകുപ്പിൻകീഴിൽ സംസ്ഥാന സർക്കാർ ഉണ്ടാക്കുന്ന ഓരോ ചട്ടവും, അതുണ്ടാക്കിയശേഷം, ആകുന്നത്ര വേഗത്തിൽ, സംസ്ഥാന നിയമസഭയിൽ, രണ്ട് സഭകൾ ഉള്ളിടത്ത് ഓരോ സഭയുടെയും മുമ്പാകെയോ ഒരു സഭ മാത്രം ഉള്ളിടത്ത് ആ സഭയുടെ മുമ്പാകെയോ വയ്ക്കേണ്ടതാണ്.

37. വൈഷമ്യങ്ങൾ നീക്കം ചെയ്യുവാനുള്ള അധികാരം.—(1) ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്ക് പ്രഭാവം നൽകുന്നതിൽ എന്തെങ്കിലും വൈഷമ്യം ഉണ്ടാവുകയാണെങ്കിൽ, കേന്ദ്ര സർക്കാരിന്, ഔദ്യോഗിക ഗസറ്റിൽ പ്രസിദ്ധീകരിക്കുന്ന ഉത്തരവ് വഴി, ഈ ആക്റ്റിലെ വ്യവസ്ഥകൾക്ക് വിരുദ്ധമല്ലാത്തതും വൈഷമ്യം നീക്കം ചെയ്യുവാൻ ആവശ്യമാണെന്ന് തോന്നാവുന്നതുമായ അങ്ങനെയുള്ള വ്യവസ്ഥകൾ ഉണ്ടാക്കാവുന്നതാണ്.

എന്നാൽ, ഈ ആക്റ്റ് പ്രാബല്യത്തിൽ വന്ന തീയതി മുതൽ രണ്ടു വർഷം കഴിഞ്ഞതിനു ശേഷം ഈ വകുപ്പിൻകീഴിൽ യാതൊരു ഉത്തരവും ഉണ്ടാക്കുവാൻ പാടുള്ളതല്ല.

(2) ഈ വകുപ്പിൻകീഴിൽ ഉണ്ടാക്കിയ ഓരോ ഉത്തരവും അതുണ്ടാക്കിയശേഷം ആകുന്നത്ര വേഗം പാർലമെന്റിന്റെ ഓരോ സഭയുടേയും മുമ്പാകെ വയ്ക്കേണ്ടതാണ്.

**THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005**  
(Act No. 4 Of 2006)

2005-ലെ ബാലാവകാശങ്ങൾ സംരക്ഷിക്കുന്നതിനുവേണ്ടിയുള്ള കമ്മീഷനുകൾ ആക്റ്റ്  
(2006-ലെ 4-ാം നമ്പർ ആക്റ്റ്)

**GLOSSARY**

1.	Assign	ഏല്പിക്കുക	Section 17(1)
2.	Confer	നൽകുക	Section 17(1)
3.	Distress	ദുരിതം	Section 3(2)(iv)
4.	Elimination	ദുരീകരണം	Section 3(2)(iv)
5.	Maltreatment	പീഡനം	Section 13(d)
6.	Ratify	ദൃഢീകരണം	Section 2(b)
7.	Strategy	തന്ത്രവൈദഗ്ദ്ധ്യം	Preamble