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NOTIFICATION

No.B.12017/15/06-SWD, the 7th May, 2013. In exercise of the powers conferred under Section 36 of the Commission for Protection of Child Rights Act, 2005, the Governor of Mizoram is pleased to notify "The Mizoram State Commission for Protection of Child Rights Rules, 2013" with effect from the date of publication in the Official Gazette of Mizoram.

Ranbir Singh,
Commissioner/Secretary to the Govt. of Mizoram,
Social Welfare Department.

THE MIZORAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS RULES, 2013

1. Short title and commencement :

- 1) These rules may be called the Mizoram State Commission for Protection of Child Rights Rules, 2013
- 2) They shall come into force on the date of their publication in Mizoram Gazette

2. Definitions

- (1) In these rules, unless the context otherwise requires:-
 - (i) "Act" means the Commissions for Protection of Child Rights Act, 2005 (No. 4 of 2006);
 - (ii) "Commission" means the Mizoram State Commission for Protection of Child Rights constituted under section 17 of the Act;
 - (iii) "Chairperson" means the Chairperson of the Commission;
 - (iv) "Member" means the member of the Commission;
 - (v) "Schedule" means a Schedule appended to these Rules;
 - (vi) "Secretary" means the Secretary of the Commission;
 - (vii) "Section" means the Section of the Act; and
 - (viii) "State Government" or "Government" means the State Government of Mizoram;
- (2) Subject to Section 24, of the Act, 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. Constitution of the State Commission :

- (1) There shall be constituted by the State Government, a body to be known as "the Mizoram State Commission for the Protection of Child Rights" to exercise the powers conferred upon, and to perform the functions assigned to it under Chapter IV read with sub-section (1) of Section 13 and Section 24 of the Act.

- (2) The composition of the commission shall be as envisaged in sub-section (2) Section 17 of the Act.

4. Constitution of the Selection Committee :

- (1) The Selection Committee as referred to in the Proviso to Section 18 of the Act shall be headed by the Minister, Social Welfare Department, Government of Mizoram.
- (2) Amongst other members, the Parliamentary Secretary, if any, to Social Welfare Department, Government of Mizoram, or in his absence, the Parliamentary Secretary, Political and Cabinet Department of the Government shall be a member of the Committee.
- (3) The State Government shall, by notification, constitute the Selection Committee for the purposes of section 18 of the Act.

5. Eligibility for appointment as Chairperson and Other Members :

Save as already provided in sub-section (2) of Section 17 of the Act, 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.

6. Terms and Conditions of Service of Chairperson and the Other Members:

- (1) The general terms of office and conditions of Service of the Chairperson and other Members of the Commission shall be as laid down in section 19 and in sections 7, 8 and 9 read with section 24 of the Act.
- (2) Other conditions of service of the Chairperson and other Members of the Commission, for which no express provision has been made in these rules shall be such as may be determined by the State Government from time to time.

7. Salaries and Allowances of Chairperson and Other members:

- (1) Save as otherwise provided in Section 20, the Chairperson of the Commission shall be paid salary equivalent to the salary of the Commissioner to the State Government and every other Member shall be paid salary equivalent to that of a Secretary to the State Government;
- Provided that where the Chairperson or any other Member is a retired Government Servant or official from any Semi-Government body, Public Sector Undertaking or recognized research institute, the salary payable together with the pension or pensionary value of the terminal benefits, or both, to be received by him shall not exceed the last pay drawn by him.
- (2) If the Chairperson or any other Member is in service of the Central Government or any State Government, his salary shall be regulated in accordance with the rules applicable to him.
- (3) Other allowances payable to the Chairperson and other members of the Commission shall be such as may determined by the State Government from to time.

8. Secretary to the Commission :

Subject to section 21 of the Act, the Commission shall have a full-time Secretary to exercise and discharge such powers and perform such duties as laid down in the Act and as specified in these Rules.

9. Powers and duties of the Secretary :

Save as already provided in section 21 of the Act, the Secretary shall-

- (i) have the power to execute all decisions taken by the Commission, in order to carry out the powers and functions of the Commission as provided in sub-section (1) of section 13 and in section 14 read with section 24;
- (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 mentioned in section 21;

- (iii) convene the meetings of the Commission in consultation with its Chairperson and serve notices of the meetings to all concerned;
- (iv) take steps to ensure that the quorum required for convening a meeting of the Commission is secured;
- (v) 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;
- (vi) make available specific files 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 Commission and shall execute the decisions of the Commission taken in the meeting and shall also ensure placing of the Action Taken Note on 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 matters with the State Government relating to release of grants. Creation of posts, revision of pay and all allowances, procurement of vehicles, appointment of staff, laying of annual report and audit report in Mizoram Legislative Assembly, re-appropriation of funds, residential accommodation, grant of permission to any officer of the Commission for deputation, 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 fifty thousand 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; and
- (xiii) exercise and discharge such other powers and perform such other duties as may be assigned to him by the Chairperson, as are not inconsistent with the provisions of Chapter IV of the Act and are absolutely required only for smooth day-to-day functioning of the Commission.

10. Salaries, allowances and other terms of conditions of service of the Secretary :

- (1) Save as already provided in sub-sections (1) and (3) of Section 21 of the Act, the Salary and allowances payable to, and the other terms and conditions of service of, the Secretary appointed for the purposes of the Commission shall be such as may be determined by the State Government from time to time.
- (2) If the Secretary is in service of the Central Government or any State Government, his salary shall be regulated in accordance with the rules applicable to him.

11. Staff of the Commission :

- (1) Save as already provided in sections 21 and 22 of the Act, the State Government shall, from time to time and in consultation with the Commission, make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions and to the extent possible as specified in Schedule I appended to these Rules.
- (2) The Salary and allowances payable to, and the other terms and conditions of service of, the other officers and employees of the Commission shall be such as may be determined by the State Government from time to time.

12. Functions of the Commission:

- (1) The Commission shall, in addition to the functions assigned to it under sub-section (1) of section 13 read with section 24 of the Act, perform following functions, namely -
 - (a) analyze existing laws, policy and practice to assess compliance with Convention on the Rights of the Child undertake inquiries and produce reports on any aspect of policy or

- practice affecting children and comment on proposed new legislation from a child rights' perspective;
- (b) present to the State Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
 - (c) undertake formal investigations where concern has been expressed either by children themselves or by concerned persons on their behalf, or by public at large, or in the media;
 - (d) ensure that the work of the Commission is to be directly informed of the views of children by themselves in order to reflect their priorities and perspectives;
 - (e) promote, respect and take into serious consideration the views of children in its work and, in that, of all Government Departments and Organizations dealing with child;
 - (f) produce and disseminate informations about child rights;
 - (g) compile and analyze data on children; and
 - (h) promote inclusion of the subject of child rights into the school curriculum, teachers' training and training of personnel dealing with children.
- (2) The Commission shall not inquire into any matter which is pending before the Central Commission or any other Commission duly constituted under any law for the time being in force.

13. Procedure for transaction of business :

- (1) The Commission shall meet regularly in its office at Aizawl and 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 at Aizawl but may, in its discretion, hold its meetings at any other place in Mizoram if it considers necessary or expedient to do so.
- (3) The Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission.
- (4) (a) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretariat and such notes shall, as far as possible, be self-contained.
(b) The records covering the agenda items shall be made readily available to the Commission for its reference.
(c) 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 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.
- (7) If, for any reason, the Chairperson is unable to attend the meeting of the Commission, the Senior-most Member in terms of age and present in the meeting shall preside.

14. Minutes of the meeting :

- (1) The minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other official of the Commission as directed by the Chairperson.
- (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 resolutions of the Commission on 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.

- (4) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary with the prior approval of the Chairperson in this behalf.
- (5) Unless specifically authorized, no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the Chairperson confirm 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 and opinions pertaining to each item shall be kept in the respective files for appropriate action, and for convenience copies thereof with appropriate indexing shall be kept in guard files.

15. Report of Action Taken :

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

16. 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, as consultants experts from academic, research, administrative, investigative, legal or civil society groups to form the panel.
- (3) The Commission shall, for the purposes of empanelment of the consultants, be governed by the guidelines framed by the Government of India in this respect as adapted and contained in Schedule-II to these Rules.

17. Annual Report:

- (1) The Commission shall prepare and publish an annual report in the format containing such details as specified in Schedule III, before the 31st day of March every year for submission to the State Government.
- (2) The Commission shall also prepare special reports on specific issues as and when necessary under the direction of the Chairperson.
- (3) The State Government shall cause the annual report and the special reports of the Commission to be laid before the Mizoram State Legislative Assembly at the earliest.
- (4) The annual report shall include information on administrative and financial matter, complaints investigated/inquired into, action taken on cases, details of research, reviews, educational and promotional efforts, details and consultations, details and specific recommendations of the Commission on any matter, besides any other matter that the Commission may consider warranting inclusion in the report.
- (5) In case the Commission considers that there could be a time lag for the preparation of the annual report, it may prepare and submit a special report to the State Government.

18. Financial provisions :

- (1) Save as already provided in the Act, the Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such forms as may be notified, by order, by the State Government in consultation with the Comptroller and Auditor-General of India.
- (2) The forms in which the budget may be prepared and forwarded to the State Government shall be as per formats notified for the purpose by the State Government in the Finance Department.

- (3) The budget shall, as far as may be, based on the account-heads as may be specified by the Government of Mizoram in the Finance Department.
- (4) The Commission shall spend such sums of money only as may be received by it for the purposes of the Act.
- (5) The Chairperson shall have all powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.
- (6) The Chairperson shall obtain prior approval of the State Government in matters of creation of posts, revision of pay scales, procurement of vehicles, re-appropriate of funds from one head to another, permitting any officer of the Commission to participate in Seminars, conferences or training programmes outside the State and in respect of such other matters as may be determined by the State Government, by order.
- (7) The Chairperson may, subject to such conditions, limitations, control and supervision as may be specified by order; delegate his financial powers to the Secretary;
Provided that no such power shall be delegated in respect of incurring an expenditure on an item exceeding fifty thousand rupees without prior approval of the Chairperson and in respect of which no such delegation is permissible under the relevant rules governing delegation of financial powers.
- (8) 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 allowances and daily allowances.
- (9) The Secretary shall have powers to execute all decisions taken by the Chairperson or any other Member on his behalf relating to financial matters.
- (10) All financial powers of the Commission shall be governed by the General Financial Rules, 2005 as amended from time to time. Delegation of Financial Powers Rules as adapted and economy instructions as issued by the State Government from time to time.

19. Residuary Provisions :

All residuary matters for which no express provision has been made in these rules shall be governed by the relevant identical rules made or followed by the State Government in similar matters or as may be decided the State Government.

SCHEDULE - I (See Rule 11)

| <i>SI. No.</i> | <i>Name of Posts</i> | <i>No.</i> | <i>Mode of filling up</i> |
|----------------|------------------------|------------|---------------------------|
| <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> |
| 1 | Chairperson | 1 | On Nomination |
| 2 | Members | 6 | -do- |
| 3 | Secretary | 1 | On Deputation |
| 4 | Research Officer | 1 | On contract basis |
| 5 | Superintendent | 1 | -do- |
| 6 | Investigator | 1 | -do- |
| 7 | Assistant Investigator | 1 | -do- |
| 8 | Technical Assistant | 1 | -do- |
| 9 | UDC -cum-Accountant | 1 | -do- |
| 10 | Data Entry Operator | 1 | On M.R. basis |
| 11 | LDC | 1 | -do- |
| 12 | IV Grade | 3 | -do- |
| 13 | Chowkidar | 1 | -do- |
| TOTAL: | | 20 | |

SCHEDULE - II

(See Rule 16)

THE GUIDELINES FOR ENGAGEMENT OF CONSULTANTS/ EXPERTS

1. **Title** : This may be called as “The Guidelines for Engagement of Consultants Experts”
2. **Objective:** The overall objective of the identification is to augment the capacity of the Commission to deal with the issues of violation of child rights promptly, and to analyse the issues relating to implementation of laws, policies and programmes for children.
3. **Tasks** : The experts/consultants may be asked to undertake one or more of the following tasks:
 - (a) Investigation of complaints/violations of child rights;
 - (b) Evaluations, analysis and field studies of programmes / policies;
 - (c) Documentation;
 - (d) Research/Special Studies on specific aspects of Child Rights;
 - (e) Preparation of Child Rights Literacy Materials.
4. **The scope of work** : The work may include the following:
 - (a) To travel throughout the State, districts and sites specified;
 - (b) Interaction with stakeholders and the Project authorities at State/district/block/community level, if required;
 - (c) Collection of all the information during visit;
 - (d) Debriefing to the Commission on return from the visit;
 - (e) Preparation of reports after visits;
 - (f) Documentation, research and preparation of resource material on specified issues.
5. **Panel** : (1) A panel of experts would be maintained from the following categories:
 - (a) Senior administrative officers (retired) who have relevant experience in sectors related to child rights like nutrition, health, education, child protection, crime etc. and at least 8 years experience in monitoring of programmes.
 - (b) Senior police officers (retired) who have relevant experience sectors related to child rights etc. and atleast 8 years experience in investigations.
 - (c) Persons from civil society who at least 8 years of relevant experience in issues relating to child rights at the field or policy level.
 - (d) Persons/organizations having at least 8 years of relevant experience in research, training and documentation of social sector laws, policies and programmes, in the areas mentioned in the annexure.(2) For the purpose of monitoring, evaluation, documentation and research the experts will follow set formats and checklists developed at the State level, when specified.
 - (3) In case of an emergent need, with approval of the Chairperson, persons other than on the panel can be engaged for a period not exceeding one month, based on their experience and qualifications.
6. **Logistics, Out-of-pocket expenses and Professional Fees:**
 - (1) **For experts:**

The experts may be co-opted as part of the expert group/committees or as part of an inquiry team of the Commission. The work of the experts is voluntary in nature and no regular payment would be made to them. The local experts may be paid local conveyance allowance, honorarium and reimbursement of incidental expenses, such as photocopy, typing expenditure, stationery etc. incurred

towards preparation of the Report as per existing norms or in absence of any such norms, as may be determined by the State Government.

- (2) **For Consultants :**
The fees for consultants would be determined in accordance with existing orders of the State Government for engagement of consultants.
- (3) The experts/consultants would be required to maintain confidentially of the assigned work and communicate their views/reports etc. to the Commission and not to any other authority including media. They will not take hospitality from any source that run contrary to the mandate of the Commission and/or the objective of their assignment.

SCHEDULE - III

(See Rule 18)

An Annual Report to be submitted to the State Government, as required under section 23 of the Act, shall state in respect of the year to which it relates -

- (1) Brief statement about the administrative set-up of the Commission with particular reference to the number and categories of officers and staff provided by the State Government and the works assigned to such officers and staff;
- (2) Overall Scenario of protection of Child Rights in the State;
- (3) Complaints received by the Commission and nature of actions taken thereupon;
- (4) Instances of violation of child rights brought to the knowledge or notice of the Commission by NGOs, media etc. and actions taken thereupon;
- (5) No. of affected children interviewed directly and in camera and no. of such interviews, places, dates and brief statement about such interviews;
- (6) No. of inspections conducted with reference to clause (i) of sub-section (1) of section 13 of the Act, with details;
- (7) No. of inquiries initiated and /or completed with reference to clauses (c) and (i) of sub-section (1) of section 13 of the Act, with details;
- (8) Brief report about actions/initiatives taken with reference to clause (d) of sub-section (1) of section 13 of the Act;
- (9) Brief report about actions /initiative taken with reference to clause (e) of sub-section (1) of section 13 of the Act;
- (10) Brief report about actions/initiative taken with reference to clause (f) of sub-section (1) of section 13 of the Act;
- (11) Brief report about actions/initiatives taken with reference to clauses (g) and (h) of sub-section (1) of section 13 of the Act;
- (12) No. of special reports submitted to the State Government, with date and particulars of each of such report, and actions taken, if any, by the State Government;
- (13) Status of the recommendations made to the State Government.
- (14) Details of Experts/Consultants engaged and a brief report about their contribution/work.