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TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE  
(EXTRAORDINARY)  
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT  
1, CANNING LANE, K. G. MARG NEW DELHI : 110001.

F. No. 61 (State Commission)/AD-I/DSW/05-06 | 15863-889 Dated: 07 JUL 2008

NOTIFICATION

In exercise of the powers conferred by Section 36 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), read with the Government of India, Ministry of Home Affairs Notification F. No. U-11030/1/2007 - UTL dated the 15<sup>th</sup> January, 2008, the Lieutenant Governor of the National Capital Territory of Delhi hereby makes the following rules, namely :-

1. **Short title and commencement . -** (1) These rules may be called the Delhi Commission for Protection of Child Rights Rules, 2008.  
(2) They shall come into force on the date of their publication in the Delhi Gazette.
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 Delhi commission for Protection of Child rights constituted under section 17;
  - c. "Chairperson" means the chairperson of the Commission;
  - d. "Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution;
  - e. "Member" means a Member of the Commission;
  - f. "Secretary" means the Secretary of the Commission;
  - g. "Section" means a section of the Act;
  - h. words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.
3. **Selection Committee . -** The Selection Committee referred to in the proviso to section 18 shall be headed by Minister in charge dealing with the Department of Women and Child Development. The other Members are -
  - i. Secretary, Department of Women & Child Development.
  - ii. Director, Department of Women & Child Development (Member Secretary).
  - iii. Secretary, Labour Department, Govt. of NCT of Delhi.
  - iv. Principal Secretary, Health, Govt. of NCT of Delhi.
4. No person having any past record of violation of human rights or child rights shall be eligible for appointment as Chairperson or other Member of the Commission.
5. **Secretary . -** The Secretary appointed by the Government under sub - section (1) of section 21 shall have a minimum tenure of three years.

6. Powers and duties of the Secretary . - (1) The Secretary shall . -

- i. have power to execute all decisions taken by the Commission in order to carry out the powers and functions of the Commission;
- 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;
- 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 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 officer concerned of the Department of Women & Child Development of the Government for release of grants, creation of posts, revision of scales, hiring of vehicles, appointment of staff, laying of annual and audit report in the Legislative Assembly of NCT of Delhi, re-appropriation of funds;
- 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.

7. Terms and Conditions of service of Chairperson and other 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 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 any other Member, the age of sixty years.
- 2) The Chairperson or a Member may, by writing under his hand addressed to the Government, resign his office at any time.
  - 3) The Chairperson and Members shall not be eligible for appointment for more than two terms.

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- 4) A Member would be eligible for appointment as Chairperson of the Commission. No Chairperson or Member would be eligible for re-employment under the Government or any Body/ Authority substantially financed by the Government unless he has cooled off for a period of two years. Similarly, for two years, no Chairperson or Member would be eligible to take up private employment after demitting office, without the permission of the Government, in any organization that fell within the operational jurisdiction of the concerned Commission.
  8. **Vacancy in office of Chairperson and other Member . -** (1) 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.
    - (2) A Vacancy caused by death, resignation or any other reason shall be filled- up by nomination within 90 days from the date of occurrence of such vacancy.
  9. **Salaries and allowances . -** (1) The Chairperson and Members shall be paid salaries and allowances in accordance with the office Memorandum No. 1(8)/2006/Fin./Expdn./ dsfexp /63- 242 dated : 13.09.2006 and OM No. F.17/9/Misc/2006-GAD/72 dated 10.01.2007 In case of retired Government servants, the pay will be fixed in accordance with the prevailing orders i.e. last pay drawn minus pension. In case of public figures, the amount will be Rs. 25,000/- p.m. consolidated for the Chairperson and Rs. 20,000/- per month consolidated for each member.
    - a. 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.
    - b. If the Chairperson or a Member is in the service of the Government or the State Government, his salary shall be regulated in accordance with the rules applicable to him.
  10. **Leave . -** The Chairperson/Member shall be entitled to 30 days of earned leave forevery year of service. The payment of leave salary during leave shall be governed by Rule 40 of CCS (Leave) Rules, 1972. They would be entitled to encashment of 50 % of earned leave, to their credit at any time.
  11. **Leave sanctioning authority . -**
    - 1) The Secretary, Department of Women & Child Development 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 Secretary.
    - 3) The Secretary shall be the authority to sanction leave to any officer or other employee of the Commission.
  12. **Visits abroad . -** Official visits abroad by the Chairperson and any Members would

be undertaken only in accordance with the Government orders as applicable to officers of equal grade in the Government. In regard to official delegations abroad in which both the Administrative Secretary and the Chairperson or Member of the Commission are included, the Secretary would lead the delegation. For domestic tours, the Chairperson would keep the Secretary of the Administrative Department informed.

- 13. **Residential accommodation . -** The Chairperson of Commission who were not in Government service shall have the option of claiming House Rent Allowance at 30% of the basic pay drawn by the officers in the super time scale. The persons who were in Government service shall draw House Rent Allowance at 30 % of their basic pay drawn, if they stay in Delhi. However, no house would be hired by the Commission or allotted by the Government.
- 14. **Facility for conveyance . -** The Commission shall not purchase any passenger vehicle except one for Member Secretary. Chairperson and/or Members would be entitled to fixed monthly car allowance of Rs. 9500 p.m. as per O. M. No. F .17/9/ Misc/2006-GAD/72 dated 10.01.2007 of the General Admn. Deptt. of the Government of Delhi. This allowance is for the use and maintenance of their personal car for transportation between residence and office. No driver or allowance/ salary in lieu of driver, shall be provided.
- 15. **Facility for Medical treatment . -** The Chairperson and Members shall be entitled to medical treatment and hospital facilities as provided in the Delhi Government HealthScheme for retired Government servants. Chairpersons and Members who are not Government servants shall be entitled to the facilities as provided in the Central Service (Medical Attendance) Rules. In any case, they are expected to join the health scheme being operated by Government of Delhi.
- 16. **Sumptuary Allowance . -** The Chairperson and Members would not be entitled to Sumptuary Allowance.
- 17. **Status . -** No Chairperson and Member would be accorded ministerial status and the previous status of the appointee shall not to be treated as precedent for determining the status to be accorded to the Chairperson/ Member.
- 18. **Residuary provisions . -** Administrative matters relating to the operations of the Commission or the conditions of service of the Chairperson and a Member with respect to which no express provision has been made in these Rules, shall be referred in each case to Delhi Government for its decision and the decision of the Delhi Government thereon shall be binding on the Commission.
- 19. **Functions of the 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 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 Government or any State Government or any other authority, including any institution run by a social organization; 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) 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;
- (l) present to the Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- (m) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
- (n) ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives;
- (o) 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;
- (p) produce and disseminate information about child rights;
- (q) compile and analyze data on children;
- (r) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

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- (2) The Commission shall not inquire into any matter which is pending before the National Commission or any other State Commission fully constituted under any law for the time being in force.
  20. **Procedure for transaction of business . -** (1) The Commission shall meet regularly at its office at New Delhi at such time as the Chairperson thinks fit, but three months shall not intervene between its last meeting and the next meeting.
    - (2) Secretariat-Assistance: The Secretary, along with such officers as the Chairperson may direct shall attend the meetings of the Commission.
      - 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) Specific files covering the agenda items shall be made readily available to the Commission for 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.
      - d) Four members including the Chairperson shall form the quorum at every meeting of the Commission.
      - e) 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.
      - f) 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.
  21. **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. Such minutes 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.
    - (2) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an opinion. 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.
    - (3) 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
    - (4) 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.
    - (5) A master copy of the record of all meetings and opinions of the Commission shall be maintained duly authenticated by the Secretary and 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.

22. **Report of Action Taken** . - Report of the follow up action shall be submitted 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.
23. **Transaction of business outside of 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.
24. **Panel of consultants** . - 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; for research and analysis, etc. The Commission may draw on experts from academic, research, administrative, investigative, legal or civil society groups to form the panel. The Commission may devise a transparent process for empanelling these consultants so that they are available for quick delegation of tasks.
25. **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 Government.
  - (2) The Commission shall also prepare special reports on specific issues as and when necessary under the direction of the Chairperson.
  - (3) The Government shall cause the annual report and the special reports of the Commission to be laid before the Legislative Assembly of National Capital Territory of Delhi.
  - (4) The Special reports may be issued separately, if there is a time lag for the preparation of the annual report.
  - (5) 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.
  - (6) The forms in which the budget may be prepared and provided and forwarded to the 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 current year.
  - (8) The budget shall, as far as may be, based on the account heads specified in Schedule II.
26. **Financial powers** . - (1) The Commission shall spend the sums of money received by it for the purposes of the Act.
  - (2) The Chairperson shall have all powers relating to financial transaction of the Commission, except in case, which require prior approval of the Government.
  - (3) The Chairperson shall obtain prior approval of the 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 Government, by order.

- (4) The Chairperson shall subject to such conditions and limitations and control and supervision, have powers to delegate his financial powers to any Member or the Secretary : 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 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 Department of Finance of Government from time to time.

By order and in the name  
of the Lieutenant Governor of the  
National Capital Territory of Delhi



(Debashree Mukherjee)  
Secretary

Department of Women & Child Development

F. No. 61 (State Commission)/AD-I/DSW/05-06/15863-889 Dated : 07 JUL 2008

Copy forwarded for information to:

1. The Secretary to Lt. Governor, Govt. of NCT of Delhi, Raj Niwas Marg, New Delhi.
2. The OSD to Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
3. The Secretary to the Chief Minister, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
4. The Secretary to Minister of Social Welfare & Women & Child Development, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
5. The Pr. Secretary (Home), Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
6. The Pr. Secretary (Health), Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
7. The District & Session Judge, Govt. of NCT of Delhi, Tis Hazari, Delhi.
8. The Secretary, Department of Women & Child Development, GLNS Complex, Delhi Gate, Delhi.