



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF CHILD DEVELOPMENT
Writer's Buildings, Kolkata-700001

NOTIFICATION

No. 3806-SW/JJA-58/11

Dated, Kolkata, the 17th August, 2012

In exercise of the powers conferred by sub-section (1), read with clauses (a) to (d) of sub-section (2), of section 36 of the Commissions for Protection of Child Rights Act, 2005, (4) of 2006, the Governor is pleased hereby to make the following rules, namely:-

RULES

1. Short title and commencement:

- (1) These rules may be called the 'West Bengal Commission for Protection of Child Rights Rules, 2012'.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definition :

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Commissions for Protection of Child Rights Act, 2005, (4) of 2006;
 - (b) "Chairperson" means the Chairperson of the State Commission;
 - (c) "State Commission" for the purposes of these Rules means 'the West Bengal Commission for Protection of Child Rights' constituted under section 17 of the Commission for Protection of Child Rights Act, 2005;
 - (d) "Member" means the Member of the State Commission;
 - (e) "Secretary" means the Secretary of the State Commission;
 - (f) "section" means a section of the Act;
 - (g) "State Government" means Government of West Bengal in the Department of Child Development.
- (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. Eligibility for appointment as Chairperson and other Members :

- (1) a. The 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.

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(2) No person shall be eligible and considered for appointment as the Chairperson or the Member of the State Commission, if such person -

a) has been convicted and sentenced for imprisonment of an offence which in the opinion of the State Government involves moral turpitude or an offence under any law ;

b) has any past record of violation of human rights or child rights;

c) has been removed or dismissed from service of the Central Government or State Government or a body corporate or corporation owned or controlled by the Central Government or State Government;

d) does not complete the age of 35 years.

4. Removal from office:

(1) The Chairperson and Members shall be removed from office in accordance with section 7 of the Act on the basis of a complaint made to the Principal Secretary/ Secretary of the State Government and on the basis of a report by a three-person Enquiry Committee to be constituted by the State Government.

(2) The Enquiry Committee constituted under sub-rule (1) shall investigate and submit the report within such time as may be specified in the order constituting such committee.

5. Term of office of Chairperson and other members:

(1) The Chairperson shall, unless removed from office under the provisions laid down in section 7 of the Act, hold office for a period not exceeding three years, or till the age of sixty-five years, whichever is earlier.

(2) Every Member shall, unless removed from office under the provisions laid down in section 7 of the Act, hold office for a term of 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 or Member for two consecutive terms in either capacity shall not be eligible for re-appointment, and

(b) a person who has held the office of a Member once shall be eligible for re-appointment as a Member or appointment 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-appointment as Chairperson or, as Member, as the case may be.

(4) The Chairperson or a Member may, in writing under his or her hand addressed to the State Government, resign from his or her office at any time.

(5) If a casual vacancy occurs in the office of the Chairperson or a member whether by reason of death, resignation or otherwise, such vacancy shall be filled-up within a period of ninety days by making fresh appointment in accordance with the provision of section 17 and the person so appointed shall hold office for the remainder of the term of the office for which the Chairperson, or a Member, as the case may be, in whose place he or she is so appointed would have held that office.

6. Appointment of Chairperson and other Members of the State Commission:

The State Government shall constitute a Selection Committee subject to provisions laid down in section 18 of the Act for recommending names for appointment as Chairperson and Members of the Commission.

7. Selection Committee, its Composition and Functions:

(1) The State Government shall constitute the following three members Selection Committee, as provided in section 18 of the Act, for recommending names for appointment of Chairperson and Members of the State Commission :-

<i>Sl. No.</i>	<i>Name</i>	<i>Designation</i>
(i)	Minister-in-Charge of the Department of Child Development	Chairperson
(ii)	Chief Secretary to the Government of west Bengal	Member
(iii)	Principal Secretary/ Secretary, Child Development Department	Member

(2) The Selection Committee shall select and recommend a panel of names, within such period as may be fixed by the State Government in this behalf, to the State Government for the appointment of the Chairperson and the Members of the State Commission.

(3) While selecting the names of the Chairperson and the Members of the State Commission, due regard shall be given to the provisions of rule 3.

8. The Secretary :

(1) The State Government shall appoint, under sub-section (1) of section 21 of the Act, an officer not below the rank of Secretary to the State Government as the Secretary of the State Commission for the efficient performance of the functions of the Commission.

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

9. The Secretary, officers, and other employees of the State Commission:

(1) The Secretary shall be responsible for the proper administration of the affair of the State Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as stated in rule 11.

(2) The State Government shall appoint, under sub-section (1) of section 21 of the Act, such other officers or employees as deemed necessary for the efficient performance of the functions of the Commission.

(3) The salary and allowances payable to, and the other terms and conditions of the service of the Secretary, other officers and employees, appointed for the purpose of the State Commission shall be equivalent to the salary and allowances and other terms and conditions of service admissible to the equivalent ranks of the officers and employees of the State Government.

SCHEDULE- I

[See rule 25 (8)]

BUDGET AND ACCOUNT HEADS ADMINISTRATION

1. Head of Accounts (Expenditure):

1. Salaries
2. Wages
3. Travel Expenses
4. Office Expenses
 - (a) Furniture
 - (b) Postage
 - (c) Office machines/ equipment
 - (d) Liveries
 - (e) Hot and cold weather charges
 - (f) Telephones
 - (g) Electricity and water charges
 - (h) Stationary
 - (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-aids/ 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)

2. Heads of Account (Receipts):

1. Payments by State Government
2. Other receipts

This has the approval of the West Bengal Cabinet vide Cabinet Sectt. U.O.No.CAB(D)-717 dt.01.08.2012.

By order of the Governor,

Sd/-

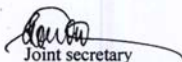
(Uma Mukherjee)

Secretary

to the Government of West Bengal.

Copy forwarded for information and taking necessary action to:

1. The Joint Secretary of the Office of the Hon'ble Chief Minister, West Bengal.
2. The O.S.D. to the Chief Secretary to Government of West Bengal.
3. P.S. to the Hon,ble MIC of Child Development Department, Government of West Bengal.
4. P.S. to the Hon,ble MIC of Women Development and Social Welfare Department, Govt. of W.B.
5. P.S. to the Secretary of CD Department and WD&SW Department of this Government.
6. The Chairperson, W.B.Women's Commission,Jalsampad Bhawan,Salt Lake City,Kol-91.
7. The Chairperson W.B. Women Development Undertaking,LA Block,B-7,Salt Lake City,Kol-98.
8. The Chairperson,West Bengal Social Welfare Board,Bhawani Bhawan,Alipur,Kolkata-27.
9. The Director of Social Welfare, West Bengal, Juvenile Court Building, Salt Lake City,Kol-64.
10. Joint Secretary,Ministry of WCD,GoI, Room No.607, A, Wing, Shastri Bhawan,New Delhi-01.
- ✓ 11. The Secretary, National Commission for Protection of Child Rights, 5th Floor,Chanderlok Building, 36,Janpath,New Delhi-110 001.
12. The Registrar,Supreme Court, New Delhi.
13. The Registrar, Kolkata High Court, Kolkata-700 001.
14. P.A. to joint Secretary, Planning & Budget of this Department.
15. P.A. to the Joint Secretary, ICDS of this Department.
16. The Commissioner for Persons with Disabilities,W.B.,45, Ganesh Chandra Avenue,Kol-13.
17. The District Magistrate(all),_____.
18. Juvenile Justice Board(all),_____.
19. Child Welfare Committee(all),_____.
20. Cabinet Secretariat of this Government.
21. Department(all) of _____, Government of West Bengal.
22. The Controller of Vagrancy, West Bengal, Purta Bhawan, Salt Lake City,Kolkata-700 091.
23. The Law Officer of this Department.


Joint secretary
to the Government of West Bengal