

SIKKIM



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Government of Sikkim
(Women and Child Development Division)
Social Justice, Empowerment and Welfare Department

No. 55/2008-09/SJE&WD

Date:- 30/07/2008

NOTIFICATION

In exercise of the powers conferred by **Section 36** of the Commission for Protection of Child Rights Act, 2005 (No. 4 of 2006), the Sikkim State Government hereby makes the following Rules, namely:-

1. Short title and commencement

- (1) These rules may be called Sikkim Commission for Protection of Child Rights Rules, 2007.
- (2) They shall come into force on the date on which the Commission for Protection of Child Rights Act, 2005(No.4 of 2006) shall come into force.

2. Definitions

In these rules, unless the context otherwise requires,-

- (a) "Act means the Commission for Protection of Child Rights Act, 2005 (4 of 2006);
- (b) "Commission" means the Sikkim Commission for Protection of Child Rights constituted under Section 17;
- (c) "Chairperson" means the Chairperson of the Commission;
- (d) "Member" means the Member of the Commission;
- (e) "Secretary" means the 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. Secretary

(1) The Secretary appointed by the State Government shall have a minimum tenure of three years.

5. Powers and duties of the Secretary

(1) The Secretary shall –

- (i) have powers 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 mentioned 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) 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 State Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in the Legislative Assembly, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation abroad 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 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. Terms 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 State Government shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office or till the remainder of his terms.
- (5) A vacancy caused the death, resignation or any other reason shall be filled-up by nomination within ninety days from date of occurrence of such vacancy.

7. Salaries and Allowances

- (1) The salaries and allowances of the Chairperson and Members shall be such as may be prescribed by the State Government.

Provided that where the Chairperson or any other member is retired Government Servant or official from a State Government, Semi-Government body, public sector undertakings or recognized research institution, the salary payable together with the pension of pensionary value of the terminal benefits, or both, received by him shall not exceed to the past pay drawn.
- (2) The salary and allowance payable to, and the other terms and conditions of service of the Member-Secretary and other officers and other employees, appointed for the purpose of the Commission shall be such as may be determined by the State Government from time to time.
- (3) If the Chairperson or a Member is in service of the State Government his salary shall be regulated in accordance with the rules applicable to him.

8. Sitting Allowance

The Chairperson and every other Member shall receive sitting allowance for the meeting of the Commission at rates admissible under the State Government.

9. 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 State Government servants in accordance with the State Government Services (Leave) Rules 1982 as amended from time to time.
- (b) Extraordinary leave as admissible to the temporary to the State Government Servants in accordance with the State Government Services (leave) Rules 1982 as amended from time to time.

10. Leave sanctioning Authority

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

11. Travelling allowance

- (1) The Chairperson and every other Member shall be entitled to draw traveling allowances and daily allowance at the rates appropriate or as determined by the State 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.

12. Facility for conveyance

The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official purpose as prescribed by the State Government.

13. 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 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 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;

