

PART IX

GOVERNMENT OF MANIPUR
SECRETARIAT : SOCIAL WELFARE DEPARTMENT

NOTIFICATION

Imphal, the 5th December, 2011

No. 6/1/2006-S(SW).—In exercise of the powers conferred by section 36 of the Commission for Protection of Child Rights Act, 2005 (Nos. 4 of 2006), the State Government hereby makes the following Rules, namely:—

THE MANIPUR COMMISSION FOR PROTECTION OF CHILD RIGHTS RULES, 2011

1. **Short title and Commencement:**— (1) These rules may be called the Manipur Commission for Protection of Child Rights Rules, 2011.
(2) They shall come into force from the date of their publication in the Official Gazette.
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) "Chairperson" means the Chairperson of the State Commission;
 - (c) "Member" means the Member of the State Commission;
 - (d) "Secretary" means the Secretary of the State Commission;
 - (e) "Section" means a section of the Act;
 - (f) "State Commission" means the Manipur State Commission for Protection of Child Rights constituted under section 17;
 - (g) "State Government" means the State Government of Manipur;
 - (h) 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 State Commission.
4. **Secretary:**— The Secretary appointed by the State Government under sub-section (1) of section 21 of the Act shall have a minimum tenure of three years.
5. **Powers and duties of the Secretary:**— The Secretary shall—
 - (i) have powers to execute all decisions taken by the State Commission in order to carry out the powers and functions of the State Commission as provided in sections 13 and 14;

- (ii) exercise and discharge such powers and perform such duties as are required for proper administration of the affairs of the State Commission and its day to management as mentioned in sub-section (2) of section 21;
 - (iii) convene the meetings of the State Commission in consultation with Chairper; and serve notices of the meetings to all concerned;
 - (iv) take steps to ensure that the quorum required for convening a meeting of the St Commission is secured.
 - (v) prepare in consultation with the Chairperson, the agenda for each meeting of State Commission and shall have notes prepared by the Secretariat and such no shall, as far as possible, be self- contained;
 - (vi) make available specific files covering the agenda items to the State Commission reference;
 - (vii) ensure that the agenda papers are circulated to the Members at least two cle working days in advance of the meeting, except in cases when urgent attention required;
 - (viii) prepare the minutes of the meetings of the State Commission and shall execute t decisions of the State Commission taken in the meeting and shall also ensure placi of the Action Taken Note of the decisions of the State Commission before the Sta Commission in its subsequent meetings;
 - (ix) ensure that the procedure of the State Commission is followed by it in transaction its business;
 - (x) take up all such matters with the State Government for release of grants, creation posts, revision of scales, procurement of vehicles, appointment of staff, laying annual and audit report in the Legislative Assembly, reappropriation of fund residential accommodation, permitting any officer of the State Commission fr deputation abroad and any other matter requiring the approval of the sta Government;
 - (xi) exercise such financial powers as are delegated to him by the Chairperson on beha of the State Commission;
- Provided that no expenditure on an item exceeding one lakh rupees shall b incurred without the sanction of the Chairperson.
- (xii) be the appointing and disciplinary authority in respect of officers and other employe of the State Commission.

6. **Salaries and Allowance;**-(1) The salaries and allowances of the Chairperson and the Members shall be such as may be determined by the State Government from time to time.

(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 State 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.

7. **Sitting Allowance:**-The Chairperson and the Members shall receive sitting allowance for the meeting of the State Commission at rates fixed by the State Government from time to time.

8. **Leave:**-The Chairperson and the 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 Manipur Civil Services (Leave) Rules, 1979 as amended from time to time;

(b) extraordinary leave as admissible to the temporary to the State Government Servants in accordance with the Manipur Civil Services (Leave) Rules 1979 as amended from time to time.

9. **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 State Commission.

10. **Travelling allowance:**-(1) The Chairperson and the Members shall be entitled to draw travelling allowance and daily allowance at the rates as applicable to a Class I Officer serving in connection with the State Government.

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

11. **Facility for conveyance:**-The Chairperson and the Members shall be entitled to the facilities of staff car for journeys for official purpose.

12. **Facility for medical treatment:**-The Chairperson and the Members shall be entitled to medical treatment and hospital facilities as applicable to a Class I Officer serving in connection with 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) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;

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

- (d) promote, respect and serious consideration of the views of children in its work and that of all Government departments and Organizations dealing with child;
- (e) produce and disseminate information about child rights;
- (f) compile and analyze data on children;
- (g) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

14. Procedure for transaction of business:- (1) The State Commission shall ordinarily hold its meetings in its office but may, in its discretion, hold its meetings at any other place in Manipur if it considers it necessary or expedient to do so.

(2) The Secretary, along with such other officers as the Chairperson may direct shall attend the meetings of the Commission.

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

(ii) Specific files covering the agenda items shall be made readily available to the State Commission for reference;

(iii) The agenda papers shall ordinarily be circulated to members at least two clear working days in advance of the meeting, except in case when urgent attention is required.

✓(4) Four members including the Chairperson shall form the quorum at every meeting of the Commission.

15. Minutes of the meeting:-(1) The minutes of the each meeting of the State 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 State Commission at the earliest and in any case, sufficiently before the commencement of the next meeting.

(2) The conclusions of the State 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 State 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 State 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 State 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.

16. 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.

17. Transaction of business outside of headquarters:- The State Commission or some Member may transact business at places outside its Office 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 State Commission for such purpose.

18. Panel of Consultant:- The State Commission may constitute a panel of consultants for assisting the State Commission in a wide range of tasks such as investigation/inquiry; to serve on task forces or Committees; for research and analysis etc. The State Commission may draw on experts from academic research, administrative, investigative, legal or civil society groups to form the panel. The State Commission may devise a transparent process for the empanelling these consultants so that they are available for quick delegation of tasks.

19. Annual Report:- (1) The State Commission shall prepare an annual report before the 31st March of every year for submission to the State Government.

(2) The State 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 State Commission to be laid before the State Legislature.

(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, review, education and promotion efforts; consultations; details and specific recommendations of the State Commission on any matter, besides any other matter that the State Commission may consider warranting inclusion in the report.

20. Financial Powers:-(1) The State Commission shall spend the sums of money received by it for the purposes of the Act and shall maintain a separate Bank account in the State Bank of India or a Nationalized Bank as approved by State Government in order to have a smooth transaction.

(2) The Chairperson shall be the authority to sanction the amount for the purpose of the State Commission out of the fund allocated to the Commission by the State Government.

(3) The Secretary shall be Head of Office as well as Drawing and Disbursing Officer and shall exercise all powers as per the Delegation and financial Powers Rules, 1995 of the State Government as amended from time to time.

(4) The Chairperson shall have all powers relating to financial transaction of the State Commission, except in case, which require prior approval of the State Government.

(5) 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 office of the State Commission to participate in seminars,

conference or training programmes abroad and such other matters determined by the State Government, by order.

(6) The Chairperson shall, subject to such conditions and control and supervision, have powers to delegate his/her financial powers to any Member or the Secretary. Provided that 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.

(7) 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, dearness allowance.

(8) The Secretary shall have powers to execute all decisions taken by the Chairperson or any other member on his behalf relating to financial matters.

LETKHOGIN HAOKIP,
Commissioner (SW), Government of Manipur

GOVERNMENT OF MANIPUR
OFFICE OF THE DEPUTY REGISTRAR OF SOCIETIES : (IMPHAL WEST)

NOTIFICATION
Imphal, the 24th January, 2012

No. 876/SR/IW/2012.—It is hereby notified for general information that pursuant to Section 7 (1) of the Manipur Societies Registration Act, 1989 (Manipur Act 1 of 1990) “**The Integrated Watershed Management Committee**” having its registered address at Youth Voluntary Association Office, Ngairangbam, in Imphal West District has been registered and numbered as 876/SR/IW/2012, dated the 24th January, 2012.

I. IBOTOMBI SINGH,
Deputy Registrar of Societies, Imphal West.

COMMENTS

As per Notes on Clauses of the Bill

This section contemplates that the salary and allowances and the administrative expenses of the Commission shall be paid out of the grants made by the Central Government.

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, 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.

COMMENTS

As per Notes on Clauses of the Bill

This section enumerates in detail the functions of the Commission considered necessary for overall promotion and protection of child rights.

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 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).)

COMMENTS

As per Notes on Clauses of the Bill

This section empowers the Commission to exercise powers of a civil court while making any inquiry into any matter relating to deprivation of child rights, non-implementation of laws providing for protection and development of children, non-compliance of policy, guidelines, etc., which are aimed at welfare of the children.

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.

COMMENTS

As per Notes on Clauses of the Bill

This section enumerates the various steps to be taken by the Commission after completion of an inquiry.

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.

COMMENTS

As per Notes on Clauses of the Bill

This section provides for submission of annual and special reports to the Central Government or State Government concerned in prescribed manner. It also provides for laying of such reports in each House of Parliament or the State Legislature, as the case may be.

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 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.

COMMENTS

As per Notes on Clauses of the Bill

This section makes enabling provisions for constitution of State Commissions for Protection of Child Rights by the State Governments. It also provides for composition of the State Commission and qualifications of the Chairperson and Members.

18. Appointment of Chairperson and other Members.—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.

COMMENTS

As per Notes on Clauses of the Bill

This section provides for appointment of Chairperson and other Members of the State Commission.

19. 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 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.

COMMENTS

As per Notes on Clauses of the Bill

This section provides for term of office and conditions of service of the Chairperson and Members. It also specifies that no Chairperson or any other Member shall hold office as such after the Chairperson has attained the age of sixty-five years and the Member sixty years, respectively.

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.

COMMENTS

As per Notes on Clauses of the Bill

This section provides that the salary and allowances and other terms and conditions of the services of Chairperson and Members of the State Commission shall be prescribed by rules made by the State Government.

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.

COMMENTS

As per Notes on Clauses of the Bill

This section provides that the State Government shall appoint an officer not below the rank of Secretary to the State Government as the Secretary of the State Commission and shall make available such other officers or employees as deem necessary. It also provides that the salary and allowances and other terms and conditions of service of the Secretary and other officers and employees shall be prescribed by rules 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.

COMMENTS

As per Notes on Clauses of the Bill

This section contemplates that the salary and allowances and the administrative expenses of the State Commission shall be paid out of the grants made by the State Government.

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