

State Commission for Protection of Child Rights

State Commission for protection of Child Rights was notified by Honourable Governor of Uttarakhand through Women Empowerment and Child Development Department wide notification no 1192/XVII(4)/2011/230 dated 10 may 2011 under article 17 of NCPCR act 2005.

CHAIRMAN OF THE COMMISSION

A four member committee headed by Minister of Women Empowerment and Child Welfare Department selected Chairman and one member for the commission. Other members of the selection committee were secretary WECD, secretary education, secretary social welfare and Director ICDS. Mr.Ajay Setia, renowned journalist was selected on 12th Dec 2011 and appointed as first chairman of the commission on 21st December 2011 for the full term of 3 years.

Mr.Ajay Setia is a person of eminence and has done outstanding work for promoting the welfare of children.

(1) He was National Input Head of ETV.

(2) He worked with national level NGO, "Bachpan Bachao Andolan" and Gobar March against Child Labour. He was active in both the organisations for more than a decade.

(3) He is trustee of Bal Aashram run by BBA under the Chairmanship of Anshuman Singh, retired Chief justice of Rajasthan High Court.

(4) Participated in Global March Against Child Labour in 1998.

(5) Attended second children's world congress on child labour and education in New Delhi.

(6) Participated in South Asian March against Child Trafficking for forced labour.

(7) Written several articles on child labour and child trafficking.

Mr. Ajay Setia worked as journalist for 30 years in various national and regional newspapers and TV channels. He started his career as sub editor in Punjab Kesari, Delhi. He worked as chief sub-editor in Jansatta and Dainik Jagran, Delhi. Special Correspondent Dainik Bhaskar, Delhi. Chief of Bureau Dainik Navjyoti, Delhi. Political Editor Rajasthan Patrika and Daily News. Last but not least as National Input Head, Hindi Channel of ETV at Delhi.

(1) He travelled world wide alongwith Prime Minister of India in his media team.

Eg- Britain, Denmark, Cyprus, Belgium, Netherlands and Pakistan.

(2) Possess long and distinguish services category pass of parliament of India, alongwith central hall facility.

(3) He was appointed member of Lok Sabha Press Advisory Committee by Lok Sabha Speaker for consecutive two years.

FUNCTIONS AND POWERS OF THE COMMISSION

(Under article 13 & 14 of this act)

13. (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 State and Center Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of the safeguards;

(c) Inquire into violation of the 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, mal-treatment, torture and exploitation, pornography and prostitution and thus 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 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's;

(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 regarding safeguards available for protection of these rights through publications, 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 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 moto notice of matters relating to,-

(i) Deprivation and violation of child rights;

(ii) Non-implementation of laws providing for protecting and development of children;

(iii) Non-implementation of policy decisions, guidelines or instructions aimed at mitigation 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 function.

(2) The National 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.

14.(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 civil court trying a suit under the Code of civil Procedure,1908 and, in particular, in respect of the following matters, namely-

(a) Summoning and enforcing the attendance of any person and examining him/her on oath;

(b) Discovery and production of any document;

(c) Receiving evidence on affidavits;

(d) Requisitioning any public record or copy there of 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 complaints against the accused as if the case has been forwarded to him / her under section 346 of the Code of Criminal Procedure,1973.

STEPS AFTER INQUIRY

(under article 15 of this act)

15. 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 the child rights of a serious nature or contravention 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.