

COMPLAINT MECHANISM

NOTIFICATION I

1. State Commission for Child Right is a Statutory Organisation created under Commission for Protection of Child Right Act 2005. The State Government has created State Commission under the said act 2005, by it's order No.C.R.C./2006/ C.R.139/D-3/dated 24/7/2007

2. Provisions as mentioned under Sub section (1) J and (1) J (i) (ii) (iii) of section 13 and sub section (1) k of section 13 along with the sub sections , section (1) of section 14 , with respect to power as given to the State Commission , the proposal to frame procedure to implement the said provisions was under consideration at the Commission's Level. The proposal has been accepted by the Commission, accordingly the procedure have been framed and made as follows.
 - (1) In order to follow sub-section (J) (i) (ii) (iii) of section 13 of Child Rights Commission Act 2005, work have been allocated among the members of the commission on the line of information commission and Maharashtra Administrative Tribunal as under
 - (a) The main bench of the Commission shall be in **Mumbai** and circuit benches at **Aurangabad** and **Nagpur** respectively.
 - (b) Complaint's under sub section J (1)(i) (ii) (iii) and (1)k of section 13 of Commission for Protection of Child Rights Act 2005, shall be received

in Mumbai and after receiving the complaint the same has to be allotted to respective benches.

3. Within their jurisdictions the change of place to conduct the hearing shall be decided by the members of respective benches.
4. Quorum of at least two members required for hearing.
5. Transfer of members from one bench to others shall be decided in the meeting of the commission.
6. If there is involvement of any important matter then the said matter shall be heard at Mumbai before full house of commission. The nature of matter whether important or not shall be decided by the chairman, & Secretary (members, Secretary referred as). The full house hearing shall be held at least once in every month at Mumbai. Full house hearing and meeting of commission probably shall be arranged on same day.
7. The members may be sent for hearing from one division (bench) to other by chairman after considering the work load.
8. Any earlier orders issued in this regard is here by cancelled.

NOTE: As there was no commission appointed during the year 13-14, the Chairperson and Hon Secretary conducted Hearings at Mumbai and Public Hearings were held by the Hon Secretary in different districts of the State

NOTIFICATION II

Maharashtra State Commission for Protection of Child Rights constituted by the State Government's Order dated 24/07/2007, Under the Central Government's

Act 2005 here named as Commission for protection of Child Rights and rule made there under by State Government on 31/05/2010.

PROCEDURE

Any person / authority / organizations shall have liberty to move the state Commission for protection of Child Right here in after referred to as The commission by filing any application for seeking suitable relief against commission/omission or any action taken by State Government/Central Government or any other authorities/ organizations whether under the control of State Government or otherwise or suo moto notice of matter regarding:

- a) Deprivation and Violation of child right.
- b) Non implementation of laws providing for protection and development of children.
- c) Non compliance of policy decision, guideline or restriction aimed at mitigating hardship to and ensuring welfare of the children and to provide relief to such children.
- d) Such other function as it may consider necessary for the promotion of child right or any other matter in incidental to the above function.

2. All applications should be addressed to Secretary, Maharashtra State Commission for protection of Child Rights, IIIrd floor, G.T.S. Building, Sir Pochkhanwala Road, Worli, Mumbai 400 030.

3. Every application shall set on the name, description and complete postal address of the applicant & respondents. It should be typed in double space on a fullscape. (Legal size paper) and shall set forth in chronological order and in correctively numbered paragraphs, all facts grounds and relief claimed and shall be signed by the applicants or his advocate.

4. Six copies of the application shall be filed and it shall be accompanied by copies of such documents as are in the possession of the applicant's support of his/her application, which shall be supported by a duly attested affidavit of the application. All the pages of the application shall be numbered.

5. A Copy of the application shall be sent by the applicant to all the respondents and photo copy of postal or courier receipt of proof of the same shall be filed along with the application.

6. Every application shall have index.

7. After the receipt of the application a notice of hearing shall be issued to the parties through the counsel, Central Government, State Government, any other authority, electronic mode or through any other means. The notice shall specify the date and place of hearing before the commission.

8. Where there are a number of applications in which common issues have been raised and similar subjects are sought, the commission may issue notice to the parties through public notice/ advertisement in news papers. The commission in such cases may determine that who shall bear the cost of publication of such notice.

9. The respondents shall be at liberty to file written objections to the application in the form of a counter affidavit (reply) with proof of service of advance copy to the applicant. The counter affidavit shall give para-wise reply on merits and no general replies or denials would be entertained. In case where the respondent(s) is an office of the Central Government, the State Government, Government Undertaking or any authority owned, managed or controlled by the Central/State Government, the counter affidavit shall be signed by the Head of such Department, Authority or Undertaking.

10. The Commission shall have the powers to.

(a) Call for any documents from any person or the Government of the Union or the State or any other official.

(b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise.

(c) Seek assistance/ presence of any person(s) /official(s) required by it in relation to its work.

11. A quorum comprising two minimum members will be competent to hear the applications and pass orders.

12. The Commission may , as and when necessary, undertake field visits, hold public hearing with officials and NGOs through one or more of its members or

through Special Invitees or such Central Government/ State Government officials, NGOs, institutions, and experts as the Commission may deem fit.

13. The Commission may pass interim order(s) to meet the ends of justice in such cases, as far as feasible; the Commission will pass final order within 90 days from the date of issue of the interim order.

14. The Commission, after giving opportunity of hearing to the parties passes orders in writing, copies of which shall be sent to the concerned parties.

15. All orders passed by the Committee shall be authenticated by the Secretary and shall bear the seal of the Commission.