

# State Child Protection Society (SCPS)

The SCPS will be registered society to implement the ICPS and all other child protection related schemes. Concerned State department will take a lead role in forming the Society. Registration of SCPS will be under Societies Registration Act XXI, 1860.

## Composition of State Child Protection Society

**Chairperson** : Principal /State Secretary (WCD / Social Welfare/SJ&E)

**Vice-Chairperson** : Addl./Joint Secretary WCD/ SJ&E, State Government

**Convener** : Director/Commissioner (WCD / Social Welfare/SJ&E)

**Members** : Officers in charge of relevant Departments such as Home, Health\*, Labour, Education, State AIDS Control Society, Social Welfare, Panchayati Raj, Rural Development, Women and Child Development, Youth Services, Planning, Finance, Tribal Welfare, Urban Development/ Affairs, NGOs(2), SCPCR, SHRC, Judiciary & Law, Academicians, Private Sector Media, SCRB, DGP/IG Police, Childline etc.

**Draft Model Memorandum of Association, Model Rules and Regulations and Bye-laws are appended.**

## Appendices to facilitate creation and functioning of State Society

1. Model Memorandum of Association (**Appendix-I**)
2. Model Rules and Regulations (**Appendix-II**)
3. Generic Bye-laws (**Appendix-III**)

**(Model) MEMORANDUM OF ASSOCIATION  
OF  
STATE CHILD PROTECTION SOCIETY - .....(State name)**

- 1. Name of the Society**                      The Name of the Society shall be “State Child Protection Society, .....(State name)” hereinafter referred to as the “Society”.
- 2. Location**                              The Society shall have its Registered office at .....in the State of ..... with liberty for it to establish one or more subordinate offices to be termed as DCPS in the State, as required.
- 3. Area of operation**                      The area of operation of the Society shall be whole of the State of .....and it will function through District Child Protection Society (DCPS) at the district level.
- 4. Objectives**                              The Society shall facilitate and operate in an additional managerial and technical capacity to the Department of Women & Child Development, Government of ..... for the implementation of Integrated Child Protection Scheme (ICPS) in the State.
- Set up SARA at the State level;
  - Set up DCPS in all the districts;
  - Establish and strengthen a continuum of services for emergency outreach, institutional care, family and community based care, counselling and support services;
  - Put in place, activate and strengthen necessary structures and mechanisms for effective implementation of the scheme at the state and district levels;
  - Define and set standards of all services including the functioning of statutory bodies.
  - Build capacities of all functionaries including, administrators and service providers, at all levels working under the ICPS by establishing partnerships with relevant State and National Agencies;
  - Ensure that members of allied systems including, local bodies, police, judiciary and other concerned departments of State Governments are sensitized and trained to undertake responsibilities under the ICPS.
  - Prepare child protection plans at district and state levels; the plan would be gradually extended to block and community levels;
  - Strengthen service delivery mechanisms and programmes including preventive, statutory, care and

rehabilitation services;

- Promote and strengthen non-institutional family based care options for children deprived of parental care, including sponsorship to vulnerable families, kinship-care, in-country adoption, foster care and inter-country adoption, in order of preference;
- Create mechanisms for a child protection data management system including MIS Resource Directory and child tracking system at the district and State level for effective implementation and monitoring of child protection services in the State;
- Undertake research and documentation in the area of child protection through DCPS.
- Build capacities of families and community at the district levels for effective implementation and monitoring of child protection services in the State;
- Create and promote preventive measures to protect children from situations of vulnerability, risk and abuse through DCPS.
- Identification of vulnerable children and resource mapping for proper implementation of ICPS through DCPS.
- Coordinate and network with all allied systems i.e. Government departments and Non-Government agencies providing support and services for children and effective convergence required for proper implementation of the scheme.
- Educate public on child rights and protection;
- Raise public awareness at all levels on situation and vulnerabilities of children and families
- Facilitate, access and utilization by all stakeholders and public at large of available child protection services, schemes and structures at all levels

## **5. Scope of functions**

To achieve the above objectives, the Society shall deploy and direct its resources for performance of the following key tasks:

- Formulate the State Child Protection Policy and State Plan of Action in consultation with SPSU, other Departments, Academic Institutions / Universities, Civil Society Institutions, International Agencies and NGOs.
- Initiate and ensure compulsory licensing of all voluntary / charitable organisations housing children / juveniles in the State under the Juvenile Justice Act 2000 and its Amendment Act 2006.
- Receive, manage (including disbursement to implementing agencies e.g. Directorate, District Child Protection Societies (DCPS), NGOs etc.) and account for the funds received from the Ministry of Women & Child

Development, Government of India.

- Strengthen the technical / management function of the State Directorate as well as of the District Child Protection Societies (DCPS) by various means including through recruitment or commissioning individual / institutional experts from the open market.
- Set up, support and monitor performance of District Child Protection Societies and ensure proper flow and utilization of funds to the districts through ICPS and other grant-in-aid schemes;
- Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Amendment Act, 2006;
- Ensure effective implementation of other legislations and policies for child protection in the State viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 etc. and any other Act that comes into force for protecting child rights;
- Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- Network and coordinate with voluntary and civil organizations working in the field of child rights and protection;
- Carry out need-based research and documentation activities at state-level for assessing the number of children in difficult circumstances and creating State-specific databases to monitor trends and patterns;
- Training and capacity building of all personnel (Government and Non-government) working under child protection system;
- Submit Quarterly Progress report to the Ministry of Women and Child Development, Government of India on programme implementation and fund utilization;
- Liaisoning with the Ministry of Women and Child Development, Government of India and State Child Protection Societies of other States/UTs;
- Provide secretarial support to the State Child Protection Committee (SCPC), Project Sanctioning Committee

and Sponsorship and Foster Care Approval Committee;

- Maintain a state level database of all children in institutional care and family based non-institutional care and update it on a quarterly basis.
- Mobilize financial / non-financial resources for complementing/supplementing the SCPS activities in the State.
- Organize training, meetings, conferences, policy review studies / surveys, workshops and inter-State exchange visits etc. for deriving inputs for improving the implementation of SPSU in the State.
- Undertake such other activities for strengthening SPSU in the State as may be identified from time to time, including mechanisms for intra and inter-sectoral convergence of inputs and structures.

For performing the above tasks, the Society shall:

- Establish and carry out the administration and management of the Society's Secretariat and set up State Adoption Resource Agency (SARA) at the state level and District Child Protection Societies (DCPS), which will serve as the implementation arm of the Society.
- Create administrative, technical and other posts in the Secretariat of the Society as deemed necessary.
- Employ, retain or dismiss personnel as specified in the Scheme.
- Establish its own procurement procedures and employ the same for procurement of goods and services.
- Make rules and bye-laws for the conduct of the activities of the Society and its Secretariat and add, rescind or vary them from time to time, as deemed necessary.

The specific roles and responsibilities of SARA shall:

- Function as the State level Resource Centre to coordinate, monitor and develop the adoption programme in the State;
- Facilitate the setting up of ACAs where they do not exist and recommend to CARA for recognition;
- Facilitate the setting up of SAAs, provide legal recognition to SAAs and maintain a comprehensive list of such agencies;
- Ensure that all adoptions/permanent placements of children are done in accordance with the Laws & Guidelines of the Supreme Court of India and Government of India;
- Promote in-country and regulate inter-country adoptions in coordination with CARA;
- Maintain a centralized (state-specific) web-based database of adoptable children with the help of District

Child Protection Societies and ACAs as a part of the child tracking system;

- Maintain a centralized (state-specific) web-based database of prospective adoptive parents with the help of District Child Protection Societies and ACAs;
- Supervise the work of ACAs and SAAs and ensure coordination between them within State;
- Ensure that all PAPs are registered at DCPS/ SAA/ ACA/ SARA;
- Provide comprehensive adoption data to CARA on monthly basis;
- Ensure sensitization of all agencies and allied systems;
- Enhance capacity of those working in the adoption system;
- Take necessary punitive action when malpractices occur in the adoption programme whether by licensed /recognized adoption agencies or by unlicensed individuals or organizations;
- Advocacy and awareness for promoting adoptions in the State;
- Develop and disseminate IEC materials.

The specific functions of the DCPS shall include:

- Contribute to effective implementation of child protection legislations, schemes and achievement of child protection goals laid out in the National Plan of Action for Children 2005. In doing so, the DCPS will follow national and state priorities, rules and guidelines.
- Ensure that for each child in need of care there is an individual care plan and that the plan is regularly reviewed. Monitor the implementation of the plan.
- Identify families at risk and children in need of care and protection through effective networking and linkages with the ICDS functionaries, Specialized Adoption Agencies (SAA), NGOs dealing with child protection issues and local bodies, viz. PRIs and Urban Local Bodies, etc.;
- Assess the number of children in difficult circumstances and create district-specific databases to monitor trends and patterns of children in difficult circumstances;
- Map all child related service providers and services at district for creating a resource directory;
- Identify and support credible voluntary organizations to implement programme components of the ICPS;
- Support implementation of family based non-institutional services including sponsorship, foster care, adoption and after care;
- Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Amendment Act, 2006 at district/city levels by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU in each districts and homes in a cluster of districts as required;

- Ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes, as well as discharge of its functions;
- Facilitate transfer of children at all levels for either restoration to their families or placing the child in long or short-term rehabilitation through sponsorship, kinship care, in country adoption, foster care, inter-country adoption and placement in institutions;
- Facilitate effective implementation of other legislations for child protection in the district, viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, etc. and any other Act that comes into force for protecting child rights;
- Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- Network and coordinate with voluntary and civil society organizations working in the field of child rights and protection;
- Develop parameters and tools for effective monitoring and supervision of ICPS in the district;
- Supervise and monitor all institutions/agencies providing residential facilities to children in district;
- Train and build capacity of all personnel (Government and Non-government) working under child protection system to provide effective services to children;
- Encourage voluntary youth participation in child protection programmes at district, block and community levels;
- Organize quarterly meeting with all stakeholders at district level including CHILDLINE, SAA, superintendents of homes, NGOs and members of public to review the progress and achievement of child protection activities;
- Liaison with the SCPS, SARAs and DCPSs of other districts;
- Provide secretarial support to the DCPC;
- Maintain a database of all children in institutional care and non-institutional care at the district level. This Data Management System will ultimately develop into a comprehensive, integrated, live database for children in care and in need of care in the country.

## 6. First members of the Governing Body

The names, addresses, occupations and designations of the First Members of the Governing Body of the Society to whom by the rules and regulations of the Society, the management of the affairs of the Society is entrusted as required under the Societies Registration Act, 1860 (No. XXI of 1860) are as follows:

Sl. No.	Name / Designation	Status in Governing Body
1.	Secretary, WCD/Social Welfare/ of Government	Chairperson
2.	Addl./Joint Secretary, WCD/Social Welfar/ Social Justice and Empowerment or any other concerned department of state Government	Vice-Chairperson
3.	Society Director/Commissioner WCD/Social Welfare of the State of Government	Member Secy.
4-7 & so on	Principal Secretaries / Secretaries related to Home, Health, Labour, Education, Rural Development Social Welfare, Panchayati Raj, Women and Child Development, Youth Services, Zila Parishad, Tribal Welfare, Urban Development/ Affairs, Finance, Planning, NGOs, SCPCR, SHRC, State AIDS Control Society etc. Judiciary & Law, Academicians, Private Sector Media, SCRB, IG Police, Childline.	Members

A copy of the rules of the Society certified to be a correct copy by three members of the Governing Body is filed along with this Memorandum of Association.

## 7. Declaration

We, the several persons whose names and addresses are given below having associated ourselves for the purpose described in this Memorandum of Association do hereby subscribe our names to this Memorandum of Association and set our several and respective hands hereunto and form ourselves into a Society under the Societies Registration Act, 1860 (Act, No. XXI of 1860): this.....day of 2009 at.....

Sl. No.	Name	Occupation and address	Status in Society	Signature	Attested by
1					
2					



3

4

6

7 & so on

Dated: \_\_\_\_\_

# THE RULES AND REGULATIONS

## STATE CHILD PROTECTION SOCIETY - ..... (Name of State)

### 1. SHORT TITLE

1.1 These Rules and Regulations shall be called “The Rules and Regulations of the State Child Protection Society .....(State name), 2009”.

1.2 These Rules shall come into force with effect from the date of registration of the Society by the Registrar of Societies.

### 2. DEFINITIONS

2.1 In the interpretation of these Rules and Regulations, the following expressions shall have the following meaning unless inconsistent with subject or context:

“Act” means Societies Registration Act, XXI, 1860.

“SCPS (abbreviation of State Society)” means the State Child Protection Society, ..... (State name)<sup>1[1]</sup>. The physical set up of the office of SCPS may also be called as State Child Protection Unit

“SARA” means State Adoption Resource Agency an arm of the Society

“DCPS” means District Child Protection Society an arm of the Society. The physical set up of the office of SCPS may also be called as District Child Protection Unit.

“Central Government” means the Government of India.

“Chairperson” means the Chairperson of the Governing Body of the Society.

“Executive Committee” means the Executive Committee of the Society.

“Member Secretary” means the Member Secretary of the Society.

“Governing Body” means the Governing Body of the Society.

“Member” means the Member of the Society.

“Rules” means these Rules and Regulations registered along with the memorandum of Association & as may be amended by the Governing Body of the Society from time to time.

“Secretariat” means the Secretariat of the Society and may also be called as unit.

“State Government” means the Government of ..... (State name).

“Year” means the financial year of the State Government of .... (State name).

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<sup>1[1]</sup> E.g. State Child Protection Society, Delhi (SCPSD), State Child Protection Society, Bihar (SCPSB State Child Protection Society, Haryana (SCPSH) etc.

### **3 OFFICE**

3.1 Registered office of the Society shall be situated in the premises of ..... located at ..... (address where Society secretariat will be located).

3.2 The Society may set up its branch offices/District Child Protection Society (DCPS) in every district in the State.

### **4 MEMBERSHIP**

4.1 The following shall be the members of the Society:

- First members of the Governing Body.
- Additional ex-officio members of the Governing Body nominated from time to time e.g.
  - Representative(s) of the Government of India.
  - Representatives of NGOs and/or association of NGOs.
  - Representatives of professionals' associations (e.g. SCPCR, SHRC, State AIDS Control Society etc. Judiciary & Law, Academicians, Private Sector, Media, SCRB, Police department.
  - Representatives of other organisations as may be determined by the Governing Body from time to time.
  - Individuals e.g. as may be nominated by the Governing Body from time to time.

4.2 The membership of an ex-officio member of the Society and of the Governing Body shall terminate when he/she ceases to hold the office by virtue of which he/she was member and his/her successor to the office shall become such member.

4.3 Non official members of the Society will be nominated by the Chairperson on recommendation of the Governing Body. Nominated members shall hold office for a period of three years from the date of their nomination. Such members will be eligible for re-nomination for another period of 3 years.

4.4 The Society shall maintain a roll of members at its registered office and every member shall sign the roll and state therein his/her rank or occupation and address. No member shall be entitled to exercise rights and privileges of a member unless he/she has signed the roll as aforesaid.

4.5 All members of the Governing Body shall cease to be members if they resign, become of unsound mind, become insolvent or be convicted of a criminal offence involving moral turpitude or removal from the post by virtue of which s/he was holding the membership.

4.6 Resignation of membership shall be tendered to the Governing Body in person to its Executive Secretary and shall not take effect until it has been accepted by the Chairperson on recommendation of Governing Body.

4.7 If a member of the Society changes his/her address he/she shall notify his/her new address to the Executive Secretary who shall thereupon enter his/her new address in the roll of member. But if a member fails to notify his/her new address the address in the roll of members shall be deemed to be his/her address.

4.8 Any vacancy in the Society or in the Governing Body shall be filled by the authority entitled to make such appointment as per *Para 5.4.1* of the Rules and Regulations. No act or proceedings of the Society or of the Governing Body shall be invalid merely by reason of the existence of any vacancy therein or of any defect in appointment of any of its members.

4.9 No member of the Governing Body, except the Executive Secretary to be appointed as per these Rules, shall be entitled to any remuneration.

## **5 AUTHORITIES OF THE STATE CHILD PROTECTION SOCIETY**

5.1 The following shall be the bodies and authorities of the Society:

- Governing Body
- Executive Committee
- State Adoption Resource Agency (SARA)
- Project Sanctioning Committee and such other bodies as may be decided by the Governing Body.
- Sponsorship and Foster Care Approval Committee
- Child Tracking System (CTS) at the State level
- DCPS at the district level

### **5.2 GOVERNING BODY**

5.2.1 All members of the Society as set out in *Para 4.1* shall constitute the Governing Body of the Society.

5.2.2 The first members of the Governing Body of the Society shall be those mentioned in Clause 6 of the Memorandum of Association. They shall hold office until a new Governing Body is appointed according to these Rules.

5.2.3 The management of the affairs of the Society shall be entrusted to Governing Body and the property of the Society shall be vested in the Governing Body.

5.2.4 The Society may sue or be sued in the name of the Member Secretary of the Society or of such other members as shall, in reference to the matter concerned, be appointed by the Governing Body for the occasion.

### **5.3 PROCEEDINGS OF THE GOVERNING BODY**

5.3.1 The meetings of the *Governing Body shall be held at least once in every three months* and at such time and place as the Chairperson shall decide. If the Chairperson receives a requisition for calling a meeting signed by one-third members of the Governing Body, the Chairperson shall call such a meeting as soon as may be reasonably possible and at such place as s/he may deem fit.

5.3.2 At the annual meeting of the Governing Body the following business shall be brought forward and disposed of:

- Income and expenditure account and the balance sheet for the past year.
- Annual report of the Society.

- Budget for the next year.
- Annual Action Plan and research work for the next year.
- Appointments for the Executive Committee and the various Committees.
- Other business with the permission of the Chairperson.

5.3.3 Every notice calling meeting of the Governing Body shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Governing Body not less than twenty one clear days before the date appointed for the meeting. Such notice shall be under the hand of the Member Secretary and shall be accompanied by an agenda of the business to be placed before the meeting provided that accidental Society to give such notice to any member shall not invalidate any resolution passed at such meeting. In the event of any urgent business the Chairperson may call the meeting of the Governing Body at clear ten days notice.

5.3.4 The Chairperson shall take the Chair at the meetings of the Governing Body. In his/her absence, the Co-Chair or in his/her absence, the Vice-Chairperson will chair the meeting, failing which the Governing Body shall elect one from among the members present as Chairperson of the meeting.

5.3.5 One third of the members of the Governing Body, including the substitutes nominated under Rule 5.2.7 present in person, shall form a quorum at every meeting of the Governing Body.

5.3.6 All disputed questions at the meeting of the Governing Body shall be determined by votes. Each member of the Governing Body shall have one vote and in case of a tie, any equality of votes the Chairperson shall have a casting vote.

5.3.7 Founder member either Principal Secretary may depute his/her nominated representative to attend Governing Body Meeting.

5.3.8 Any member desirous of moving any resolution at a meeting of the Governing Body shall give notice there of in writing to the Member Secretary of not less than ten clear days before the day of such meetings.

5.3.9 Any business which it may become necessary for the Governing Body to perform except such as may be placed before its Annual meeting may be carried out by circulation among all its members and any resolution so circulated and approved by majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Governing Body provided that at least one third members of the Governing Body have recorded their consent of such resolution.

5.3.10 In the event of any urgent business, the Chairperson of the Society may take a decision on behalf of the Governing Body. Such a decision shall be reported to the Governing Body at its next meeting for ratification.

5.3.11 A copy of the minutes of the proceedings of each meeting shall be furnished to the Governing Body members as soon as possible after completion of the meeting.

#### **5.4 POWERS OF THE GOVERNING BODY**

5.4.1 The Governing Body will have full control of the affairs of the Society and will have authority to exercise and perform all the powers, acts and deeds of the Society consistent with the aims and objects of the Society.

5.4.2 In particular and without prejudice to the generality of foregoing provision, the Governing Body may:

- Make, amend, or repeal any bye laws relating to administration and management of the affairs of the Society subject to the observance of the provisions contained in the Act.
- Consider the annual budget and the annual action plan, its subsequent alterations placed before it by the Member Secretary from time to time and to pass it with such modifications as the Governing Body may think fit.
- Monitor the financial position of the Society in order to ensure smooth income flow and to review annual audited accounts.
- Accept donations and endowments or give grants upon such terms as it thinks fit.
- Delegate its powers, to the Chairperson, Member Secretary or other authorities of the Society as it may deem fit.
- Appoint committees, sub-committees and boards etc. for such purpose and on such terms as it may deem fit, and to dissolve / remove any of them.
- Develop and adopt its own rules and regulations for recruitment and appointment of experts and administrative / technical staff and set its own compensation package for such experts / staff to be recruited from the open market and/or deputation basis.
- Develop and adopt its own procurement procedures for procurement of goods and services.
- Authorise the Member Secretary to execute such contracts on behalf of the Society as it may deem fit in the conduct of the business of the Society.
- Do generally all such acts and things as may be necessary or incidental to carrying out the objectives of the Society or any of them, provided that nothing herein contained shall authorize the Governing Body to do any act or to pass any bye-laws which may be repugnant to the provisions hereof, to the powers hereby conferred on the Governing Body and other authorities, or which may be inconsistent with the objectives of the Society.

## **5.5 POWERS AND FUNCTIONS OF THE CHAIRPERSON OF THE GOVERNING BODY**

5.5.1 The Chairperson shall have the powers to call for and preside over all meetings of the Governing Body.

5.5.2 The Chairperson may himself/herself call, or by a requisition in writing signed by him/her, may require the Member Secretary to call, a meeting of the Governing Body at any time and on the receipt of such requisition, the Member Secretary shall forthwith call such a meeting.

5.5.3 The Chairperson shall enjoy such powers as may be delegated to him by the Governing Body.

5.5.4 The Chairperson shall have the authority to review periodically the work and progress of the Society and to order inquiries into the affairs of the Society and to pass orders on the recommendations of the reviewing or inquiry Committee.

5.5.5 Nothing in these Rules shall prevent the Chairperson from exercising any or all the powers of the Governing Body in case of emergencies in furtherance of the objects of the Society. However, the action taken by the Chairperson on such occasions shall be reported to the Governing Body subsequently for ratification within a period of one month or earlier.

## 5.6 EXECUTIVE COMMITTEE (EC)

5.6.1 The Governing Body will constitute an Executive Committee which will be responsible for acting on and doing all deeds on behalf of the Governing Body and for taking all decisions and exercising all the powers, vested in the Governing Body except those which the Governing Body may specifically indicate to be excluded from its jurisdiction by the Executive Committee.

5.6.2 The composition of the Executive Committee shall be as follows:

Sl. No.	Name / Designation	Status in Governing Body
1.	Secretary, WCD/Social Welfare/ of Government	Chairperson
2.	Addl./Joint Secretary, WCD/Social Welfar/ Social Justice and Empowerment or any other concerned department of state Government	Vice-Chairperson
3.	Society Director/Commissioner WCD/Social Welfare of the State of Government	Member Secy.
4-7 & so on	Principal Secretaries / Secretaries related to Home, Health, Labour, Education, Rural Development Social Welfare, Panchayati Raj, Women and Child Development, Youth Services, Zila Parishad, Tribal Welfare, Urban Development/ Affairs, Finance, Planning, NGOs, SCPCR, SHRC, State AIDS Control Society etc. Judiciary & Law, Academicians, Private Sector Media, SCRB, IG Police, Childline.	Members

5.6.3 The Executive Committee may co-opt additional members and/or invite subject experts to its meetings from time to time as special invitees.

5.6.4 Meetings of the Executive Committee shall be convened by the Convenor by giving clear seven days notice in writing along with the Agenda specifying the business to be transacted, the date, time and venue of the meeting.

5.6.5 Meetings of the Executive Committee shall be held at least once a month or more frequently if necessary.

5.6.6 The minutes of the Executive Committee meetings will be placed before the Governing Body at its next meeting.

5.6.7 The various Committees constituted by the Governing Body shall submit their reports to the Executive Committee who shall be empowered to take decisions on their recommendations.

## **5.7 POWERS & FUNCTIONS OF THE CHAIRPERSON OF THE EC**

5.7.1 The State Child Protection Society shall be functioning under the overall administrative control and supervision of the State Secretary currently dealing with child welfare/development programmes, in the State Government/UT Administration. He/she shall spearhead the effective implementation of ICPS and all other child protection policies and programmes at the State/UT by facilitating formulation of the State Child Protection Policy and State Plan of Action for Children. He/she shall also ensure setting up of State Commission for Protection of the Rights of the Child, Child Welfare Committees, Juvenile Justice Boards and Special Juvenile Police Units in every district. The Secretary shall also ensure compulsory licensing of all voluntary/charitable organizations housing children under the Juvenile Justice Act, 2000. He/she shall facilitate inter-sectoral convergence with allied departments like home, health, labour, education, State AIDS Control Society, social welfare, women and child development, youth services among others. The Secretary is empowered to take all administrative decisions pertaining to the implementation of the ICPS and related fund disbursement.

5.7.2 *Project Sanctioning Committee*: The State Secretary who will be the Chairperson of the EC shall head a Project Sanctioning Committee set up for examining and clearing proposals/ projects submitted by the voluntary organizations under the different programme components of the ICPS. The financial powers will be vested in the State Secretary/Chairperson of EC and he/she shall be the final authority at State/UT level to authorize funds disbursement under ICPS.

5.7.3 *State Adoption Resource Agency (SARA)*: In order to support CARA in promoting in-country adoption and regulating inter-country adoption, ICPS shall support setting up of a State Adoption Resource Agency in every State/UT. Such SARA, set up as a unit under the State Child Protection Society, will coordinate, monitor and develop the work of adoption and render secretarial and administrative assistance to the State Adoption Advisory Committee. SARA shall constitute a *Sponsorship and Foster Care Approval Committee and also liaison* with DCPS at District levels and provide technical support to the Child Welfare Committees in carrying out the process of rehabilitation and social reintegration of all children through sponsorship, foster-care, in-country and inter-country adoption. The State Secretary who will be the Chairperson of the EC shall oversee the function

## **5.8 SOCIETY SECRETARIAT or UNIT**

5.8.1 The Secretariat shall consist of all such technical/management units put together and as may be determined by the Governing Body with due regard to the scope of functions as set out in Article 5 of the Memorandum of Association.

## **5.9 POWERS AND FUNCTIONS OF THE SECRETARIAT**

5.9.1 The Secretariat of the Society shall consist of the Society Director and Staff of the Society, including experts and consultants.



5.9.2 As the implementation arm of the Society, the Secretariat will be responsible for day-to-day management of the Society's activities. In particular, it will be responsible for performing all functions of the Society as set out in Article 5 of the MoA.

5.9.3 As a support structure for assisting Department of Women & Child Development of the State Government, the Secretariat shall:

- cause its experts and staff to be subjected to such operational arrangements with the Directorate (including seating and reporting arrangements) as to generate synergies,
- host external experts within its premises, and
- provide such logistic support to the officers and staff of the Directorate and Department of Social Welfare/Nodal Department dealing with Juvenile Justice/Child Protection of the State Government as may be determined by the Governing Body.

## **5.10 POWERS AND FUNCTIONS OF THE SOCIETY DIRECTOR**

**5.10.1 Director/Commissioner:** He/she shall function as the administrative head of the Society at the State level and shall be responsible for management, supervision and monitoring of the overall functioning of the Society as well as the implementation of the ICPS. He/she shall supervise the work of the State Child Protection Society, the State Adoption Resource Agency (SARA) and all the District Child Protection Societies (DCPSs) of the State/UT. The Director/Commissioner shall be responsible for ensuring effective implementation of ICPS and other child protection policies and programmes at the State, district and local levels with the assistance of all personnel of the SCPS. The Director/Commissioner child protection shall ensure timely release of funds to concerned agencies/organizations implementing ICPS and other child protection programmes at state and district levels. He/she shall also supervise and monitor utilization of funds allocated under ICPS.

## **6 FUNDS OF THE SOCIETY**

6.1 The funds of the Society shall consist of the following:

- Cash assistance received from the Government of India.
- Grants-in-Aid from the State Government.
- Grants and donations from trade, industry, institutions and individuals.
- Receipts from disposal of assets.

The assets and liabilities of all Societies merged into the Integrated Society shall be subsumed within the new Society.

## **7 ACCOUNTS AND AUDIT**

7.1 The Society shall cause regular accounts to be kept of all its monies and properties in respect of the affairs of the Society.

7.2 The Executive Committee may cause separate Bank Accounts in respect of each scheme or separate ledgers for each scheme under one account. In such an event, the Governing Body shall prescribe written instructions relating to sub Society of Statement of Expenditure (SoE) for each scheme. The separate Accounts of

different Programmes could be audited by different auditors, and submitted to the Programme Unit separately. However, the SPSU will ensure one integrated audit of the State Child Protection Society.

7.3 The accounts of the Society shall be audited annually by a Chartered Accountant firm included in the panel of Comptroller and Auditor General of India or any qualified person appointed by the Government of India/State Government and any expenditure incurred in connection with such audit shall be payable by the Society to the Auditors. The Office of the Accountant General of State may also, at its discretion, audit the accounts of the society.

7.4 The Chartered Accountant or any qualified person appointed by the Govt. of India/State Government in connection with the audit of the accounts of the Society shall have the same rights, privileges and authority in connection with such audit as the Auditor General of the State has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other necessary documents and papers.

7.5 The report of such audit shall be communicated by the auditor to the Society, which shall submit a copy of the Audit Report along with its observation to the State Government.

7.6 The Auditor shall also forward a copy of the report to the Chairperson of the Society and none present on General Body of SCPS.

## **8 BANK ACCOUNT**

8.1 The account of the Society shall be opened in a nationalised bank approved by the Executive Committee or in a scheduled commercial/nationalized bank as may be specified by the concerned state department (WCD/Social Welfare/SJ&E etc.), Government of .....(state name). All funds shall be paid into the Society's account with the appointed bank and shall not be withdrawn except through a cheque, bill note, other negotiable instruments or through electronic banking (e-banking) procedures signed/electronically authorised by such authorities of the Society Secretariat as may be determined by the Executive Committee.

8.2 The Society shall switch over to e-banking procedures as and when the MoWCD, Government of India directs the Society to do so as the principal donor to the Society.

8.3 The Executive Committee shall authorise the Society Director (Society Director) to operate the accounts of the Society in conjunction with another senior official as may be decided by the Committee but any two signatures will be necessary for drawing amount from the Bank.

## **9 ANNUAL REPORT**

9.1 A draft annual report and the yearly accounts of the Society shall be placed before the Governing Body at next meeting for consideration and approval. A copy of the annual report and audited statement of accounts as finally approved by the Governing Body shall be forwarded within six months of the closure of a financial year to the Chairperson of the Governing Body and Government of India representatives on the Governing Body.

## **10 SUITS AND PROCEEDINGS**

10.1 The Society may sue or be sued in the name of Society through its Member Secretary.

10.2 No suit or proceedings shall abate by the reason of any vacancy or change in the holder of the office of the Chairperson or Member Secretary or any office bearer authorised in this behalf.

10.3 Every decree or order against the Society in any suit or proceedings shall be executable against the property of the Society and not against the person or the property of the Chairperson, Member Secretary or any office bearer of the Society.

10.4 Nothing in sub-rule 10.3 above shall exempt the Chairperson, Member Secretary or office bearer of the Society from any criminal liability or entitle him/her to claim any contribution from the property of the Society in respect of any fine to be paid by him/her on conviction by a criminal court.

## **11 AMENDMENTS**

11.1 The Society may alter or extend the purpose for which it is established and/or the Rules of the Society.

11.2 The proposition for any alteration or extension to the objectives of the Society and/or the Rules must be circulated to all members of the Governing Body and must be included in the written agenda of the ensuing meeting of the Governing Body or a special meeting of the Governing Body.

11.3 No amendments shall be effective unless the proposals in this regard have been endorsed by 3/5<sup>th</sup> of the members of the Governing Body provided that such proposals have been endorsed in writing by the GoI representatives on the Governing Body either during the meeting of the Governing Body or through a written communication.

## **12 DISSOLUTION**

12.1 The Governing Body may resolve to dissolve the Society by bringing a proposal to that effect in a special meeting to be convened for the purpose.

12.2 Upon the dissolution of the Society, all assets of the Society, after the settlement of all its debts and liabilities, shall stand reverted to the State Government of ..... for such purposes as it may deem fit.

12.3 The Society shall not be dissolved unless 3/5<sup>th</sup> of its members express a wish for such dissolution by their votes delivered in person or by proxy at the Meeting of the Society convened for the purpose.

## **13 MISCELLANEOUS**

### **13.1 CONTRACTS**

13.1.1 All contracts and other instruments for and on behalf of the Society shall be subject to the provisions of the Act, be expressed to be made in the name of the Society and shall be executed by the persons authorised by the Governing Body.

13.1.2 No contracts for the sale, purchase or supply of any goods and material shall be made for and on behalf of the Society with any member of the Society or his/her relative or firm in which such member or his/her relative is a partner or shareholder or any other partner or shareholder of a firm or a private company in which the said member is a partner or director.

### **13.2 COMMON SEAL**

13.2.1 The Society shall have a common seal of such make and design as the Governing Body may approve.

### **13.3 COMPLIANCE OF STATUTORY REQUIREMENTS**

13.3.1 The Society shall register itself with relevant government agencies for the purpose of complying with the statutory requirements including regulations governing deduction of tax at source relating to the staff, consultants and experts employed by it and/or consultancies/contracts awarded by it in the course of performance of its tasks.

### **13.4 GOVERNMENT POWER TO REVIEW**

13.4.1 Notwithstanding anything to the contrary contained in these Rules, the Ministry of Women & Child Development, Government of India, as the principal donor to the Society, may appoint one or more persons to review the work and progress of the Society and hold enquiries into the affairs thereof and report thereon, get the accounts of the society audited by the internal audit parties of the Chief controller of Accounts, MWCD, GoI, and issue directions, as deemed appropriate, to the Society.

13.4.2 The Chairperson of the Governing Body shall have the right to nominate one or more persons to be part of the review / enquiries.

13.4.3 The progress review reports and / or enquiry reports shall be included in the written agenda of the ensuing meeting of the Governing Body.

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We, the undersigned being three of the members of the first Governing Body of the State Child Protection Society ..... (State name) certify that the above is a correct copy of the Rules and Regulations of the said Society.

Sl. No.	Name and address	Signature
1		
2		
3		

Dated: \_\_\_\_\_

## (GENERIC) BYE-LAWS

OF

### THE STATE CHILD PROTECTION SOCIETY, .....(STATE NAME)

#### A Procurement Policy and Procedures

Procurement of goods and services to be financed from funds received from Government of India shall be done as per the procedures recommended by the Government of India.

In all other cases, including where the GoI allows the State a choice, the following order of preference shall be applied for procurement of goods and services:

*Procurement of Goods:*

- A. Rate contracts of the DGS&D, failing which,
- B. Rate contracts of other GoI/State agencies, failing which,
- C. Tender procedure as recommended by GoI/State Government.

*Procurement of services:* Procedure as recommended by the GoI.

#### B Procedure for release of funds and Financial Powers of the Office Bearers of the Governing / Executive Committee

##### I **Classification of Items of Expenditure and Financial powers of the bodies and office bearers of the Society**

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*(For ensuring smooth flow of funds for the approved plans and activities, it is necessary that proper delegation of administrative and financial powers is made at each level. A model delegation is suggested below, which each State/UT may consider keeping in view their existing systems and procedures and suitably modify/add for meeting State's own requirements and all relevant aspects)*

Type of expenditure	Authority	Extent of power
A: Approval of District /City plans.	Governing Body / Executive Committee	Full powers
B: Approval of Project Proposals of NGO referred under JJA for Grant-in-Aid	EC	Full powers
C: Release of funds for implementation of plans / allocations which have been approved by Governing Body / Executive Committee.	Society Director/DCPS*	Full powers.

Type of expenditure	Authority	Extent of power
D: Expenditure proposals <i>not covered under categories A and/or B</i>		
D-1: Procurement of goods  D-2: Repairs and minor civil works  D-3: Procurement of services for specific tasks including outsourcing of support services for the Directorate.	Chairperson, Executive Committee	More than Rs 5.00 lakh and upto Rs. 10.00 lakh per case.
	Society Director	Upto Rs. 5.00 lakh per case.
D-4: Hiring of contractual staff, including sanction of compensation package.	Chairperson, Executive Committee	Full powers, provided that the contracts shall be for a period not exceeding 11 months at a time.
	Society Director	Full powers in respect of Clerical / Class-IV equivalent positions, subject to compensation package approved by the Governing / Executive Committee, provided that the contracts shall be for a period not exceeding 11 months at a time.
D-5: Miscellaneous items not mentioned above such as hiring of taxis, hiring of auditors, payments relating to documentation and other day-to-day services, meetings and workshops, training, purchase of training material/ books and magazines, payment of TA/DA and honoraria to resource persons and guest speakers invited to meetings / workshops, and payment of TA/DA allowances for contractual staff and/or non-official invitees to Governing Body /Executive Committee meetings and/or Government / Society staff deputed to meetings outside the State.	Chairperson, Executive Committee	Upto Rs. 5.00 lakh at a time subject to a maximum of Rs. 50 lakh per annum.
	Society Director	Upto Rs 2.00 lakh at a time, subject to a maximum of Rs. 25.00 lakh per annum.

\*as authorized by the State Government.

## II **Procedure for release of funds**

The Society funds shall be drawn through cheques and/or bank drafts and/or through e-banking instruments as and when the same is introduced.

All cheques shall be signed by two authorised signatories of the Society Secretariat/Unit on the basis of a written authorisation from Executive Committee of the Society in this behalf.

Wherever releases are decided to be made through bank drafts and/or through e-banking, the authorisation letter to the bank shall be signed by the concerned authorised signatories.

Wherever, under e-banking procedures, releases are to be made through electronic authorisation to the bank to issue cheque/draft/account transfer on behalf of the Society, the electronic authorisation will be executed by the same two authorised functionaries of the Society Secretariat who have been authorised to sign cheques on the basis of a written authorisation in this behalf.

### **III      *Review / revision of financial powers***

The Executive Committee may review the financial powers of the office bearers of the bodies of the Society as and when required and revise the same, if considered necessary.

## **C      *Human Resources Policy and Procedures***

### ***Recruitment and Appointment***

Appointments for the SCPS/Unit, SARA, DCPS can be made only against vacant posts prescribed in accordance with the conditions in this regard prescribed by the State Government read along with those prescribed under ICPS by Govt. of India from time to time,

Recruitment would be through one of the following three routes:

- Appointments from open market: all such appointments will be on contractual basis for a fixed tenure.
- Appointments on “Deputation” basis: all such appointments will be regulated in terms of the State Government rules relating to Deputation of its officers / staff.
- Individuals recruited and paid for by an outside agency [e.g. Government of India and/or Development Partners] but posted to work within the Society Secretariat: all such persons shall be governed by the terms of employment of the organisation agency concerned. However, they shall be required to report to the Society Director as may be decided by the Chairperson, Executive Committee.

All appointments would be temporary/contractual and would be made for the contract / deputation period as determined by the Executive Committee.

### ***Leave rules***

**Holidays, Casual Leave, Medical Leave:** The Society staff and the full time consultants shall be governed by the State Government rules, in so far as observance of holidays and grant of casual / medical leave is concerned.

**Leave without pay:** The Society staff (including full time consultants) shall be entitled to take leave without pay in exceptional circumstances. This can be sanctioned by the Member Secretary after recording the reasons. In the case of the Member Secretary, this will have to be endorsed by the Chairperson, Executive Committee.

***Training and capability development:***

Full time consultants and staff of the Society/DCPS (including staff on deputation) would be encouraged to take up skill development courses and even correspondence courses which further their employment prospects, enhance their skills, and build up Society/DCPS capabilities. However, such assignments should have minimal impact on the work of the Society/DCPS.

***Travelling / Dearness Allowance (TA/DA) Rules***

The travel/DA outside the State shall be regulated on a case to case basis in accordance with delegated financial powers as indicated in Section-B above (Financial Powers, item C-5).

**Notes:** [1]: The Society shall create a panel of accredited taxi operators through open tender for hiring the taxis for the travel of Society staff.

[2]: The Member Secretary can allow the junior staff to use a taxi for undertaking travel as per an approved itinerary.

[3]: The Society shall identify and negotiate a standard/discounted tariff for its staff / employees with the State Tourism Corporation, guest houses of PSUs and budget / hotels in the State.

[4]: Maximum, subject to actual.

**Deduction of Tax at Source:** Tax will be deducted at source as per income tax rules and the Society shall register itself with the relevant authorities in this regard.

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