

Holding of Public Hearings by West Bengal Commission for Protection of Child Rights in 2015

Procedure the Commission will follow

Objective of the Public Hearings

West Bengal Commission for Protection of Child Right is constituted under section 17 of the Commission for Protection of Child Rights Act, 2005 to ensure protection of child rights under various laws and provide speedy trial of offences against children or of violation of child rights and for matter therewith or incidental thereto

To meet the above objective the Commission has planned to hold Public Hearings at venues, dates and time to be notified later to garner opinions including information as regards good practices, grievances or complaints on matters related to Right to Education Act, 2009 and Rules made there under.

The Commission, through this exercise, will -

- a) Collect grievances/complaints relating to safeguards provided by the Right to Education Act, 2009 and Rules made there under for the protection of child rights.

- b) Examine and review the safeguards provided by or under the Right to Education Act, 2009 and recommend measures for effective implementation of the obligations under the Act
- c) Inquire into complaints relating to child's right to free and compulsory education ; and
- d) Take remedial steps such as recommending State Government to initiate prosecution, approaching appropriate forum for orders or writ and recommend interim relief.

The Commission may summon officers of the government or other public authorities and require them to be present during the public hearings. It will inquire about actions taken or proposed to be taken by an authority in response to complaints.

Restriction

The Commission will not entertain a case which is pending adjudication before a court of law or any other Human Rights institutions.

Organization of the hearings

1. Advertisement

The Commission has fixed 21st July, 2015 for issuing advertisement for holding Public Hearing in two widely

circulated newspapers of which one will be in Bengali and another in English.

2. Right to Education Act, 2009

The Right to Education Act, 2009 will be available at Commission's website.

3. Identification of Complaint

Public hearings will be held on the violation of the Right to Education Act, 2009 and the Rules made there under. The complaints to be heard in the hearings will be identified by the Commission through respective District Child Protection Officers. Under the supervision of the Commission the DCPOs will examine and shortlist the admissible cases/complaints for hearing and compile such complaints on which the government or public authority concerned has not yet acted or acted without appropriate diligence. In this exercise DCPOs of the concerned districts will be assisted by DCPUs. Putting together the case file, containing additional information such as whether or not any action has been taken on the complaint by the government or concerned authority, the case records will be placed before the Chairperson of the Commission for consideration. Certain basic criteria to identify and select cases during the public hearings will be adopted such as – nature or gravity of the case, whether the violation has

resulted in commission of any offence by or gross omission on the part of government or designated authority.

The Commission may also accept complaints from NGOs/individuals on behalf of the children whose rights have been violated.

4. Issue notices

After identifying cases/complaints suitable for hearing, the Commission will inform the victims/complainants about the docketing for hearing of their cases in public hearings, approximate time, date and venue of public hearings. The complainant must carry original copies of documents with them. The notice giving details of the progress of Public hearings will be displayed on Notice Boards of District Offices and Websites of the Commission at least 30 days in advance.

5. Venue

The Commission will notify the venues of the Public hearings through Commission's Website (www.wbcpcr.org) and also through the Notice Boards of DCPUs/District Magistrate of concerned District shortly.

6. Constitution of panel

The Commission will constitute a panel for Public hearings. Its composition will be decided by the Chairperson of the Commission. The panel shall decide on

decision/recommendation in each case based on merit of such case.

7. Identifying experts

The Commission may also invite experts to provide guidance who may be consulted by the Commission during the hearings. Such experts will be from the fields of law, academia, Civil Society, RTE experts etc.

8. Send case file to panel members

The case files along with background information will be forwarded to the persons in the panel in advance so that they may study the cases and the issues involved and are fully prepared on the day of hearing.

9. Issue summon

The Commission may issue summon to officers of the relevant government departments or public authorities in accordance with laws and Rules in this regard in order to ensure their presence during the public hearings. The Commission may also require them to produce relevant documents during hearings.

10. Explain about the Commission and procedure for hearing and adhering to principles of natural justice

The Chair of panel will explain the objective of the public hearing and the procedure that will be followed during the course of hearing. Panel will also explain in terms of the provision of Section 15 of the CPC Act, 2005, what the

Commission can and cannot do in order to help address the grievances. The Commission will ensure that the public hearings are conducted fairly and there is no element of bias. All concerned and affected persons will be given an opportunity to present their case.

11. Language

The proceeding will be conducted, as far as practicable, in a language that is known to majority of the stakeholders. Decision of the Chair of the Panel will be final.

12. Recording of proceedings

The Commission may consider video-taping the proceedings. However, due care will be taken to protect the identity of victims or deponents who do not wish to be identified on record.

13. Authority

The Commission reserves the right to defer/delete/suspend any clause stated above in the interest of the children of the State. In case of any dispute, the decision of the Chairperson of WBCPCR will be final and binding.