

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS



ANNUAL REPORT 2016-17



Contents

A. CONSTITUTION OF THE COMMISSION

B. FUNCTIONS OF THE COMMISSION:

- 1:** Under Commissions for Protection of Child Rights Act 2005
- 2:** Under Right to Free and Compulsory Education Act 2009

C. COMPLAINT REDRESSAL MECHANISM:

- 1:** Notification 1
- 2:** Notification 2

D. COMPLAINTS INVESTIGATED AND ENQUIRIES MADE:

- 1:** Hearing of Complaints received under Commission for Protection of Child Rights Act
- 2:** Hearing of Suo Moto cases
- 3:** Hearing of Complaints received under the Right to Free and Compulsory Education Act 2009

E. WORKSHOPS/CONVENTIONS/SEMINARS/PUBLIC HEARINGS:

F. IMPORTANT CORRESPONDENCE/ DIRECTIVES OF COMMISSION:

G. SIGNIFICANT CONSULTATIONS

- 1:** Visits of Chairperson and Secretary, MSCPCR
- 2:** Important Meetings

H. MONITORING OF POCSO ACT

I. FINANCIAL STATEMENT OF THE YEAR 16-17

J. FORM A

Hon'ble Minister for Women and Child Development,
Government of Maharashtra



Smt. Pankaja Munde, Hon'ble Minister, Women and Child Development

Hon'ble Minister of State, Women and Child Development,
Government of Maharashtra



Smt. Vidya Thakur, Hon'ble Minister of State, Women and Child Development

A)

CONSTITUTION OF THE COMMISSION

The Maharashtra State Commission for Protection of Child Rights has been set up in July, 2007 as a statutory body under Commission for Protection of Child Rights Act 2005 (4 of 2006) to protect, promote and defend child rights in the state. In the act, a child has been defined as a human being below the age of eighteen years. Child Rights as per Section 2 (b) of the Act, includes the rights provided under the CRC. The major standards for children prescribed in the CRC are as follows:

- The child is protected against all forms of discrimination, based upon race, colour, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or her status.
- In all actions concerning children, the best interests of the child shall be a primary consideration
- The child shall have the right to identity, name & nationality
- Every child has an inherent right to life, survival and development, including the right to the highest attainable standard of health to facilities for the treatment of illness, the right to education, which shall be directed to the development of the child's personality their fullest potential; and the right to benefit from social security.
- A child has right to rest& leisure, & to engage in play and recreational activities
- Every child has right to a standard mental, spiritual, moral and social development
- No child shall be subjected to illicit transfer, abduction, sale or traffic for any purpose or in any form.
- Views of the child are to be given due weightage.
- A child shall not be separated from parents against their will, except when such separation is necessary for the best interest of the child.
- A child deprived of family environment, shall be entitled to special protection and assistance provided by the State.
- Institutions, services and facilities responsible for the care or protection of children shall conform to the standards established.
- Children are protected from economic exploitation.
- Children are not subjected to illicit use of narcotic drugs and psychotropic substances.
- A mentally or physically disabled child should enjoy a full & decent life, in conditions which ensure dignity, promote self-reliance & facilitate active participation in the community.
- Children are protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.
- Every child is protected from all forms of sexual exploitation and sexual abuse.
- No child is subjected to torture or other cruel, inhuman or degrading treatment or punishment or be deprived of his liberty unlawfully or arbitrarily.
- All appropriate measures shall be taken to promote physical and psychological recovery and social re-integration of a child victim of any form of neglect, exploitation or abuse, torture
- The rules of international humanitarian law applicable to children in armed conflicts are respected.

- Every child alleged as, accused of, or recognized as having infringed the penal law has right to be treated in a manner sense of dignity and worth
- No child is subjected to arbitrary or unlawful interference with his/her privacy, home or to unlawful attacks on his/her honour and reputation.

**CHAIRMAN, MEMBERS AND MEMBER
SECRETARY, MSCPCR**

Chairperson- Shri Sanjay Kumar I.A.S.
(Incharge) (From 1.4.2016 to 2/12/2016)

Smt Vinita Ved I.A.S.

(From 3/12/2016 to end of the year)

Secretary - Shri.A.N.Tripathi I.F.S.

(From 1.04.2016 to end of the year)

Members – None, as Commission was not
appointed during the year

B)

FUNCTIONS OF THE COMMISSION

B-1) UNDER THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

1. 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;
2. Present to the State Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
3. Inquire into violation of child rights and recommend initiation of proceedings in such cases;
4. examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV / AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
5. Look into matters relating to children in need of special care and protection including children in distress, marginalized & disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
6. Study treaties and other international instruments and undertake periodical review of existing policies, programs and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
7. Undertake and promote research in the field of child rights;
8. Spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means;
9. 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 State Govt. 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;
10. Inquire into complaints or take Suo moto notice of matters related to
 - (a) deprivation & violation of child rights;
 - (b) non implementation of laws providing for protection and development of children;

(c) 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 perform such other functions considered necessary for the promotion of child rights and any other matter incidental to the above functions:

11. Analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child, present to the state Govt. annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards;
12. Undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
13. Promote, respect and serious consideration of the views of children in its work and in that of all Govt. Departments and Organizations dealing with child;
14. Produce and disseminate information about child rights;
15. Compile and analyze data on children;
16. Promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

B-2 UNDER THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

Under Section 31 & 32 of Said Act, the State Commission for Protection of Child Rights have been assigned following functions

- I) Examine and review the safeguards for rights provided by or under this acts (Right to Education Act 2009) and recommend measures for their effective implementation.
- II) Inquire into complaints relating to child Right to free and compulsory education
- III) Take necessary steps as provided under Section 15 and 24 of the said Commission for protection of Child Right Act 2005.
- IV) The commission shall while inquiring into any matter relating to child rights and compulsory education have the same power as assigned to them respectively under Section 14 and 24 of the commission for protection of child right act 2005.
- V) Notwithstanding anything contained in Section 31, any person having any grievance relating to the right of a child under Right to Education Act may make a written complaint to the local authority having jurisdiction.
- VI) After receiving the complaints under sub section 32(1) the local authority shall decide the matter
- VII) Any person aggrieved by the decision of local authority may prefer an appeal to the state commission. Under section 32 (3) of the Act, the appeal as preferred shall be decided by the state commission

COMPLAINT REDRESSAL MECHANISM

NOTIFICATION 1

1. State Commission for Child Right is a Statutory Organization created under Commission for Protection of Child Right Act 2005. The State Government has created State Commission 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.

(A) 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-1) The main bench of the Commission shall be in Mumbai and circuit benches at Aurangabad and Nagpur respectively.
- A-2) Complaint under sub section 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 are here by cancelled.

NOTE: As there was no commission appointed during the year 2016-17, the Hon. Chairperson and Hon Secretary conducted Hearings at Mumbai and Public Hearings were held by the Hon Secretary in different districts of the State.

NOTIFICATION 2

Maharashtra State Commission for Protection of Child Rights constituted by the State Government's Order dated 24/07/2005 here named as Commission for protection of Child Rights and rule made here under by State Government on 31/05/2010.

PROCEDURE

1. 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 suomoto notice of matter regarding:
 - Deprivation and Violation of child right.
 - Non implementation of laws providing for protection and development of children
 - Noncompliance of policy decision, guideline or restriction aimed at mitigating hardship to and ensuring welfare of the children and to provide relief to such children.
 - 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 foolscap. (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 possess 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 newspapers. 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.

COMPLAINTS INVESTIGATED & INQUIRIES MADE

Total of 145 fresh cases were received during the year 2016-17 in the Commission. The complaints were filed under The Commissions for Protection of Child Rights Act, RTE Act 2009. A total of 90 cases were disposed of by the Commission during the year. Out of these, Commission made recommendations in the following cases and in the remaining cases instructed the concerned authorities to decide and take action.

RECOMMENDATIONS MADE BY THE COMMISSION UNDER THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT 2005

1. (Case No.248/2015)

This complaint was filed by father of a minor girl studying in a school at Mira Road, alleging that the school authorities have not taken any action against the accused who had sexually assaulted his daughter. Complainant also submitted that as the police did not properly investigate the said case, the matter may be handed over to CBI.

Considering the submissions made by parties, record and provisions of Law, Commission made the following recommendations.

On the basis of records submission made by the parties, and provisions of the law, Commission is making following recommendations: -

- (1) This Commission does not feel to transfer this matter to the C. B. I.**
- (2) Suggestion as made, in para (7) may be considered, if law permits.**
- (3) Appropriate and adequate preventive measure should be adopted by the School, to prevent this type of incident in future.**
- (4) Counselling and interaction between teacher and students, should be started on daily basis, and same should be included in the curricular of the School.**
- (5) Appropriate action should be initiated against the School, prescribed under provision of law for want of implementing the adequate preventive security measure.**
- (6) Committee should be constituted under the provision as laid down in the Sexual Harassment of Women at Work Place (Prohibition, Prevention and Redressal) Act, 2013.**

2. Case No.189/2015.

In this complaint addressed to the Child Welfare Committee, and copy of which was forwarded to the Commission, the complainant had alleged that his wife is physically and mentally torturing his two daughters aged 7 and 5 years. Commission took cognizance of the said complaint and initiated inquiry. Commission instructed the Protection officer of Bombay Suburban to visit the place and submit report. Accordingly DCPU Bombay Suburban submitted the report. Respondent did not attend the inquiry and filed any reply. However, she sent letter without her address raising objection and refuting the report of DCPU.

On perusal of the record and report of the DCPU it appears that the children are in need of care and protection and have no conducive atmosphere with mother. However, as the Commission being recommendatory body and could not adjudicate the matter, being watchdog to protect the rights of

children as per Sec. 2(b) of the Commission for Protection of Child Rights Act, 2005, Commission made following recommendations in the matter.

- “(1) Both the children need care and protection in conducive atmosphere.**
- (2) The complainant may approach the Hon’ble Court having jurisdiction to adjudicate this matter and recommendation of the Commission may be placed before the court.”.**

3- Case No.18/2014-15

After death of both parents of the minor girl, her maternal grandmother Smt. XXX, who is staying with her, approached the Commission with a request to protect the rights of her minor granddaughter. Complaint claims that her late daughter Smt. XXX has appointed her as guardian of her minor daughter in respect of her terminal benefits from the Bank. Complainant had approached the Civil Court for guardianship of her granddaughter, which was rejected by the Court on the grounds that the first right to be declared as guardian is with the paternal grandparents. The Court has also observed that the paternal grandparents of the said minor girl pensioner while the complainant has no fixed source of income and that the paternal grandparents are more educated than the complainant. On getting the guardianship the paternal grandparents approached the society for transfer of the flat which was in the name of the complainant’s daughter and granddaughter. However, after the paternal grandparents and the society gave assurance that the said flat shall not be transferred to any except the said minor, complainant has withdrawn the said case. However, no such assurance was given in writing. When the complainant approached the Court by filing Civil Suit for benefit of minor’s property, the Hon. Court suggested that the said Court has no power to revoke the order passed by the equivalent Judge.

On the basis of the submissions made by parties, report of the Protection Officer, the decision of the Hon. Court, the Commission feels that it would be proper if child shall have the company of the maternal grandmother also. Therefore, Commission made the following recommendations

- (1) The maternal grandmother may be allowed to take care of minor girl jointly with the guardian, i. e. paternal grandparents.**
- (2) Recommendation of the Commission may be placed before Hon'ble Court for consideration which has jurisdiction to decide the matter of guardianship. The matter is disposed of accordingly.**

4- C.R.No.10/2015-2016

This complaint is filed by Smt. XXX against the Recovery Officer of the Bank, alleging that the said officer is violating the fundamental rights of her two children aged 12 and 15 years and studying in VIII and X Standard, by taking forceful possession of their Flat.

The matter was listed for inquiry. It is correct that the matter is between the debtor and creditor and the action taken by bank is in accordance with law. However, as the children of the complainant are studying in VIIIth and Xth Class, if the complainant and her family is dispossessed it will affect the education of minor children. Though, in this case child rights are not violated, on humanitarian grounds Commission has made the following recommendations.

“To consider the request of the complainant till the completion of the examination of her children”.

5-C.R.No.235/2015

This matter has been filed by the Child Protection Officer, Thane, mentioning about an incident, as happened with the team of District Protection Unit, when they were travelling and countered with one lady having one day old child. Observing her suspicious nature, followed her and finally, succeeded in their mission in order to nab the lady, and rescued the child. Members of the District Child Protection Unit tried to take help from the police to bust the racket but they did not get co-operation from the Government Railway Police, Dombivali. Members of District Child Protection Unit (hereinafter called D.C.P.U.) requested the concerned Police Officer at Dombivali to file case against all alleged accused, named as 1) XXX, (2) XXX, (3) XXX and (4) XXX, under sections 370 (A), 317, 363 read with section 34 of Indian Penal Code along with section 23 of Juvenile Justice Act, 2002. However, police officer did not file F. I. R. against alleged accused. The report says that in the register of the hospital, name of the lady who delivered baby is mentioned as XXX.

On 8th December, 2015, Member of D.C.P.U. further submitted report, mentioning that accused was released on bail bond of Rs.25,000/- assurance was given by the concern police officer to include provision of section 370 (A) of I.P.C. after getting opinion of the law officer. No report in this regard has been placed before the Commission by the Police Officer.

History of the case reveals that Role of Member of D. C. P. U. has great concern but role of concern Police Officers is not appearing effective. Hence, matter need to be investigated by Criminal Investigation Department.

After going through the contents of complaint, submission made by parties and circumstantial evidences, the Commission is propounding following recommendations:-

- (1) Matter should be handed over to the State C. I. D. for detailed investigation.**
- (2) Appropriate, preventive, prohibitive and punitive steps should be adopted by the appropriate authorities in the Government, to stop this type of activities.**

6- C.R.No.214/2015

This complaint is filed by complainant Smt. Usha Singh against the Chairman of the Housing society in respect of violation of child rights by the Chairman of the Housing Society and his mother. It is contended that when the grandchild of the complainant and other children were playing the said Chairman and his mother used abusive language, gave threat and used criminal force against the complainant in front of children. It is further contended that the Chairman's mother entered the play area where the children were playing and refrained her grandson and other children from playing. As the Housing society did not take any action, the complainant approached the Commission requesting to take cognizance about the aforesaid conduct of the respondents, about the criminal offences committed by making castiest remarks made against the children and their family members, abuse and violation of child rights, conduct free and fair inquiry, investigation about the said incident, provide relief by recommending appropriate action, issue guidelines declaring the sanctity of the openarea/play area/garden area/kids area of residential housing society as inviolable under any circumstances by anybody including the Chair holders and members of the housing society, etc.

The matter was listed for inquiry and notices were issued to the Chairman of the society and to the Dindhoshi Police Station. Considering the submissions of the complainant and the respondents, the Commission made the following recommendations.

- "1. To ensure the safety of the children, in case game of football/cricket is organized in the campus of society.**
- 2. Police is directed to investigate the matter and submit report on the basis of complaint registered by the complainant.**

7- C.R.No.210/2015-2016

This matter has been referred to the Commission by the Women and Child Welfare Department, Government of Maharashtra, saying that strict action may be initiated against the accused **who** has sexually violated six year old child. Commission initiated inquiry by calling report from the Women and Child Development Officer Pune and the concerned police officer, and listed the matter for hearing on 14.10.2015, 17.11.2015, 02.12.2015 on which dates parties were not present. On 14.12.2015 the DCPU and father of the complaint were present. On going through the circumstances of the case, and report of the DCPU, Commission made the following recommendations : -

- (1) Appropriate and adequate steps should be initiated to keep child out of trauma.**
- (2) To initiate appropriate action against conduct of commission and omission committed by the police officers.**

8- C.R.No.175/2014

This complaint is filed by the complainant Mrs. XXX through her Adv. XXX, against her husband Shri XXX. Complainant has raised pertaining to herself, her daughter age 11 years and son age 19 years. It is alleged that the respondent husband is abusing, assaulting, quarreling, forcing the complainant to do house work and fighting over petty issues in order to subjugate her. It is further stated that due to the continuous harassment, quarrel, and fighting complainant shifted herself from other place in view of the education of the children and after unbearable torture she was compelled to take police help on 24.03.2010. However, despite medical reports police did not register FIR as her husband is influential person and powerful religious preacher. It is further stated that after this incident torture continued and she was assaulted several times by her husband. Complainant was not provided with maintenance amount to maintain herself and her children and she was tortured for sexual harassment. Complainant further alleges that her husband was committing illegal acts which would amount to offence under the POCSO Act. It is further alleged that for separating the children from the complainant the respondent husband has provided to his son mobile worth Rs.70,000/-. The complainant has addressed this complaint to the Commission and other eight authorities. Complainant has sent copy of this complaint to Kasturba Marg Police Station, Borivali. In view of the grievances against the respondent husband, Complainant has requested the Commission to issue directions to the police to register offence under the various section of the Indian Penal Code and the POCSO Act, 2012.

Commission had asked the District Protection Officer to submit report on the subject matter. As per the report submitted on 21/09/2015 it appears that there is no cordial relation between the complainant and her husband, both are in habit of fighting regularly in front children making allegations against each other. The report states that cases are going on before the Metropolitan Magistrate, Court, Borivali, under the Domestic Violence Act, before the Family Court, under the Hindu Maintenance and Adoption Act, 2005 and Criminal cases are registered with police. The report further reveals that when the DCPU interacted with the girl child they found that her condition was not good and she needed protection to complete her studies and to come out from mental and physical trauma. Report further states that both children are living with husband of the complainant and that they are not interested to live with their mother, as she has no regular source of income. Therefore, the girl child needs company of both father and mother.

Taking cognizance of the matter and considering the said report Commission issued notice to the respondent husband, who appeared through his Advocate and filed his reply refuting the charges leveled against him and tried to put blame on the complainant and requested that the complaint be dismissed.

On 23.09.2015 letter was received from the complainant raising the issue about the character of her husband alleging that he is having illicit relationship with other ladies and stating that she is being mentally and physically tortured and therefore she prayed for issuing directions so that he might be able to live with her daughter who needed her company. Letter dated 01.10.2015 addressed to the Hon Sessions Judge, Dindoshi by the Kasturba Marg Police Station in respect of request made by the Police to deny anticipatory bail in Criminal Case No. 306/2015 U/s. 498A, 504, 506 of IPC against the respondent husband, was placed before the Commission.

On going through the contents of the complaint, reply filed by the respondent, report of the DCPO, circumstances of the cases and legal issues involved, the Commission made the following recommendations.

- (1) **Services of the Counsellor should be provided to settle the issue.**
- (2) **The mother should have provided access to stay with the girl child, in conducive atmosphere**
- (3) **The recommendation of the Commission may be placed before the Competent Court to take the decision in this regard.**

9- C.R.No.49/2015-2016

This matter has been filed by Shri XXX against Principal of XXX School, XXX, mentioning that his son who is diagnosed with Autism has been disallowed by the School due to his aggressive behavior despite of the doctor's report.

The Commission took the cognizance, issued notices to the School and School Education Department; heard the matter. Complainant Submitted, that as matter is settled, he should be allowed to withdraw the complaint. Request is accepted. **Accordingly matter is disposed of without any recommendation.**

10- C.R.No.230/2015-2016

Complainant XXX has filed this complaint against Takshila High School, Sangli, alleging that her two daughters aged 11 and 6 years were forcibly confined in the Principals room daily for 3-4 hours for about 10-15 days for not depositing illegal annual charges of Rs.8000/-. It is further stated that the children have narrated the story of mental and physical torture before the District Child Protection Unit. Complainant further states that demand of capitation fees by the school attracts provisions of Anti Capitation Act, 1987 as well Right to Free and Compulsory Education Act, 2009, It is further contended that in this matter, the Child Welfare Committee, and the District Child Protection Unit have recommended action against the authorities of the said school. Collector has also directed the Police to conduct inquiry. Complainant further states that the younger daughter have developed fear from school authorities and she has left the school. Complainant therefore submits that Commission should take up the matter and requests for action against the school and to provide justice to her children.

Considering the contention of the complainant, reply of the respondent, legal provisions, the Commission made the following recommendations.

- (1) **To initiate action against the School Authorities as decided by Municipal Corporation.**
- (2) **To ensure the education of the children of the complainant.**
- (3) **To ensure that procedure as prescribed under Right to Education Act should be followed by the school authority.**

11- Case no-209-2015

This complaint is filed by Smt. Chandrika Vahanwala against the respondent Kisandeep Co-op. Housing Society and others, on behalf of her grandson aged 11 years. Complainant submits that when her grandson was playing in the society compound, his feet hit the roof of the car owned by one Shri Prakash More. Thereafter the children in the society were not allowed to play any games in the compound as per the directions of the officer bearer of the society. Complainant further states that she extended her apology to the society, but the officer bearers did not pay any heed and refused to change the said order and after that the complainant's grandson went into depression. The complainant has therefore approached the Commission.

On the basis the submissions of the rival parties, documents on record, legal provisions, opinion of the expert, considering the answers given on the questions arisen, as per the rival submissions, the Commission has made the following recommendations in the matter.

To investigate the matter by a team consisting officers from District Women and Child Development Office, Mumbai Suburban and concern Deputy Commissioner of Police on the issue as raised in the complaint.

- 1) To initiate appropriate action on the basis of the report of the committee.**

12- Case No-12 /2014-15

The District Women and Child Welfare Officer, Sindhudurg has filed this complaint before the Commission raising the issue about unauthorized children home by name –“ Saymtak Bina Bhintichi Shala” run by the respondent Shri Sachin Desai. Complainant states that during the joint inspection with the Child Welfare Committee, Sindhudurg, along with Protection Officer, on 05/08/2014 it was noticed that the said institution was functioning without any permission and three children under the category of children in need of care and protection, belonging to the other states were found residing in the said institution. The children were rescued by the team and action to rehabilitate them is with Child Welfare Committee. Complainant further states that after discussion with the District Collector, on 17th October, 2014 when the team further visited the said institution, two girls were found, After investigation it was revealed by the owner of the said institution that one child was his own, and the other has been kept by the parents, who hail from Pune,

On perusal of the record, legal submission and in view of the answers to the questions which arose in respect of the present case, the Commission has propounded the following recommendations.

The competent authority in the state government is directed to investigate this matter by constituting a three member committee consisting officers from Department of Police, Women and Child Development and one reputed NGO.

1- The terms of reference of the committee shall be as:

- A) Transfer of the children without permission of the competent authority.
 - B) Whether children were retained by the permission of the guardian /parents/ competent authority.
 - C) Application of the provisions of Rights to Education Act in the matter of children who are the respondent's organization.
- 2- On the basis of the report of the committee the appropriate action maybe initiated by the state government under the eye of Law.

13-Case no 66/2015-16

This application is filed by Shri Vijay Jadhav, Secretary of NGO Samtol, an organization working in the field of street children, run away children and such other children in need of care and protection. The said organization is rescuing, counseling and rehabilitating such children Applicant submits that the Railway department is not permitting them to conduct rescue operations at the Railway Stations and to extend help to those on Railway platforms. Applicant has therefore approached the Commission with request to issue directions to the Railway authorities to grant permission to their organization to work on Railway stations. The applicant has also approached the Government of Maharashtra, Railway Minister, General Manager, Central Railway WCD Minister, Maharashtra State, recommending the cause of organization.

Considering the contents of the application, documents, relevant law Commission has made the following recommendation in the matter.

The concern authorities of the railway department is requested to consider the request of the applicant sympathetically and allow them to work with the deprived children found on railway platforms provided that the organization follows the procedure as prescribed by the competent authorities in this regard.

RECOMMENDATIONS MADE BY THE COMMISSION IN SUO MOTO CASES

1- C.R.No.233/2014

Commission took suo moto cognizance of the news report in the daily "Mumbai Mirror" regarding the death of three children studying in 9th class due to drowning in river. The contents of the news stated that parents of the said children had expressed suspicion about the said incident, and they suspected that the children have jumped in the river due to trauma after getting beaten by school teacher. The parents had lodged missing complaint with the police about the said children. Later on the school administration had informed that the bodies of the said children were found in the nearby river. During investigation it was found by the Investigation Officer that as these three children were beaten by the teacher because of low score, they took decision to flee from hotel after dinner. Accordingly they escaped through the hole in the compound wall and thereafter their dead bodies were found. The parents of the said children wanted action against the said school administration and teacher.

Commission issued notices to the respondents' viz. the concerned Police Inspector, and the trustee of the school, and listed the matter for hearing. Written reply was filed by the Director of the said school, mentioning the duties of the school, narrating the history of the incident, raising the issue of investigation by police and arrest of two teachers.

Report submitted by the Virar police station states that in this case offences U/s 305, 324 r/w Sec. 34 of IPC along with Sec.23 of the JJ Act, has been applied and two teachers have been arrested. Investigation is completed and charge sheet is filed on 25.11.2015 before the Hon. Court. To ascertain accidental death investigation is going on. Report of the Diatom test was positive. Viscera test report disclosed that poison is not the cause of death. Doctors opinion is that considering the injury on head and hand it cannot be said that these injuries are the cause of death. On the basis of the documentary evidence police came to conclusion that there is no conspiracy in the death of the said children. The accused were arrested as they had beaten the children and had acted against the law by inflicting corporal punishment.

The parents of the said children submitted detailed complaint before the Commission and stating various discrepancies in the investigation of the said case, requested for detailed inquiry about the functioning of the said school management. They also prayed for investigation of the said case by independent agency like CBI, speedy trial of the said case, appointment of Special Prosecutor, etc.

Considering the submissions made by the parties, facts of the case, legal issues and merit of the case, Commission made the following recommendations in the matter.

(1) To investigate this matter by constituting Special Investigation Team under the Chairmanship of an officer not below the rank of Additional Superintendent of Police.

(2) The Hon'ble Court may be requested to allow investigation by S. I. T. on the basis of Commission's recommendation, the recommendation of the Commission may be placed before the Hon'ble Court for consideration.

2- Case No. 190/2013-14

This matter came up before the Commission in view of the directions issued by the Hon. High Court of Judicature at Bombay, dt. 8th July 2016, in Writ Petition No. 1621/2014 filed by the Anglo Scottish Education Society against the Commission in view of the suo moto order passed by the Commission in this matter, directing the said school not to deny admission to the disabled children , on the ground that the school was not heard by the Commission before passing the said order.

The Hon. High Court has vide the said order dated 8th July, 2016 was pleased to set aside the said order of the Commission with directions to the Commission to hear the said petitioner –school again by issuing fresh notice and pass appropriate order within a period of eight weeks.

Considering the submission of the parties that the school has agreed admission to the disabled child the Commission had no reason to reconsider the recommendations made on 1st April 2012 and hence the matter was disposed of accordingly.

**RECOMMENDATIONS MADE BY THE COMMISSION UNDER THE RIGHT TO
FREE AND COMPULSORY
EDUCATION 2009**

Case 113/2016 and 65 Others...

1. In the matter of Case No. 113/2016.
2. In the matter of Case No. 223/2014.
3. In the matter of Case No. 230/2014.
4. In the matter of Case No. 228/2014.
5. In the matter of Case No. 229/2014.
6. In the matter of Case No. 226/2014,
7. In the matter of Case No. 227/2014.
8. In the matter of Case No. 221/2014.
9. In the matter of Case No. 225/2014.
10. In the matter of Case No. 222/2014.
11. In the matter of Case No. 220/2014.
12. In the matter of Case No. 217/2014.
13. In the matter of Case No. 219/2014.
14. In the matter of Case No. 114/2016.
15. In the matter of Case No. 87 /2016
16. In the matter of Case No. 265/2016.
17. In the matter of Case No. 266/2016.
18. In the matter of Case No. 267/2016.
19. In the matter of Case No. 268 / 2016.
20. In the matter of Case No.269/ 2016.
21. In the matter of Case No. 300 / 2016.
22. In the matter of Case No. 301/2016.
23. In the matter of Case No. 270 / 2016.
24. In the matter of Case No. 281 / 2016
25. In the matter of Case No. 282 /2016. (In the matter of Case No. 283 /2016.
26. In the matter of Case No. 284 / 2016.
27. In the matter of Case No. 285 / 2016.
28. In the matter of Case No. 286 / 2016.
29. In the matter of Case No. 271 /2016.
30. In the matter of Case No. 272/2016.
31. In the matter of Case No. 273 / 2016.
32. In the matter of Case No. 274 / 2016.
33. In the matter of Case No. 356 / 2016-17.
34. In the matter of Case No. 357 / 2016-17.
35. In the matter of Case No. 275 / 2016.
36. In the matter of Case No. 276 / 2016.
37. In the matter of Case No. 287 / 2016.
38. In the matter of Case No288 / 2016 .
39. In the matter of Case No289 / 2016.
40. In the matter of Case No290 / 2016.
41. In the matter of Case No291 / 2016.
42. In the matter of Case No293 / 2016.
43. In the matter of Case No302 / 2016.

44. In the matter of Case No303 / 2016.
45. In the matter of Case No304/ 2016
46. In the matter of Case No305/ 2016.
47. In the matter of Case No306/ 2016.
48. In the matter of Case No307/ 2016.
49. In the matter of Case No308/ 2016.
50. In the matter of Case No309/ 2016.
51. In the matter of Case No 295 / 2016.
52. In the matter of Case No 296 /2016
53. In the matter of Case No 297 / 2016.
54. In the matter of Case No319 / 2016.
55. In the matter of Case No 318 / 2016.
56. In the matter of Case No320 / 2016.
57. In the matter of Case No314 / 2016.
58. In the matter of Case No315 / 2016
59. In the matter of Case No316 / 2016.
60. In the matter of Case No345/2016-17.
61. In the matter of Case No6 /2016-17.
62. In the matter of Case No7/2016-17.
63. In the matter of Case No09/2016-17.
64. In the matter of Case No358/2016-17.
65. In the matter of Case No 5/2016-17.
66. In the matter of Case No8/2016-17.

All these cases are regarding the issues pertaining to the admissions to school under the economically weaker section category, supply of accessories like books, stationery items, sports items by the respective schools, as prescribed under the under the Right to Free and Compulsory Education Act, 2009, and the Maharashtra Right to Free and Compulsory Education Rules, 2011. The main contention of the complainants is the supply of articles required for education purposes without any hindrance. As per Sec. 12(1)(2)© of the RTE Act, 2009 and Rule 12 of the Maharashtra RTE Rules, 2011, the children under the category of the disadvantaged group and weaker sections of the society have right to get admission in the schools which fall in the category of Sec2(n)(4) of the RTE Act, to the extent of 25% total strength of the children at the elementary level. The schools falling under the said category are unaided without any grant under the Government and assistance in the form of building, land etc. Therefore as per Sec 12(1)(c) of the said Act, onus is cast upon the State to reimburse the amount incurred on the education of these children admitted under the 25% quota. The procedure to commensurate the expenditure through the schools is envisaged under Sec.12(2) of the RTE Act.

Right to Free Education and supply of accessories enables the poor children to continue and complete primary education as envisaged under the RTE Act. Right to Education being a fundamental right the obligation lies with the State to provide free and compulsory education to the children up to elementary level without financial obstacle, as per the provision of Sec. 3 of the RTE Act. Sec, 4 and 5 of the said Act state the modalities aiming the completion of education without any financial and social obstacle. Thus, all these issues in these cases before the Commission are related with the effective implementation of the RTE Act.

Government of Maharashtra has in the month of August, 2016 issued GR directing all the schools who fall under the category of Section 2(n) (iv) to provide necessary accessories to the children studying in their respective schools. Due to financial constraints and denial of reimbursement of the expenditure incurred on the school supplies by the Government; the schools which are in parties denied to provide accessories. Hence the complainants have approached the Commission.

As per Sec. 32 (3) of the RTE Act, the Commission is appellate authority on the order passed by the local authority and under Sec. 31(1)(b) of the said Act the Commission is

the monitoring authority for implementation of the said Act. All these matter filed before the Commission does not fall under Sec.32(3) of the RTE Act as no order is passed by the local authority was going against the petitioners and the basis on which the petitioners had approached the Commission was unclear. Commission being highest authority in the State to protect the rights of children Commission took up these matters under the provisions of the Commission for Protection of Child Rights Act, 2005 and Sec. 31(b) of the RTE Act,. 2009.

Considering the answers given to the questions which arose for determination in view of the contentions of the petitioners and respondents, considering the relevant legal provisions, Court orders, Government directions the Commission made the following recommendations in these matters.

1. The school education department, concerned schools and the parents who are responsible for the welfare of the children should resolve this issue at the earliest.
2. The State authorities should ensure all children provided with accessories to continue their elementary education.
3. The State authorities should ensure the applicability of the provisions of G.R dated 23/8/2016 by invoking the legal provision under the eyes of law. Several recommendations in other cases related with Right to Education Act were also passed under Section 31 & 32 of Right to Education Act, 2009. However, after observing nature of cases matters were disposed off with or without recommendations, putting onus on the actors i.e. State Government, School Authorities and management of school, to make the compliance and submit report.

CHIRAG” APP LAUNCHED IN MAHARASHTRA BY CHILD RIGHTS COMMISSION



Smt. Pankaja Munde, Hon. Minister for Women and Child Development, Government of Maharashtra launched the Maharashtra State Commission for Protection of Child Rights (MSCPCR) mobile application, CHIRAG (Child Helpline for Information on their Rights and to Address their Grievances). CHIRAG will primarily provide assistance to file complaints against violation of child rights in the State. CHIRAG is now available on Google’s Play Store and an IOS version will be launched shortly.

The Maharashtra State Commission for Child Rights created under the Commissions for Protection of Child Rights Act 2005 has been given the mandate to work as a watchdog to act in accordance with the provisions as prescribed for Rights of child as envisaged under the provisions of UN Convention on child rights. The Commission has been given mandate to promote awareness among the masses on various issues of child rights.

The growth in the use of smart phones with internet proved that a mobile application was the best way to popularize the services provided by the MSCPCR. CHIRAG which is now available on the Android platform enables users to not only access information about the MSCPCR but also lodge complaints in offences against children. This initiative is a first of its kind by a Child rights commission. Through CHIRAG any person will be able to access and exercise the rights of children in their hand.



The mobile application is aimed to facilitate awareness about the rights of the child across the State. Through CHIRAG, the MSCPCR is providing an easily accessible forum for adults and children across the state of Maharashtra to directly connect & complain about any incidence of violation of child rights and access the recommendations and information about the Commission.

CHIRAG provides a mechanism for all individuals and organizations concerned with child rights to communicate with the MSCPCR. The mobile application has links to the laws related to children, namely The Rights of Children free and compulsory Education Act 2009, The Protection of Children from Sexual Offences Act 2012, The Child Labour (Prohibition and Regulation) Amendment Act 2016, The Juvenile Justice (care and protection of children) 2015 and The Prohibition of Child Marriage Act 2006 etc.

MSCPCR has partnered with International Justice Mission (IJM) to develop CHIRAG. This collaboration has ensured that the issues of child sexual abuse as well as child labour and trafficking are holistically addressed through CHIRAG. The mobile application provides for direct access to the Mumbai based MSCPCR as well as contact details of local authorities in the 36 districts across Maharashtra.

The App can be downloaded from the Google Play store “CHIRAG” or using this link: <https://play.google.com/store/apps/details?id=org.orient.msccrapp&hl=en>

9TH FOUNDATION DAY OF COMMISSION ON 30.7.2016

The Commission celebrated its Foundation Day on the issue “ALL TO SCHOOL ” on 30/07/2016.



WORKSHOPS/CONVENTIONS/SEMINARS/PUBLIC HEARING

State level Convention and Celebration of International day on ‘Child Rights’ (an occasion to share, learn and discuss experiences and ideas about the services available for the children who are in need of care and protection)

National Commission for Protection of Child Rights, Maharashtra State Commission for Protection of Child Rights and Save the Children organized “State level Convention and Celebration of International day on ‘Child Rights’ in Maharashtra (Mumbai) on 19th November, 2016 at CETTM-MTNL, Powai.



There was a need for various stakeholders from both government and voluntary agencies involved with children in need of care and protection as prescribed under the legal framework and outside the legal framework to come together on one platform and discuss their experiences and challenges and seek practical solutions and alternatives to address issues that are faced in services for children in need or care and protection.

Objectives:

The objective of the state level convention was to bring all the stakeholders and line departments on a common platform enabling them to develop an integrated approach by developing grassroots adopting capacities. Issues discussed in the Convention were as under-

1. Child protection pertaining to those children not falling under the legal category of orphan
2. Various Legal provisions pertaining to the children who are in need of Care and Protection
3. Infrastructural and Human Resource Development for the child care institutions
4. Various provisions of Skill Development training and education for the children who are in need of care and protection
5. Roles of the government and non-government agencies for the after care services
6. Roles and responsibilities of the various stakeholders dealing with the children who are in need of care and protection
7. Understanding the roles and responsibilities of the agencies who are into adoption



Participants:

- Line departments (National Commission for Protection of Child Rights, Maharashtra State Commission for Protection of Child Rights, Department of Education, Department of Disaster Management, Skill Development, Legal dept, Judiciary, Academics, CWCs etc.)
- Other stakeholders – UN agencies, INGOs, NGOs, CBOs, Children, Community Members



MSCPCR- UNICEF, Maharashtra Office Partnership
Activities done through UNICEF - MSCPCR Partnership during 2016-17

Summary of Activities conducted during 2016-17

1) Printing and Dissemination of Analysis of Orders

A Resource Book analysing the Orders of the Commission was printed under the Partnership. Copies have been distributed to all State Commissions and NCPCR

2) Sensitization of ZP members in the area of child rights: Nandurbar, Chandrapur

The objectives of the programme were:

- 1) To sensitize the Panchayat Raj members across the three tiers by orienting them on the status of children at the state and district level, causes behind the status of children and orientating them on the legal provisions related to child rights.
- 2) To help the PR members understand their roles and responsibilities towards building a protective environment for children.
- 3) To discuss the major areas of intervention by the panchayats in coordination with other stakeholders through a Rights-based approach keeping in mind the district specific issues, conditions and resources.



Program was organized at Nandurbar on February 28, 2017 and at Chandrapur on 27, March 2017. More than 100 participants including Zilla Parishad members, all the District Administration Officials including Collector, MSCPCR and UNICEF Representatives, BDOs, DCPO and CDPO's were present. The programme included situation analysis of the District, building a child friendly environment, Role of MSCPCR, State Child Policy, Role of Panchayats and Village Child Protection Committees (VCPCs).

3) Press Conference on Child Rights at Pune

The programme for the Press Conference on "End Violence Campaign" included presentations on Opinion Poll with Children, Child Policy and POCSO Act. 25 journalists were present for the Conference. The presentations were followed by question answer session.

4) Creating Awareness about Child Rights through advertisement on Akashwani

A contract was signed with All India Radio for series of programmes on child rights with a focus on child protection. The programmes included topics such as child policy, role of MSCPCR, child abuse, trafficking, child labour, gender equity, role of CWC, children in

institutions and so on. Experts from the field were interviewed during 15 minute slots broadcasted every week

5) Regulatory Guidelines for Creche and Child Care Services in Maharashtra

Picking up from the abuse of a child in a crèche at Khargar, the Guidelines were prepared by a group of experts including UNICEF, MSCPCR, academicians, NGO workers, lawyers and Government representatives. The project was a joint initiative of MSCW, MSCPCR and UNICEF. The report has been submitted to Hon. Minister, MWCD, Hon. Minister, DWCD, PS, DWCD Govt. of Maharashtra and Hon. Governor, Maharashtra.

6) Consultation on preparing Guidelines for Implementation of Section 11 on Pre-school Education of RTE Act, 2009

This was organized by MSCPCR and UNICEF in collaboration with TISS. 26 Experts from the academic institutions, private schools, NGOs and members of networks (AECED and ECA) participated in the meetings. The Guidelines have been prepared based on the discussions and will be submitted to the Government.

PUBLIC HEARINGS/ TRAININGS/MONITORING OF IMPLEMENTATION OF POC SO ACT, RTE ACT

Public Hearing at Amravati on 26th April 2016 for Amravati and Akola District.

Shri. A.N.Tripathi, I.F.S., Secretary of Maharashtra State Commission for Protection of Child Rights, took review on implementation of provisions of P.O.C.S.O. Act, 2012, R.T.E. Act 2009 and Juvenile Justice Act, 2015 and organized public hearing on the status of awareness program and on the issue of various rights of children and women on 26th April 2016 at Amravati for Amravati and Akola Districts.

Observations recorded during hearing :

- 1) Conviction rate under P.O.C.S.O. is minimum in comparison to other district in the State. Training on amended J.J.Act, 2015 should be provided to the members and Chairman of C.W.C. and J.J.B. to deal the issues related with the children who are in conflict with law and need care and protection.
- 2) Training is required for the doctors who deal with the matter related with P.O.C.S.O. Act.
- 3) Police Station are not having separate child friendly rooms and separate rooms for dealing the matter with children.

Public Hearing at Nashik on 30th August 2016.

Secretary, Maharashtra State Commission for Protection of Child Rights, took review on implementation of provisions of P.O.C.S.O. Act, 2012, R.T.E. Act 2009 and Juvenile Justice Act, 2015 and organized public hearing on the status of awareness programme on the issue of various rights of children and women on 30th August at Nasik

Observations recorded during visits are as follows:

1. Intensive security system should be developed in the observation homes, on account of attack committed upon the juvenile by the relative of victim in the Nashik observation home.
2. C.C.T.V. should be installed at various places, in the observation homes.
3. Regular awareness programmes on the issue of rights of women and children, be organized at the districts / taluka level.
4. To organize training programme for the Members and Chairman of Internal
5. Visitors should be restricted and only those, to be allowed during proceeding who are either guardian or parents of juvenile.
6. Child in conflict with law should not come in contact with relatives of the victim. The proper arrangement in this regard should be made during the hearing conducted by the Juvenile Justice Board.
7. Visitors should be allowed on the basis of ID card and after going through the metal detector.

8. Most of the juveniles are, those who are not attending schools, therefore appropriate and adequate facilities in term of special courses should be organized for drop out children.

Public hearing at Wardha & Yavatmal on 14th & 15th July, 2016.

Secretary of Maharashtra State Commission for Protection of Child Rights visited Wardha and Yavatmal District to take a review on implementation of provisions of P.O.C.S.O. Act, 2012 and Juvenile Justice Act, 2015, to organize public hearing at both places on the status of awareness programme and on the issue of various rights of children.

Observation on the basis of meetings are as follows:

Wardha District :

1. In order to monitor provisions of implementation of P.O.C.S.O. Act it is appearing that disposal of cases before the Children Court are not being followed as prescribed under the Act which says that disposal of cases registered under P.O.C.S.O. Act should be completed within one year after registering F.I.R. The additional superintendent of Police who was present during meeting was asked to submit the details of cases which are not disposed of within prescribed limit.
2. In most of cases under P.O.C.S.O. Act, filing of charge-sheets before Court are not being done with prescribed stipulated limit of 60 days. Various reasons have been placed by the police officers. However in view of provisions of P.O.C.S.O. Act under which investigating authorities have discretionary power therefore by using discretionary power in the matter where required the essence of the statutory provision may be completed.
3. Lack of awareness programmes on various child rights issues among authorities, teachers, members of P.T.A. & S.M.C. have been reported. Intensive preventive measures are needed to be adopted.
4. Role of education department to prevent the sexual assault in school is crucial. Commission has prepared a booklet in this regard and submitted to school education department for circulating in all schools and arranging training to teachers, members of P.T.A. and S.M.C.
5. Issue of non existence of observations homes for girls is raised by the officers. For want of separate girl's observation home at Wardha and crowded position in the observation homes at Nagpur, it is difficult to keep rescued girls in conducive atmosphere.
6. Requesting the Home department of the Government to chalk out comprehensive program and policy enabling the investigative officers to file chargesheet within prescribed limit i.e. two months time.

7. Provisions of guidelines prepared by the Commission and notified by Women and Child Development Department under Section 39 of P.O.C.S.O. Act should be followed in the matter of procedural aspect of the P.O.C.S.O. Act.
8. In order to secure the preventive measures in the matter of sexual assault, aggregated sexual assault, penetrative sexual assault, corporal punishment, integrated approach by way of adopting various awareness programs in the school, family, during assembly of P.T.A., S.M.C. are needed to be organized by constituting team consisting officers from Police, Education, Women and Child Development Department and Social workers. The Commission has developed school audit kit and questionnaire for parents / teachers / members of SMC and other authorities. Teachers / Parents should be equipped in this regard.
9. Half hour counseling session in the morning and evening batches should be included in the syllabus of school as prescribed under the Commission for Protection of Child Rights Act 2005. Duties and rights prescribed in school audit kit prepared by the Commission, to be applied in the schools.
10. Training on various child rights issues should be made compulsory for school teachers, members of P.T.A. and S.M.C.

Yavatmal District :

The problems are same as issues raised in the district of Wardha mentioned above.

Problems of unwed mothers are observed in the Yavatmal district and various reasons have been mentioned by the authorities in this regard.

The issue by social workers that consumption of liquor is main cause to enhance, crime against women and children and increasing cases of Domestic Violence.

- i) Requesting the Home department of the Government to chalk out comprehensive program and policy enabling the investigative officers to file chargesheet within prescribed limit i.e. two months time.
- ii) Provisions of guidelines prepared by the Commission and notified by Women and Child Development Department under Section 39 of P.O.C.S.O. Act should be followed in the matter of procedural aspect of the P.O.C.S.O. Act.
- iii) In order to secure the preventive measures in the matter of sexual assault, aggravated sexual assault, penetrative sexual assault, corporal punishment, integrated approach by way of adopting various awareness programs in the school, family, during assembly of P.T.A., S.M.C. are needed to be organized by constituting team consisting officers from Police, Education, Women and Child Development Department and Social workers. The Commission has developed school audit kit and questioner for parents / teachers / members of SMC and other authorities. Teachers / Parents should be equipped in this regard.
- iv) Half hour counselling session in the morning and evening batches should be included in the syllabus of school as prescribed under the Commission for

Protection of Child Rights Act 2005. Duties and rights prescribed in school audit kit prepared by the Commission, to be applied in the schools.

- v) Training on various child right issues should be make
- vi) compulsory for school teachers, members of P.T.A. and S.M.C.
- vii) No licenses should be given for opening new liquor shops and complete prohibition should be considered.
- viii) Matter of unwed mother should be dealt, by creating awareness among the public and introducing, moral and value based education, social and individual reform programmes.

Report of Meeting held at Thane on 17th January 2017 under Chairmanship of Secretary, M.S.C.P.C.R.

1. Secretary, Maharashtra State Commission for Protection of Child Rights called a meeting at Thane on 17/1/2017, on the issues pertaining to the monitoring of implementation of Juvenile Justice Act, 2015, Protection of Children from Sexual Offence Act, 2012, Right to Education Act, 2009 and public hearing on the issues of various rights of child as envisaged under Child Rights Act 2005.
2. Meeting was attended by Members of Juvenile Justice Board / Child Welfare Committee, officers from District Administration, Police, Women and Child Development, Members of N.G.O.s.
3. Issues as discussed in the meeting ranging from filing of F.I.R., pre-trial, trial, conviction, follow up action under Protection of Children from Sexual Offence Act and J.J.Act, co-ordination among the members of C.W.C., J.J.B. and police, members of task force constituted for eradication of child labour, conflict of interest by virtue of provision of proviso clause in Section 375 of Indian Penal Code, Protection of Children from Sexual Offense Act and child marriage prohibition Act, non implementation of provision of immoral trafficking Act 1956 etc.
4. Issue raised by members of N.G.O. and public, covering the matters related with non co-operation and co-ordination among Government agencies, Role of police officers dealing the issue of child labour mainly during the rescue operation and later-on, action in this regard was not appreciated by Members of N.G.O. and public saying that during the rescue operation and thereafter the police did not involve the C.W.C. thus violating provision of Act. Matter related with lack of infrastructure, with the institutions such as C.W.C., J.J.B. and I.C.P.S. etc.
5. On the basis of discussion, facts raised by members and assurance given by the authorities in order to resolve the issues, the following points have been emerged for consideration.
 - a) Effective co-ordination and co-operation between law enforcing agencies and members of C.W.C., J.J.B.

- b) Preparation of Rules under Section 110 of J.J.Act, 2015 and guidelines under the rule.
- c) Preparation of guideline, to assess the cases under Section 15 of J.J.Act 2015 by the J.J.B.
- d) Providing the services of experts to assess the mental ability of child between age group of 16 to 18 years and fall under conflict with law.
- e) Provision of intensive training programmes to the Members of Institution and Statutory bodies dealing with the procedural and operational part of J.J.Act.
- f) Organizing intensive awareness program on the issue of various child rights and laws framed in this regard.
- g) Applicability of the provision of guidelines issued under Section 39 of Protection of Children from Sexual Offence Act, 2012.
- h) Displaying the name & phone numbers of Chairperson and Members of C.W.C. / J.W.C. in respective police stations and children homes.
- i) Availability of services of Members of Child Welfare Committee and Juvenile Justice Board.
- j) Effective intensive rehabilitation program in order to deal the issue of child begging.
- k) Effective Co-ordination among respective Governments and non Government organizations to deal the issue of child trafficking.

6. On the basis of feedback from members attending the meeting and issues raised by them and after vetting all the issues under the provision of law. Following are being recommended:-

- a. To provide services of experts on the disposal of J.J.B. for assessing the mental ability of child, between age of 16 to 18 years and whose matter fall under Section 15 of J.J.Act, 2015.
- b. To frame rule under Section 110 of the J.J.Act and detail guidelines in order to deal the matter by C.W.C. and J.J.B. as prescribed under the Act.
- c. To ensure the effective co-ordinations between the statutory and Institutional organizations dealing with matter related with protection of rights of child.
- d. To undertake study on the issue of overlapping provisions of P.O.C.S.O. Act, I.P.C. and child marriage prohibition Act by constituting team of experts.
- e. To strengthen the institutions such as C.W.C. and J.J.B. by providing basic facilities.
- f. To consider for rehabilitating the parents of child beggars belonging to nomadic community.
- g. To ensure the applicability of Section 370(1) of I.P.C. in the matter of child labour against the employers, agents, owners of establishment / institutions etc as well as individuals, who are hiring, engaging, employing children as labour.

WORKSHOP ON IMPLEMENTATION OF RTE ACT 2009

WORKSHOP ON POSITIVE DISCIPLINING METHOD FOR SCHOOL TEACHERS

Organised By:

Maharashtra State Commission for Protection of Child Rights
&

World Vision India, MCI Mumbai

On 24th January, 2017

At YMCA International, MUMBAI CENTRAL

A teacher training for “**Positive Disciplining Method**” was conducted on the 24th January 2017 at YMCA, Mumbai Central. There were 75 teacher participants who were widely spread across Government schools in and around Dharavi area. This workshop was held in partnership with MSCPCR (Maharashtra State Commission for Child Rights) and World Vision.



The welcome note was given by Mr. Gamliel Sherio. The commencing of his note was all about asking for the genuine feedback of the conscience awareness of the presence of World Vision from the participants present. His focus was on affirming the child protection as being a gigantic project for its achievement WV works in coordination with the school teachers, railway police and police. He emphasized that “positive disciplining” should be looked with an immense priority. Teachers form the



basic formation in moulding the children and develop them to their relative age.

Mr. A.N. Tripathi, Secretary of MSCPCR elaborated the role of MSCPCR in achieving the objective of “Right to education” wherein the teachers and the parent’s role is of significant nature. As the mothers of the children turn to be illiterate, here is where teacher’s role is irrevocable. “Guruji” the ancient Indian word for teacher had a very close link to the family of a child who is a “Shishya”. He reminded the selfless contribution of teachers in ancient age. Teachers have to ensure that children not only gain knowledge but when they go out of school

they are prepared as good individuals who would be successful in their work and life. He also stressed on the qualities of a good teacher.

Session 1: Role of teacher to create child friendly environment in the school

Mrs. Surekha Marathe an award winner as a model teacher in 2012 and a trainer and expert in population education addressed the gathering. She emphasized on the following points.



- Child friendly environment should be created in school classrooms.
- Appropriate programmes like rally and street plays should be arranged
- School environment should be captured with trees, cleanliness, plants, walls designed with colours, garden equipped with slide, sea – saw, indoor and outdoor games
- Every subject should be relatively made real; e.g. science-make children bring Vanaspati leaves.
- Avoid negative reinforcements like corporal punishments, emotional harassments, verbal abuse

Session 2:“Role of teacher and parents in order to impart the knowledge regarding various child related laws”.



Mr. Mahendra Sawant, Expert guide on for RTE, Personal development, History and Indian Culture and guidance and counsellor; elaborated on the following aspects.

- Teachers are their parents
- Children should be treated in love by teachers and parents
- Displacement mechanism should not be used by teacher and parents
- Parent and teachers role are relatively dependent
- Quality education should be of greater focus
- Entering school should embark child friendly space with regard to its designs and decorations

Session 3;“Prohibition of Corporal Punishment in the school and home envisaged under the United Nations Convention on Child Rights 1989”

Mrs. Kavita Nair Bhatia was the resource person, co – founder and director of Chetana foundation and she holds Master’s



degree in English Literature, Counselling and Social Work. She enlightened on the following aspects.

- Teachers are the mentor and the counsellor and can create a protective environment for the children
- Avoid Physical and Verbal abuse in association to punishing
- Avoid corporal punishment and develop great deal of trust and faith
- Development of the child/ student is stranded with corporal punishment
- Right to protection is violated when corporal punishment is nurtured

Session 4:“Benefit of Education in mother tongue”

Mrs. Surekha Marathe enlightened on the following;

- During Pregnancy child comes in association with language from 4th month, language develops an individual or student
- Indian culture is degraded with the western language
- Educating a child in mother tongue helps him/ her to fathom their freedom
- Acquiring the knowledge in mother tongue helps a parent to do all the follow up than sending to school



Mr. Mahendra Sawant concluded with his note on the profession of teaching that it has been accidental. Lastly, he addressed the teachers saying that “Portray yourself to be happy, then your students will be happy. Be always presentable, as children like imitating teachers.

====|||====

ACTION PLAN/SPECIAL REPORT/GUIDELINES PREPARED BY THE COMMISSION

State Action Plan For Preventing Children Being Exposed To Drug Abuse

RECOMMENDATIONS

Shelter

Shelters for homeless families need to be created across the city, as per the directions of the Supreme Court in the PUCL Vs. Union of India¹ case, where all state governments have been directed to construct 24-hour shelters for the homeless population in all cities with population of more than 5 lakh at the rate of one shelter of 100 capacity per lakh of population. This population does not include children in the 0 to 6 age group.

Amenities

- The civic authorities should provide basic amenities like water, sanitation and anganwadi facilities (through the Integrated Child Development Services) to all families living on pavements and in de-notified slums so that health and hygiene conditions of these families can be improved.
- For street living children, more night shelters should be started with access to food and nutrition, drinking water, and sanitation facilities and link them with the education system as per mandatory provisions of the Right of Children to Free and Compulsory Education (RTE) Act 2009. These shelters may be implemented through NGOs, supported by the civic authorities (by providing them space and financial aid), or run by the government.

Education

- There is a need to bring all children in the 6 to 14 age group into the education system through better implementation of the RTE Act. Steps need to be taken to admit and keep children in schools; requiring intervention at two levels.
- For this the government may importantly identify, promote and support children to be sent to school. Children are bereft of this bliss as they are too engrossed earning livelihood. Also, they are not aware and channelized to claim their rights.
- Outreach to the ones who are not enrolled by the stakeholders for example - the Department of Education of the Government of Maharashtra must help them connect to schooling system under the Right To Education. All children must be covered under the Act and the Department of Education may encourage NGOs to work on implementation of the RTE Act, by providing them with financial aid and other required assistance.
- They may collaborate with outreach workers attached to NGOs working with street children and start study centres at strategic locations for this purpose.

Working Children

- There is a law which prohibits child labor but it seems that it reaches deaf ears. Child Labor is persistent and rampant. The Department of Women and Child Development (DWCD), GoM, should constitute a Task Force involving the Department of Labor, the Police, the State Commission for Protection of Child Rights (SCPCR), the National Commission for Protection of Child Rights (NCPCR) and NGOs working on issues of child labor to devise a comprehensive strategy to address the issue of street working children, which includes steps towards effective rescue and rehabilitation as well as interim supportive measures to ensure such children get access to education.
- The provisions of the Child Labour (Prohibition and Regulation) Act, 1986 (CLPRA), to prohibit employing children in any occupation up to the age of 14, needs to be implemented effectively.
- Action should be taken against the employers, and measures should be undertaken to include children into the education system through various mechanisms available. The purview of the CLPRA should also include children in the 14-18 years of age.
- Children in the 16-18 years category, steps should be taken to link them with vocational education, apart from regular or open schooling. This can be done by the DWCD in collaboration with the Department of Technical and Higher Education and implement the Modular Employability Scheme of the Ministry of Labor and Employment.
- Vocational courses may be implemented for such children in shelters run by the government or NGOs in collaboration with Jan Shikshan Sansthan, which is supported by the Ministry of Human Resource Development (MHRD), Government of India.

Children on the railway platforms and trains

- The railways are the first point of entry for most runaway and street living children. They are an important source of sustenance for children whether through begging on the trains, selling wares or working at stalls on the railway platforms. These children get relatively safe shelter, and access to water and sanitation at the railway premises. With stricter implementation of the child labor law and increased surveillance of railway premises by the police due to the threat of terror attacks, this space has shrunk for children in vulnerable circumstances.
- The railway authorities should be sensitized to the vulnerability and the problems faced by children staying in the railway premises. There must be interactions between the railways and other authorities like the DWCD, SCPCR, NCPCR and NGOs working on it in order to develop a strategy which can be functional and address the needs of the children which at least considers the basic child rights.



Addiction

- There is a need to create and set up de-addiction and rehabilitation facilities for children into substance abuse. An effective strategy for rescue and outreach should be devised. For this purpose, the DWCD and SCPCR must arrange a meeting with the Health Department, the Police and NGOs working in the area of drug abuse and treatment.

Health

- The Social Work Departments along with the departments attached to Municipal or Government Hospitals should make special efforts to reach out to such children through regular outreach and health camps at various locations where such children may be found. Girl children who have attained the age of puberty could be periodically counseled. A system of distributing sanitary napkins, awareness about reproductive health and sexuality, and regular check-ups could be carried out in these health camps.
- The urban primary health care system needs to be strengthened to reach out to these children. This will help in prevention of illnesses, early diagnosis of serious ailments and creating a sense of familiarity about the hospitals among the children.
- The National Health Mission (NHM) should develop a strategy to address health needs of street children in their policy document and programs and keep a record of the child's health history.

Nutrition

- The DWCD should start anganwadis through the ICDS at strategic locations, especially in areas where there is a higher concentration of street children. Shelters should be started at strategic locations for street children throughout the city where children can get meals at least twice a day.
- Families living on streets should be given the BPL ration cards also.

Physical and sexual abuse

- Children experience abuse and the same must be covered by the Juvenile Justice Act under The Special Juvenile Police Units (SJPU) at all police stations. The police must play pro-active role in reaching out to children who are vulnerable to abuse.

- Area mapping to identify sensitive locations must be conducted. The SJPU should be particularly cautious and keep a vigil at work sites or railway premises as children at these sites may be more vulnerable to abuse. An awareness campaign at work sites should also be carried out.
- A Mobile Unit should be constituted in the Crime Branch, Mumbai Police, consisting of police officials and trained social workers to patrol and reach out to children on the streets, which assures children about help being available and encourages them to report violence.
- The SCPCR must monitor the implementation of the Protection of Children from Sexual Offences Act (POCSO Act, 2012) and Juvenile Justice (Care and Protection of Children) Act, 2015.
- A Special Cell may be constituted in the SCPCR for this purpose which monitors the prevention of abuse of children on the streets.

CONCLUSION

It is important that the stakeholders come together to form a strong commitment to prevent children from getting into drug abuse. The above proposed methods might help the government in framing the policies for the same. There should be a visible shift from the theory to an outreach and prevention to vulnerable children. It is very important to have an inter-departmental dialogue between the stakeholders and moreover, there must be an inter-departmental committee to monitor the implementation of the laws on child rights and address the gap by bringing it under the purview of the respective department. The programs need special focus on reducing poverty in the country and peer pressure for preventing substance abuse among street children. Furthermore, for the sustainability of the programs they need sustainable resources and their effective planning.



ACTION PLAN FOR ABOLITION OF CHILD TRAFFICKING , LABOUR AND SEXUAL EXPLOITATION

RECOMMENDATIONS

1. Any child not going to school is child labour. Hence, the provision of Section 370(1) of Criminal Law (Amendment) Act can be invoked and it is such a significant law in that any labour matter comes within its purview.
2. To engage the child and retain the child in school, quality, value based learning and education in the mother tongue should be a pre-requisite.
3. Efforts must be made to restore the child to the family. But the family itself having deteriorated, the reason for breakdown of family should be addressed to.
4. There is an urgent need for effective implementation of laws.
5. Need for sensitive handling of rescued children at all levels including at the national borders of districts.
6. To provide equitable treatment at the person to person level.
7. Monitoring and Evaluation of performance requires proper data management.
8. Courts need to be child friendly and the judge needs to be sensitized that the child and other witnesses may be traumatized. Judgments must be timely. There needs to be a resolve to ensure that all legal avenues are closed to the trafficker because of the iron clad case and a stringent punishment so that the trafficker reaches a dead end and remains in jail and cannot harm another child again.
9. There is a need to examine what is being done by society to end child labour and trafficking. It is not possible to be handled singlehandedly by any one government or international bodies, or comity of nations without the participation and spread of knowledge by the civil society from grass root levels to international levels. The media has the means and reach but is deviating from reality. Local, regional bodies as well as Corporate Social Responsibility (CSR) mechanisms can be consolidated in efforts to prevent and combat child labour and trafficking.
10. Create awareness at village level by holding camps. Besides factors like poverty, lack of education, discrimination, the main reason for people leaving villages is the mindset that they will not meet the same fate as others. Thus there is need to change this mindset.
11. There is a need to change public attitudes to prevent people from becoming cheaters, looters, thugs, racketeers. Only a dialogue with the community can change the mindset.
12. There is strong need to conduct research on child marriage, alluring for marriage, bogus marriages, alluring for education, employment of the children who are being trafficked. Traffickers have changed their Modus Operandi (MO) and instead of a central location like Kamathipura etc, flats in residential areas being used for prostitution. When multiple flats are being leased, police need to investigate for what purpose they are being used.



Research

- **Address psychology of child runaways & parents forcing children** into labour/sex trafficking
- **Address psychology of the parents** who despite awareness raising on trafficking believes that their child will not meet a similar fate.
- **NGOs must research the occurrence of child marriage** and the incidence of non-registration of FIRs in such cases
- **Identify high risk areas**, labour inspectors can coordinate with Village Administrative Officers to cover each village, conduct regular surveys
- **Structural gaps at source and destination** which need to be plugged for post-rescue stage of shelter and rehabilitation
- **Mapping of children in need of care and protection** or of the services available for them at the district, city and state levels; Government Initiatives
- **Study role of armed conflict** in child trafficking.
- **Involve youth groups in research** like profile of users of dating sites, massage parlors, etc.

Advocacy

- **Need to create awareness and fear in public** on the issue of child labour.
- **Consolidate CSR mechanisms** to end child labour and trafficking .

Strategy

- **Focus on preventive rather than punitive aspects of the law** to reduce the incidence of child labour and trafficking
- **Prohibition on alcohol is imperative** as it has been found that 50% of cases with Maharashtra Women Commission alone having concern with alcoholic husbands and this resulting into the enhancement on child labour and trafficking
- **A multi-disciplinary approach** from each of the agencies involved in recognizing, protecting and enforcing the rights of the child.
- **Rewarding performance needs to be institutionalized.** Motivation and incentive are needed in the highly demanding, intensive, time consuming task of policing where the threat from traffickers is real.
- **Decentralize** child protection through strengthening of Village and District Child Protection Committees.
- **Survivors** can be trained to become activists and change makers in their communities
- **Implementation of skill based, value based and mother tongue based education** as stated in RTE Act.
- **Social boycott of families and economic boycott of establishments** employing child labour.
- **Ensure shops and establishments put up notices** prohibiting child labour in their premises.

Child friendly

- **Facilities for seasonal migration** and child care
- **Police stations and courts** need to be child friendly
- **Individual care plans** must include trauma care in treatment.

- **Lexicon of discourse** must use source and destination rather than demand and supply

Coordination

- **National Coordination between Child Rights departments, Ministries, Commissions**
- States of Uttar Pradesh, Madhya Pradesh, Delhi, Chhatisgarh, Maharashtra and Rajasthan need to co-operate as these states are the high density zone for kidnapping and abduction of children.
- **Create and monitor inter-departmental Task Force** for rescue and rehabilitation of victims
- **NGO partnerships crucial** to support the work of the government.
- **Proactively share data**, trends with Labour Department, WCD, NCRB & MHA to enable evidence-based policies and interventions
- **Involve Resident Commissioners of states** for inter-state trafficking cases
- **Plan and ensure resources at both source and destination** are in place prior to rescue.
- **Linkages with essential lateral services for children**, for example, education, health, police, judiciary, services for the disabled etc;
- Ministries need to have a **timeline for implementation** and release of funds and/or allotment of infrastructure

Application of Provisions of amended Indian Penal Code

- Criminal Law(Amendment), 2013, Section 370 (1)of Indian Penal code has given tremendous scope to act against child labour trafficking by clearly and extensively detailing meanings and explanations on the scope and definition and forms of child labour including for instance, fraud and deception. Trafficking using false excuses would therefore come within its purview.
- Sensitization training to register cases under the Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition and Regulation) Act, 1986 as there is a remarkable reluctance to do so at the ground level.
- **Strict implementation of legal provisions** such as arresting child traffickers/employers and shutting down their establishments.
- **Track lease of multiple flats** in residential complexes/townships

Child Welfare Officers

- Awareness on child protection, child labour and child trafficking



Guidelines on elimination of use of drug among vulnerable children (specially street children)

RECOMMENDATIONS

In order to eliminate drug use in street children, the problem should be treated holistically. All the major stakeholders like the Department of Women & Child, Police, Home, Health, Urban development, Social Justice etc in the Government. NGOs and all other stakeholders should work together to eradicate drug abuse.

1. PREVENTIVE/ EDUCATIVE

- A. To provide institutional care to street children using drugs.
 - Special homes for children using drugs across Maharashtra in every district
 - Ensure that these shelter homes are equipped with facilities for medical and psychosocial care.
 - Rehabilitation efforts focusing on skill building and vocational training to be provided by NGOs
 - In a situation where the government is unable to run the shelter home, to take the assistance of NGOs. There should be a monitoring body comprising of government officials and Civil society organization to keep regular check on the functioning of such shelter homes in order to maintain accountability.
- B. To develop a new statewide advertising campaign to focus attention on the vulnerability of street children and drug abuse.
- C. To solicit television, radio and cable operators, print and other media support to provide media time and space for counter-advertisements portraying the health risks associated with alcohol and tobacco that is equal to the time and space spent promoting alcohol and tobacco.
- D. To involve Higher-risk youth/children in the process of establishing programs to give street children information about alcohol and drug abuse prevention.
- E. To identify the vulnerable children. Mostly street children are more vulnerable for drug addiction. Therefore a survey is to be made to identify such children. State government can use officials from field level offices for this type of survey. Assistance of NGOs in this process will be helpful.
- F. To rehabilitate the families residing on streets. Rehabilitation of the families on streets should be done. State Government should make provision to rehabilitate these families under existing schemes or may frame new scheme for this purpose.

- G. To provide education for skill development . Education should be provided to the children on the street for skill development. State Government should develop a system to provide education to such children for skill development and vocational training also should be provided.

2. REFORMATIVE

- A. To enable every child who has an addiction to have access to de-addiction treatment.
- B. To ensure that every hospital, irrespective of government or private, to have a counter for drug users which is open 24x7 with on call doctors and psychologists. The service to be made free to children living on the street.

3. PUNITIVE

- A. To mandatorily present any child found on the street, railway station, abandoned areas like railway shed, foot path etc. within the parameters of the definition of “child in need of care and protection” as provided under section 14 of the Juvenile Justice Act, 2015, before the Child Welfare Committee .
- B. To strengthen the Police force across the State especially JAPU
- C. To present any child caught using or selling drugs on the street before the Juvenile Justice Board directly.
- D. To proactively act in order to ban the supply or sale of drugs to children as provided under section 77 of the Juvenile Justice Act, 2015. (*Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.*)

4. FUNDING/ RESOURCES

- A. To make budgetary provision. A separate budget head/subhead should be allotted for the scheme for establishment of shelter homes for such vulnerable street children and for providing medical and all other necessary facilities. State Government should make provisions for all the related schemes, conducting, awareness programmes etc.

- B. To enhance collections of fines assessed on persons convicted of certain drug related crimes.
- C. To certify fines collected and deposited in the Narcotics Control Bureau Fund annually and dedicate any unallocated funds to alcohol and drug abuse prevention and treatment programs.
- D. To dedicate a portion of the increased revenue generated by alcoholic beverage taxes to the Special shelter homes for street children using drugs.
- E. To increase taxes on alcohol and tobacco and earmark these revenues for substance abuse prevention and treatment.’

5. MONITORING MEASURES

- A. To monitor all the activities done for elimination of use of drugs by vulnerable children State Government to develop monitoring system to monitor activities done for this purpose.
- B. To improve co ordination among state government departments, their allied offices, NGOs working in this field, panchayati Raj institutions for effective implementation of measures to be taken for elimination of drug addiction.
- C. To strictly implement all the relevant laws
- D. To frame a policy consisting of measures to be taken, formulation of schemes, budgetary provisions, coordination amongst implementing agencies, implementation of relevant laws and other relevant factors required to eliminate the use of drugs by vulnerable children.

SIGNIFICANT CONSULTATIONS

VISITS OF HON'BLE SECRETARY, MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS DURING 2016-17.

4/04/2016 TO 6/4/2016

Visited New Delhi to attend program organised by N.C.P.C.R. on issue of Review cum deliberation Consultation on Devising Pathways for Re-Engaging out of School Children

25/4/2016 to 26/4/2016

Visited Amaravati to conduct review meeting on the implementation of P.O.C.S.O., Juvenile Justice Act and R.T.E. Act with officers of Police department, Education department, members of C.W.C., J.J.B. etc.

20/5/2016 to 21/5/2016

Attended **National Workshop at Chandigarh** on the issue of developing protocol on the various rights of children.

30/6/2016 to 2/7/2016

Visited New Delhi to attend meeting on 30/6/2016 organised by N.C.P.C.R. on issue Preparation of Resource Book on Protection of Child Rights and discuss with member of N.C.P.C.R. regarding organizing Regional Conference on the issue of child beggar ondt 1/7/2016 .

14/7/2016 to 15/7/2016

Visited Wardha and Yavatmal to conduct review meeting on the implementation of provision of P.O.C.S.O. Act, Juvenile Justice Act and R.T.E. Act with officers of Police department, Education department, members of C.W.C., J.J.B. etc. and discussion with District Collector of Yavatmal, Superintendent of Police, Women and Child Development officer, Members of Child Welfare Committee, regarding incident that happened in the school run under Darda Education Society at Yavatmal

23/7/2016

Visited Umarkhadi Children Home. Made various recommendations in order to protect rights of children residing in home mainly disposing the matters of children and sending them to their respective places.

17/8/2016 to 19/8/2016

Visited to discuss with Shri Mukesh Giri Ex. Govt Pleader , Govt of Maharashtra about Civil WP 84/2013 filed by Forum for fairness in Education Vs Union of India & other .

29/8/2016 to 30/8/2016

Visited Nashik to conduct review meeting on the implementation of P.O.C.S.O., Juvenile Justice Act and R.T.E. Act with officers of Police department, Education department, members of C.W.C., J.J.B. etc. and inspection of Observation Home.

18/10/2016 to 19/10/2016

Visited New Delhi to attend meeting organised by NCPCR on the issue of Child Marriage

17/11/2016 to 18/11/2016

Visited New Delhi to attend seminar organised by NCPCR and Bhartiya Stri Shakti at Indian Institute of Political Administration (IIPA), New Delhi on Smart Cities with Focus on Inclusive Gender Empowerment

30/11/2016

Visited New Delhi to discuss on the issue to rescue and rehabilitate child labour and trafficked children with the concern N.G.O.s working in this field, including I.J.M., Save the children, Impulse N.G.O. Network etc.

5/3/2017

To follow up matters as per decided in the work plan for year 2016-17 with the officers of Government of Uttar Pradesh in order to rescue and rehabilitate child labour and trafficked children, covering Uttar Pradesh.

IMPORTANT MEETINGS

1. COMMISSION'S MEETINGS

During the year the Commission's meeting were held on 16th Sept. 2016 and 23/12/2016

MONITORING & IMPLEMENTATION OF POCSO ACT 2012

ONE DAY WORKSHOP ON POCSO ACT 2012

FOR POLICE OFFICERS, CWC AND JJB MEMBERS

On 30th January, 2017

At YMCA International, MUMBAI CENTRAL

Organised By

Maharashtra State Commission for Protection of Child Rights

&

World Vision India-MCI Mumbai

A workshop for Police Officers, CWC members and DWCD Officials on "POSCO Act 2012" was conducted on the 30th January 2017 at YMCA, Mumbai Central. There were 57 participants comprising of police officers, JJB board members and CWC members who were widely spread across in Dharavi area. This workshop was held in partnership with World Vision India.



The inaugural session- the welcome note was given by Ms. Leena Makasare. Police Officers being the duty bearers are responsible for implementation of laws. *The workshop's purpose on giving awareness to the Duty bearers like Police Officers, CWC Members and DWCD officials on POSCO Act 2012 was emphasized by her.*

Session 1:

Various schemes undertaken by the Govt. for the victim affected due to sexual assault

Adv. Pooja Kute from Majlis organization had taken over this session. She shared that the major objective had special provision for children. The major provisions as mentioned in Rule 7 where there is interim compensation to meet the immediate need of the child. Scheme "Manodhairya" provides a great benefit for the children. This gives monetary relief of Rs 3 lakh in case of Rape and sexual assault and physical handicap.



POSCO Act gives guidelines on medical procedures and the medical examination to be followed on the victim. The procedure was clarified such as; filing an FIR, Address of the place where the incident took place and then the medical examination and in all these three processes the accompaniment of the lady constable needed if for a girl child.

Session 2:

Role of Special Juvenile Police Unit, local police for reporting the offense under POSCO Act

Ms. Priti Patkar, Founder of Purna Organization took over and presented slides where how there were stages in evolution of laws against child sexual abuse. POSCO Act gives best in protection, prevention, rehabilitation and recovery. A relevant example of Mathura Rape case was shared. Child rights and Women's organization fought over this sexual assault case to get justice for Mathura.



There is a great role of local police in the case where the girl child is assaulted. Local police has to accompany for the medical check – up as the Section 19 of sub section 5 helps in assessing the child if in need of care and protection. The police should look for a child friendly space while taking a statement. Women police presence is mandatory. Simple language of the victim should be reported. There has to be a special educator and tutor for victim who is disabled or deaf and dumb. Police staff should have a better rapport with the CWC. Section 26 and 27 says of how to record the statement of the child. Section 24 is vital as it guides on how a victim can be protected from the prosecutor till trial and after trial. Also that police to find out the list of NGOs in the jurisdiction. While questioning police to consider child as the major focus by not asking close ended questions.

Session 3:

Role of Individual in order to implement the provision of POSCO Act as prescribed under section 19 of the Act by Renita Menezes

Adv. Renita Menezes, from International Justice Mission (**IJM**) took this session where she informed that in every report of offence it is necessary that the said report is allotted entry number and it is recorded in writing in the book kept by the Police Unit.

She addressed on the ensuing sections of the POSCO Act, which are the major provisions to be kept in mind while dealing with POCSO Cases.



- Section 19 addresses how a child is supported for statement writing, provision of Interpreter/ translator when needed, admission of child in need of care and protection in shelter home or hospital, within 24 hours of the report, recording the reasons in writing and admitting the victim in shelter home/ hospital. Local police to report the matter to CWC and special court.
- Section 20 – Obligation of media, studio and photographic facilities to report cases on coming across sexually exploitative material of the child through the use of any medium to the police.
- Section 21 – provisions regarding punishment for failure of any person to report offence as per Sec. 19, and record a case under Sec. 20. As per this Section punishment prescribed is imprisonment of either description up to six months or with fine or with both. When any person in charge of company or institution fails to report an offence in respect of subordinate under his control punishment is imprisonment up to one year and with fine.
- Under section 22 –any person who makes false complaint or gives false information in respect of offences Us. 3,5,7,9 with malafide intention shall be punished with imprisonment up to six months or with fine or with both. When false complaint is made by child or false information is given by child there is no punishment.
- When false complaint is not made or false information is given not by a child, against a child, knowing that it is false, and thereby victimizing the child for any offence under this act, such person shall be punished with imprisonment upto one year or with fine or with both.
- Under Section 23 - convicts the media on disclosing the identity of the child with punishment of imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.
- Under Section 36 Child not to see the accused while testifying.

Session 4:

Right of Child under POSCO Act

By Kavita Nair Bhatia

Only approximately 52% of sexually exploited cases are reported and rests go unreported. POSCO was drafted after considering the “interest of the child”. Two cases were shared and participants were asked to see in the light of POSCO act. She emphasized on the following points.



- Right to protection – false complaint against child is punishable
- Right to dignity – maintain in case of medical examination
- Right to child friendly space – use of simple language, support person will be child’s choice, child not to come in contact with the accused
- Right to consent
- Right to safety – be with a support person and not to be in contact with the accused
- Right to care and protection – instructor/ translator provision for the disabled child
- Right to confidentiality – media to hide identity
- Right to speedy justice - Within 1 year justice and evidence is recorded in 30 days

====|||====

STATEMENT OF ACCOUNTS

Revised C16-17

MHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, MUMBAI
3RD FLOOR GOVT. TRANSPORT SERVICE S.P. ROAD WORLI, MUMBAI

REVISED INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2017

EXPENDITURE	SALARY	NON-SALARY	OTHERS	INCOME	SALARY	NON-SALARY	OTHERS
Salary & Allowances	6,467,000.00				7,206,000.00		
Audit Fees				Grant Received			
Conveyance Expenses		59,000.00	163,161.00	Salary & Allowances		1,296,000.00	
Conveyance Expenses		570.00		Non-Salary			808,792.00
Printing & Stationery		76,448.00		USICLF			75,891.00
Tour & Travelling Expenses		57,054.00	119,402.00	NCPCR			
Advertisements		113,216.00	34,086.00	Other Income		22,694.00	
Allowance to Secretary		15,990.00	351,431.00	Bank Interest			350.00
AMC of Computers		143,874.00		RTI Fees			
Interest on GPF		19,250.00		Excess of Expenditure over Income		522,896.00	
Electricity Expenses		1,656.00					
Car Running Charges		131,930.00					
Language Translation Charges		225,525.00					
Event Expenses		10,500.00					
Misc. Expenses		7,000.00	2,730.00				
Postage Expenses		126,557.00	160.00				
Professional Fees		90,517.00					
Repairs of Vechicals		27,830.00					
Telephone Expenses		43,000.00					
Repairs & Maintenance		59,398.00					
Books & Periodicals		150,952.00					
RTI Fees		191,972.00	350.00				
Depreciation		340,308.00					
Excess of Income Over Expenditure	1,350.00		223,833.00		7,206,000.00	1,842,396.00	885,033.00
	7,206,000.00	1,842,396.00	885,033.00				885,033.00

Jayanto Jivastava
Assistant Administrative officer-cum-Accounts Officer
Assistant Accounts Officer
Maharashtra State Commission for
Protection of Child Rights, Mumbai.

Att-5-6-58

S
Secretary
Maharashtra state
commission for protection
of child rights, Mumbai



Bhaskar Kumar Gupta
Partner, K. K. Chaurani & Associates
Chartered Accountants
Membership No- 302739
Mumbai, the 17th October 2017

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, MUMBAI
3RD FLOOR GOVT. TRANSPORT SERVICE S.P ROAD WORLI, MUMBAI
REVISED RECEIPT AND PAYMENT ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2017

RECEIPTS	SALARY	NON-SALARY	OTHERS	PAYMENTS	SALARY	NON-SALARY	OTHERS
Opening Balance				Salary & Allowances	6,46,929.00		
State Bank of India		216,284.00	29,987.00	Commission		510.00	163,161.00
RBI PLA	375,528.00	9,601.00		Printing & Stationery		37,054.00	119,302.00
Cash in Hand		15,000.00		Tour & Travelling Expenses		113,216.00	24,086.00
Cheque In Hand		268,885.00	29,987.00	Conveyance Expenses		79,468.00	
	375,528.00			Advertisement		15,939.00	351,431.00
Grant Received:				Allowance to Secretary		143,874.00	
Salary & Allowances	7,206,600.00	1,296,800.00		AMC of Computers		19,250.00	
Non-Salary				Car Running Charges		225,525.00	
UNICEF			808,792.00	Electricity Expenses		137,730.00	
NCPDR			80,000.00	Language Translation Charges		10,500.00	
	7,206,600.00	1,296,800.00	888,792.00	Misc. Expenses		426,557.00	2,730.00
Other Receipts				Postage Expenses		50,517.00	160.00
Bank Interest		22,698.00		Repairs of Vehicle		43,000.00	
GPFF Fund Withdrawal	130,000.00			Telephone Expenses		150,932.00	
Festive Advances	30,000.00			Repairs & Maintenance		61,031.00	
				Event Expenses		7,000.00	
			350.00	Furniture and Fixtures		44,946.00	
				GPFF Advance Given	130,000.00		
				Professional Fees		22,862.00	
				Festive Advances given	30,000.00		
				Interest on GPFF		1,656.00	4,106.00
				Grant Refunded			350.00
				RTI Fees			
				Closing Balance:		5,631.00	1,511.00
				Cash in Hand		272,165.00	142,928.00
				State Bank of India	1,135,199.00		109,261.00
				RBI P.A.			
Total	7,742,128.00	1,500,383.00	919,129.00	Total	7,742,128.00	1,500,383.00	919,129.00

Signature
Assistant Administrative Officer - Accounts
Maharashtra State Commission for Protection of Child Rights, Mumbai

Signature
Secretary
Maharashtra state commission for protection of child right, Mumbai



Signature
Bhaskar Kumar Gupta
Partner, K. K. Charani & Associates
Chartered Accountants
Membership No. 302730
Mumbai, the 17th October 2017.

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, MUMBAI
3RD FLOOR GOVT. TRANSPORT SERVICE S.P ROAD WORLI, MUMBAI
REVISED BALANCE SHEET FOR THE YEAR ENDED 31st MARCH 2017

LIABILITIES	SALARY	NON-SALARY	TOTAL	ASSETS	SALARY	NON-SALARY	TOTAL
Capital Fund				Fixed Assets			
Opening Balance	-343,067.00	2,874,183.00	2,531,116.00	As per Schedule	7,650.00	1,977,977.00	1,985,627.00
Add/(Less): Adjustment in Opening Balance	-	-	-				
Add/(Less): Advances written off	738,250.00	(299,085.00)	439,165.00	Current Assets			
Add/(Less): Surplus/ (Deficit)	395,183.00	2,575,098.00	2,970,281.00	Loan & Advances	145,000.00	-	145,000.00
				Loan & Advances Salary	-	163,975.00	-
				Advance to Salary Fund			
Current Liabilities				Cash & Cash Equivalent			
Salary Payable	466,725.00	-	466,725.00	Cash in Hand	-	7,142.00	7,142.00
Festival Advances	18,000.00	-	18,000.00	State Bank of India	-	415,093.00	415,093.00
DCPS Payable	8,740.00	-	8,740.00	RBI	1,135,199.00	109,361.00	1,244,560.00
GIS Payable	3,240.00	-	3,240.00				
GPF Payable	55,100.00	-	55,100.00				
HBA Payable	5,000.00	-	5,000.00				
HRA Payable	2,086.00	-	2,086.00				
Medical Allowance Payable	5,400.00	-	5,400.00				
Professional Tax Payable	1,400.00	-	1,400.00				
GPF Advance Received	130,000.00	-	130,000.00				
TDS Payable	33,000.00	-	33,000.00				
Other Current Liabilities							
K K Chanani & Associates	-	27,830.00	27,830.00				
Electricity Expense Payable	-	9,730.00	9,730.00				
Telephone Expense Payable	-	5,890.00	5,890.00				
Audit Fees Payable	-	55,000.00	55,000.00				
Advance from Non-Salary Fund	163,975.00	-	163,975.00				
	1,287,849.00	2,673,548.00	3,961,397.00		1,287,849.00	2,673,548.00	3,961,397.00

Bikash Kumar Gupta
Bikash Kumar Gupta
 Partner, K. K. Chanani & Associates
 Chartered Accountants
 Membership No: 302730
 Mumbai, the 17th October 2017

Secretary
 Maharashtra State Commission for
 Child Rights, Mumbai

Assistant Administrative officer-cum-Accounts Officer
 Maharashtra State Commission for
 Child Rights, Mumbai

Assistant Administrative officer-cum-Accounts Officer
 Maharashtra State Commission for
 Child Rights, Mumbai

FORM A

Statement showing the details of complaints received, disposed off and pending for the period 2016 -2017

Year	Pending cases at the beginning of the year	New Complaints	Total	Disposed Cases	Pending cases at the end of year
1	2	3	4	5	6
2016-17	63	145	208	90	118



**बाल हक्क संरक्षण आयोग
महाराष्ट्र राज्य**

**MAHARASHTRA STATE COMMISSION
FOR
PROTECTION OF CHILD RIGHTS**

3rd floor, Government Transport Service
Building, Sir Pochakhanwala Road ,Worli,
Mumbai, Maharashtra.

Telephone No. 022-24920894/95/97
Fax No.022- 24920896

E Mail: mscpcc@gmail.com
Website :: mscpcc.egov.co.in