

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS



ANNUAL REPORT 2021-22



**Hon'ble Ministers Women and Child Development,
Government of Maharashtra**



Adv. Smt. Yashomati Thakur

Hon'ble State Minister Women and Child Development



Shri Omprakash *alias* Bacchu Baburao Kadu

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(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 honors and reputation.

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

Secretary — Smt. Swati Mhase - Patil.
(From 1.01.2021 to 17.01.2021)

Shri.Uday Jadhav I.A.S.
(From 18.01.2021 to end of the year)

Chairperson & — None, as Commission was not
Member 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 act (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.

C) 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 considerate 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 t 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 they 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:
 - (A) Deprivation and Violation of child right.
 - (B) Non implementation of laws providing for protection and development of children
 - (C) 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.
 - (D) Such other function as it may consider necessary for the promotion of child right or any other matter in incidental to the above function.
2. All applications should be addressed to Secretary, Maharashtra State Commission for protection of Child Rights, IIIrd floor, G.T.S. Building, Sir Pochkhanwala Road, Worli, Mumbai 400 030.
3. Every application shall set on the name, description and complete postal address of the applicant & respondents. It should be typed in double space on a 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.

(D) Complaints and inquires investigation :—

During the said period, the Commission did not exist as the term of the Commission expired. The Commission has not made recommendations in any case.

(E) Workshops / Seminars / Public Public Hearings

(A) Due to the second wave of Kovid epidemic in the said year, no actual program was conducted by the Commission among the general public.

(B) On 12.06.2021, a Webinar was organized on “Recoordinating Parental Safety After Second Wave of Covid-19”. In the said webinar Hon. Civil Judge, Hon. Secretary, District Legal Services Authority Mumbai City, Hon. Deputy Director Public Health Department Directorate Pune, Special Inspector General of Police Women and Child Crime Prevention Department, Government of Maharashtra representatives, as well as dignitaries from all orphanages, observation homes, all child welfare committee chairpersons, district women and child development officers, etc. .

(F) Important Correspondence / Directives of the Commission :—

The Trafficking in Person (Prevention, Care and Rehabilitation) Bill 2021 For amendments in the preliminary draft of the Bill, comments and suggestions have been sent to the Department of Women and Child Development, New Delhi and NCPCR through the Commission. The instructions are as follows



महाराष्ट्र राज्य बाल हक्क संरक्षण आयोग

२ रा मजला, शासकीय परिवहन सेवा इमारत, सर पोचखानवाला रोड, वरळी मुंबई-४०० ०३०

Telephone No.24920894/95/97

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mscper@gmail.com

जा.क्र./मराबाहसआ/ 2047

दि 06/2021

प्रति,

मा. अपर मुख्य सचिव

शालेय शिक्षण व क्रीडा विभाग, संत्रालय, मुंबई

विषय :- शालेय फी वाढ तसेच अनुषंगिक विषयांबाबत आयोगाकडे प्राप्त होणाऱ्या तक्रारीचे अनुषंगाने प्रस्तावित महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम 2011 यामध्ये सुधारणा करणे बाबत

संदर्भ :- शालेय शिक्षण व क्रीडा विभाग, संत्रालय, मुंबई यांचा द. 05/03/2021 रोजी चा शासन निर्णय

महोदय,

महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम 2011 यामध्ये सुधारणा सुचविण्यासाठी शासन रत्नरावर संदर्भ क्र. 1 चे शासन निर्णयान्वये समिती गठीत करण्यात आलेली आहे. महाराष्ट्र राज्य बालहक्क संरक्षण आयोगाकडे शिक्षण विभागाशी संबंधित विविध तक्रारी ईमेल द्वारे व नियमित टपालाद्वारे प्राप्त होताना, सदर तक्रारीमध्ये फी वाढीबाबत तसेच शाळेमाफ्त पालकांदर तक्रारीने नियमबाह्यपणे वाढण्यात येणाऱ्या इतर अनिर्दिष्ट खर्चाचे अनुषंगाने शाळेमाफ्त सतत विविध पद्धतीने पालकांना त्रास दिला जातो. या विषयी तक्रारी आयोगास योग्यरूपेने प्राप्त होतात. आयोगाकडे प्राप्त होणाऱ्या तक्रारीचे स्वरूप विचारात घेता शालेय शिक्षण विभागांमार्फत प्रस्तावित सुधारित अधिनियम तयार करतांना आयोगाच्या निदर्शनास आलेल्या शिक्षण विषयक तक्रारीबाबत उक्त स्वरूपाचा मजकूर आपणास अवगत करणे आवश्यक आहे. अशा प्रकारच्या तक्रारीचे स्वरूप खालील प्रमाणे आहे.

- 1) खाजगी शाळांमध्ये फी भरण्याच्या प्रक्रियेमध्ये शाळेची फी रोखीने, धनादेशाद्वारे, डीडी अथवा अदयावत डिजिटल पद्धतीने भरण्याचे ची सुविधा उपलब्ध असताना काही शाळा या पद्धतीने फी स्वीकारत नाहीत. त्याऐवजी शाळेची फी अंघ / पोर्टल द्वारे भरण्याची सक्ती केली जाते व या प्रक्रियेमध्ये पालकांना फी व्यतिरिक्त अतिरिक्त रक्कम भरावी लागते. सदर रक्कम पालकांना अनावश्यक भुर्दंड म्हणून सोसावी लागते.
- 2) काही शाळा पालकांना ठराविक विक्रेत्याकडून शालेय क्रमिक पुस्तके वहया विकत घेण्याची सक्ती करतात.
- 3) असे विक्रेते भक्तेदारी करून, पालकांना त्यांना हवे असलेले क्रमिक पुस्तके उपलब्ध करून न देता, ऑनलाइन पद्धतीने त्या इयत्तेच्या सर्व क्रमिक पुस्तकांचा पूर्ण संच (आवश्यकता नसताना) खरेदी करण्याची सक्ती करतात.
- 4) असे विक्रेते बाजार भावापेक्षा जास्त दराने विकत घेण्याची सक्ती करतात आणि पालकांना अनावश्यक आर्थिक भुर्दंड सोसावा लागतो.
- 5) काही पुस्तक विक्रेते प्रकाशकांशी संगनमत करून मागील वर्षाच्या क्रमिक पुस्तकांमधील अनुक्रमणिकेचा क्रम किंवा पाठांमध्ये अंशतः बदल करून असे नवीन पुस्तके पालकांना खरेदी करण्यासाठी जबरदस्ती करतात हा प्रकार आर्थिक फायद्यासाठी केला जातो. मात्र याचा विनाकारण भुर्दंड पालकांना बसतो. वस्तुतः क्रमिक पाठ्यक्रमामध्ये शिक्षण विभागाने काही बदल केले नसल्यास, मागील वर्षाची क्रमिक पुस्तके पुढील वर्षी विद्यार्थी वापरू शकतात.
- 6) फी वाढ तसेच अनुषंगिक इतर विषयासाठी महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम 2011 च्या तरतुदीनुसार पालक-शिक्षक संघाच्या स्थापनेबाबत, सदर पालक-शिक्षक संघाच्या कार्यपद्धतीबाबत, पालक शिक्षक संघ / कार्यकारिणी समितीच्या गठण व बैठका बाबत आक्षेप घेतले जातात. या प्रमाणे कार्यकारिणी समिती गठीत करताना शाळा प्रशासन आपल्या नजीकील पालकांना घेऊन समितीची निवड करते. समितीच्या बैठका प्रत्यक्ष, योग्यरीत्या संपन्न होत नाहीत, मात्र कागदोपत्री बैठका घेतल्याचा तपशील ठेवला जातो. अशा अनेक तक्रारी खाजगी शाळेतील पालकांकडून आयोगास प्राप्त होतात.
- 7) नैसर्गिक आपत्ती, महामारी, आपत्कालीन परिस्थिती यासारख्या अचानक उद्भवणाऱ्या संकटांमध्ये, निर्माण होणाऱ्या आर्थिक अडचणी तसेच परिस्थितीजन्य अडचणीमुळे पालकांना फी भरण्यास अडचणी, विलंब होऊ शकतो. अशा परिस्थितीत पालकांनी शाळेची फी हप्त्याने भविताने जमा करण्याच्या अनुषंगाने आवश्यक नियम व सुधारित तरतूद याचा अधिनियमामध्ये कायमस्वरुपी समावेश करणे आवश्यक आहे. कोरोना महामारी कालावधीत या विषयाशी संबंधित अनेक पालकांनी, केलेल्या निवेदनांमध्ये सदर बाबीचा उल्लेख दिसून येतो.

8) पालकांमार्फत फी चा भरणा करण्यात आला नाही किंवा विलंब झाल्यास शाळा प्रशासनामार्फत सदर विद्यार्थ्यांस ऑनलाईन शिक्षणाची लिंक दिली जात नाही. शालेय साहित्य, पुस्तके, गणवेश इत्यादी जाणीवपूर्वक दिले जात नाही. बालकांना शाळेच्या वर्गखोलीत कॉइन ठेवले जाते, वर्गाबाहेर उभे केले जाते, ग्रंथालयात बसवून ठेवले जाते. शाळा व्यवस्थापन विद्यार्थ्यां मार्फत थकीत वसुलीसाठी पालकांना लेखी सूचना झयरीमध्ये नोंद करून कळवते शालेय फी भरली नाही म्हणून अनेक शाळा, विद्यार्थ्यांचे शाळा सोडल्याचे दाखले पालकांना पाठवून देतात. याबाबत अनेक तक्रारी आयोगाकडे प्राप्त आहेत. अशाप्रकारे विद्यार्थ्यांना मानसिक त्रास दिला जातो. याबद्दल संबंधितांवर कठोर उपाय योजनांचा समावेश करणे आवश्यक आहे. या अनुषंगाने अधिनियमात तरतूद होणे आवश्यक वाटते. अशा प्रकारच्या तक्रारी महासचिवीच्या कालावधीत तसेच त्यापूर्वीही नियमित तक्रारी प्राप्त झालेल्या आहेत.

9) आयोगाकडे प्राप्त तक्रारीमध्ये पुणे व ठाणे शहरातील काही शाळा शालेय फी चा भरणा करण्यासाठी विशिष्ट फायनान्स कंपन्यांकडून पालकांना लोन घेण्याची सक्ती करतात.

10) फी वाढ व अनुषंगिक विषयांच्या प्रकरणाची व्याप्ती लक्षात घेता, विभागीय शुल्क नियामक समिती मार्फत, प्रकरणांचा जलदगतीने निपटारा व्हावा तसेच समितीचे प्रत्यक्ष कामकाजाचे दिवस जास्त असणे आवश्यक आहे.

11) फी वाढ व त्या अनुषंगाने पालक व विद्यार्थ्यांना दिला जाणारा त्रास, या विषयांच्या तक्रारीच्या अनुषंगाने महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम 2011 मधील तरतुदींचे उल्लंघन केल्यास, चौकशीअंती महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम 2011, मधील प्रकरण 4, कलम 16 अन्वये, शाळांना दंड/शास्ती होण्याच्या दृष्टीने क्षेत्रीय अधिकार्यांना काय अडचणी येतात या बाबी देखील विचारात घेणे आवश्यक आहे. त्या अनुषंगाने क्षेत्रीय अधिकार्यांमार्फत सूचना घेऊन प्रस्तावित अधिनियमामध्ये आवश्यक सुधारणा करणे गरजेचे आहे.

त्या अनुषंगाने प्रस्तावित सुधारित अधिनियमात आवश्यक सुधारणा करणे बाबत संबंधितांना सूचित करावे ही नम्र विनंती.

आपला नम्र,

उदय जाधव (भा.प्र.से.),

सचिव,

महाराष्ट्र राज्य बाल हक्क संरक्षण आयोग

प्रत माहिती व कार्यवाहीसाठी

श्री इम्तियाज काझी,

सहसचिव तथा अध्यक्ष, महाराष्ट्र शैक्षणिक संस्था (शुल्क विनियमन) अधिनियम समिती,

शालेय शिक्षण व क्रीडा विभाग, भंत्रालय, मुंबई

G) Significant Consultations :-

- A. In the background of Covid 19 pandemic the commission has issued necessary instructions to the Education Department in respect of implementation of 25% RTE quota seats as per the provision of Right of Children to Free and Compulsory Education Act

- B. In view of the directions issued by the Hon. Apex Court in the case of Sampurna Behura vs. union of India, the Commission has in collaboration with NGO – IJM and TATA Institute of Social Studies commenced study on the topic ‘Report on the functioning of the child care agencies in the State of Maharashtra as per the Supreme Court Directions in Sampurna Behura vs. union of India.’ The draft final report prepared by the study team is now to be placed before the Advisory Board under the Chairmanship of hon. Justice Shri. Kanade, (Retd.) of Bombay High Court.

- C. The Commission has in view of letter dated 05.07.2021 received from the National Commission for Protection of Child Rights, New Delhi submitted comments/suggestion to the Ministry of Women and Child, New Delhi regarding “The Trafficking in Persons (Prevention, Care, Rehabilitation) draft Bill 202 vide letter dated 20th July, 2021.



GOVERNMENT OF MAHARASHTRA

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
3rd floor, Government Transport service, Sir Pochkhanwala Rd. Worli, Mumbai
Telephone No.24920897/94/95 Fax No 24920896 E-Mail dnscpcr@gmail.com

No. Admn. / 3040 /2021
Dt. 20th July, 2021

To,

The Under Secretary
to Government of India,
Ministry of Women and Child Development,
Shastri Bhawan,
New Delhi.

Email – santanu.brajabasi@gov.in.

Subject : The Trafficking in Persons (Prevention, Care,
Rehabilitation) Bill, 2021.
Submissions of suggestions/comments regarding ...

- Reference :** 1. Your office letter No. CP-11/12/2016-US(CP) dated
30th June, 2021 addressed to the Chairman, NCPCR,
New Delhi, on the aforesaid subject.
2. Letter dt. 05/07/2021 received from the Hon.Member
Secretary, NCPCR, New Delhi on the aforesaid
subject.

Sir,

With reference to the aforesaid subject, please find enclosed herewith the comments/recommendations in respect of, "The Trafficking in Persons (Prevention, Care, and Rehabilitation) draft Bill, 2021, formulated in consultation with expertise from various anti-trafficking organizations working in the State. The Experts have helped in culminating their observations, on-field research and programs with an aim to holistically invoke the scope and magnitude of the said Bill. The key recommendations are as under.

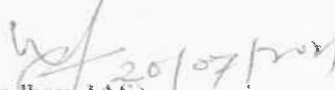
1. **Functions of NAHTC:** Include grievance redressal under the Act so that victims including children are aware of support avenues in acquiring schemes and compensation. The term CWC should also be added, to specify their support for child victims. This is to ensure that there is no scope of confusion on jurisdiction over children. Remove any ambiguity or confusion whether CWC must consult DAHTC before passing final orders.
2. **Minimum Standards of Care:** Mention timelines of provision of minimum standards of care including crisis and trauma counselling, emergency, and other medical support specific to children.
3. **Competency of Families and Parents:** Recommendation to not provide exception to family members of the person trafficked, especially if the family is involved in the trafficking of the child. Traditional and cultural patterns of the family to be taken into consideration as well as any prior incidences of neglect, maltreatment, and abuse.
4. **Changes in Processes:** Make the current processes and procedures child friendly and as well any new recommendations that would be included. Processes should cover all aspects rescue, rehabilitation, prosecution, and reintegration.
5. **Inclusive Approach to the Crime of Human Trafficking (HT):** Take into consideration children affected by social and economic factors in cases of trafficking. There is need to identify such children and include high risk scenarios such as environmental disasters, pandemics that endanger children and their safety.
6. **Vulnerable Populations:** Specify the role of local or district authorities and include protection and preventive factors for children, individuals, and families from SC/ST communities, BPL families, families suffering from agricultural loss/debt.
7. **Focus on Children in Begging and Child Labour:** In respect of Children rescued from bonded labour and from begging there is a need to include families as part of the rehabilitation and developmental process..

In addition, please find enclosed an annexure with comments and suggestions on the Bill further elaborating on the technicalities and scope of various sections of the draft Bill, for due consideration.

The Commission commends the effective efforts taken by the Ministry of Women and Child Development and is confident that the said Bill will bring in greater victim-centricity, empower the survivors and address the organized crime of human trafficking the way it deserves making it economically infeasible. The commission regrets the delay in sending the response.

Thanking you,

Your's faithfully,


(Uday Jadhav, IAS)

Secretary,
Maharashtra State Commission for
Protection of Child Rights,
Mumbai.

Copy submitted with compliments for information to:

Hon. Smt. Rupali Banerjee Singh, Member Secretary, National Commission
for Protection of Child Rights,
New Delhi. Email id - ms.ncpcr@nic.in

Annexure

Section Title of the Act	Recommendation: Addition/Deletion	Rationale
	Needs inclusion of Prohibition in the Title	<p>Entire Act explains on how to prevent and penalise the offenders and Rehabilitation, but we need the Prohibition of Trafficking of Persons.</p> <p>Prevention, Protection and Prosecution is the AHTU model that is in force under AHTU Scheme.</p>
Title of the Act	Needs inclusion of Protection in the Title	Previous draft had the term protection. A reading of the current draft shows that there is overarching goal for protection. Omission of the term 'protection' and usage of the term 'prevention' broadly dilutes the intent and approach of the bill.
Focus	<p>Gender-neutral language to be used across this Act, to ensure all genders have access to benefits under this Act.</p> <p>Women, Children, Transgender is covered under this act, but Men is not specified.</p>	Human Trafficking does not restrict to Women, Children (M/F) and Transgender, when it comes to Labour Trafficking the victims are men too.
Chapter I PRELIMINARY		
2	<p>Recommended to include within the scope of this Bill, definitions under Section 2:</p> <ul style="list-style-type: none"> • Prevention • Protection • Bonded Labour • Sex Tourism • Prostitution • Pornography • Sexual servitude • Emergence & post-emergence • Support persons (Sec 20 (h)) • Supply chain • consumer • Sexual exploitation to include online sexual exploitation. 	
2(5)	"Debt bondage" shall mean the status or condition arising from a pledge by a debtor of his or her personal services, or any of his lineal ascendants or descendants, or those of	Debtor could also pledge his children/grandchildren, it could also be in the form of an economic consideration and

	a person under his or her control, to the creditor in lieu of payment of an advance amount or economic consideration obtained or presumed to be obtained for the purpose of bonded labour.	not always cash amount-reference Bonded Labour System Abolition Act, 1976
2(7)	The definition of exploitation does not include means or methods used for committing the exploitative act. Additionally, exploitation can also occur after giving due consideration as is seen in cases of trafficking. Hence, the definition should be further expanded. "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of <u>sexual exploitation by trafficker or consumer</u> including pornography, any act of physical exploitation, forced labour or services, slavery or practices similar to slavery, servitude or forced removal of organs, illegal clinical drug trials or illegal bio-medical research or the like."	The definition of exploitation does not include means or methods used for committing the exploitative act. Additionally, exploitation can also occur after giving due consideration as is seen in cases of trafficking. Hence, the definition should be further expanded.
2(21)	Addition: "rehabilitation" shall include all processes of restoring the physical, psychological, and social well-being of a victim, and includes protection, access to education, skill development, healthcare, psychological and physiological support, medical services, economic empowerment, legal aid and assistance, repatriation, safe and secure accommodation;	Added the word repatriation to the definition, Repatriation completes a whole process of rehabilitation of a foreign survivor.
2(30)	Addition: Words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the National Investigation Agency Act, 2008, the Information Technology Act, 2000, Bonded Labour System Abolition Act, 1976 shall have the same meanings respectively assigned to them in those Acts.	Added BLSA here since the def of BL system, bonded debt etc not defined well in this Act
Chapter II PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS AND OTHER OFFENCES UNDER THIS ACT		
3(3)	Addition: The NIA should coordinate with the AHTUs and existing legal mechanism for investigation, prosecution, and coordination of cases under this Act	Given that both NIA and NATC are coordinating at the national level, defining each of their roles clearly would avoid overlap or confusion. AHTU's are already existent in states to work on IT cases hence need to coordinate, else there will be overlap of roles.
3(4)	Addition: 1) The appropriate Government shall set up for each District or a group of Districts, such number of Anti-Trafficking Units, for dealing with all matters of	AHTU's are already existent in most places to handle the issue of trafficking hence they need to be further activated to deal

	<p>prevention, rescue, protection and care of victims and witnesses and of investigation and prosecution of any offence under this Act.</p> <p>(2) Every local police station shall, where Anti-Trafficking Unit is not functional, undertake every activity in matters of rescue, investigation, prevention, and protection of persons trafficked under this Act.</p> <p>(3) The State Government shall appoint for every Anti-Trafficking Unit such number of subordinate police officers including women police officers as it deems necessary for the discharge of the functions of the Anti-Trafficking Unit and vest in them with all the powers to investigate any offence committed within its local jurisdiction under this Act:</p> <p>Provided that the officer-in-charge of a police station under section 154 of the Code of Criminal Procedure, 1973, shall take all necessary steps for immediate rescue and protection and then transfer the case to the Anti-Trafficking Unit.</p> <p>AHTUs shall be set up in all districts in the country within 30 days of this Bill becoming law.</p>	with the crimes under this Act.
Chapter III ANTI HUMAN TRAFFICKING COMMITTEES & NODAL OFFICERS		
5.1	<p>Addition: Prosecution should also be the focus of NATC/ SATC/DATC in coordination with NIA and AHTU's</p>	To bring the case to the logic end and prevent further occurrence of such offenses in the country.
5(2)	<p>NATC should include the following departments:</p> <ol style="list-style-type: none"> a. Department of Revenue (GoI) b. Ministry of Railways c. Border Security Force d. NHRC DG or representatives e. SC/ST Commission f. Ministry of Education 	<p>Since this is a central Act and majority of the responsibility is given to the District Magistrate that reports to the Revenue Department, further there are many trafficking cases get transported through train and exchanged in the railway property. The Railway Protection Force has an objective of protecting women and children from trafficking. Additionally, Railways are the most used mode of transport to traffic the victims, and there are many cross-border cases that will have to be brought to the notice of the BSF to prevent such cases.</p>

5(3)	Addition: One of the functions of the NATC should be maintaining an electronic data base of the victims and the list to be shared to ministry of labour for further actions.	-Easy to monitor the rehab of victims and prevent them from re-victimization
5(3)(a)	Addition: Recommended that to prevent re-traumatisation of victims a one-point enquiry be conducted to record the statement of the victims instead of multiple officials enquiring the victims several times.	
5(3)(g)	Addition: Functions of the NATC should include grievance redressal under the Act as often victims are left running from pillar to post for support in acquiring schemes and compensation. NATC should have an online portal like NHRC for filing complain or to raise any concerns.	Should this also include that the NAHTC would also serve as a redressal body for matter related to cases developed under this Act? In terms of access to schemes and compensation? It would be good if this would also extend to those who need assistance in acquiring Refugee status as well.
6	Addition: Establishing exclusive resource centre (in each state and district).	This is for all the stakeholders posted in various districts, to approach in case they need resource materials/trainings/equipment etc. This resource centre can serve as a meeting/training place for SAHTC to put more concentrated efforts to combat trafficking.
6(2)	SATC should include, a. Revenue Department b. Social Welfare Department c. RDPR Department d. SHRC e. Divisional Railway Manager, Respective Railway Division- Member f. SCPCR g. Micro, Small & Medium Enterprise Department h. Education Department	There are State High-Power Committees that monitors Human Trafficking related work in the states and these departments are responsible in Labour Trafficking issues including prosecution, rehabilitation, and reintegration as well. Hence it is essential to include these departments. Representative from the respective Railway Division at the State Anti-Human Trafficking Committee is essential. This will enable effective intervention in victims rescued at railway stations.
6 (3)	Addition: State Anti-Human Trafficking Committee should develop state specific action plans which are timebound and	Each state has a unique context and certain factors causing trafficking are unique

	operational on mission mode basis	to each state. Individual State action plans give more ownership to the State to work on the issue and States can be also held accountable to the action plan.
6(3)	Addition: The SATC ensures effective coordination between various state departments (police, Women and Child, Labour, Social Welfare, Panchayati Raj, SLSA and other relevant departments) by conducting one meeting per month for state updates on trafficking cases/matters.	
6(3)	Addition: SATC to compile and review Action Taken Reports and intimate NATC, bi-annually.	Ensures a steady flow of communication and data at all levels.
6(3)	Addition: <ul style="list-style-type: none"> - One of the functions/roles of SATC – to train their personnel on identification of victims of HT in specific industries across the state (inspection to be done on regular basis) - Power to review the progress of prosecution for District Anti- Human Trafficking Committee to be added. 	
6(3)(b)	Addition: Institutionalize trainings in State Government led academies and institutes.	
6(3)(c)	Addition: Make necessary funds available to the District Anti Human Trafficking Committee for providing or setting up of required facilities including adequate personnel for the implementation of the Act.	Adequate designated officials are crucial to manage the various responsibilities of the committee.
7	Addition: SATC Nodal Officer Conduct periodic meetings in consultation with the Chairman (Chief Secretary) at least once in 6 months which is bi-annual (2 meetings in a year)	One of the key responsibilities of the Nodal Officer to - Convene Periodic Meetings for review and future course of action and policy / rule changes if any.
8(2)	DATC should include: <ol style="list-style-type: none"> a) CEO Zilla Panchayath (RDPR) b) Assistant Commissioner / Labour Officer c) Social Welfare Officer d) District Health Officer e) DDPI (Education Department) f) survivors/representative from survivor group or vulnerable community as one of the members. g) psychologist and a specialist for differently abled survivors h) Representation from survivor groups i) RPF 	These are the department officers in the district responsible to address the issue of HT comprehensively hence these department officials need to be included. As per BLSA 1976 the Vigilance committee has representatives from the Vulnerable (SCST) community representatives as members.

	<ul style="list-style-type: none"> j) BSF – in states where present k) SSB – in states where present l) Airport Authorities, m) Representative from Anti-Human Trafficking clubs (<i>if present in the district</i>) 	For awareness generation programs, AHTCs can be used. There is intra state/interstate/cross border trafficking. RPF, Airport Authority and BSF are key personnel.
8(3)	Addition: DATC should meet once every month and present an Action Taken Report once a quarter to SATC.	Ensures a steady flow of communication and data at all levels.
8(3)	<p>Addition: Additional functions of District Anti-Human Trafficking Committee should be...</p> <ul style="list-style-type: none"> a. To train the committee members or the service providers on trauma-informed care/victim-sensitive approach (<i>build their capacity</i>) b. To conduct / coordinate rescue along with the jurisdictional officials besides police & AHTU's c. Collect data and monitor prosecution of cases 	<p>Ensuring that all measures are taken to ensure prevention of <i>any re-traumatisation or re-trafficking</i> of or recurrence of any offence under this Act against any victim.</p> <p>Sets accountability for the Investigation Officer and Prosecutors with power to review.</p> <p>Option to appeal should be given for victim if unhappy with the rehab measures, etc ordered by the committee.</p>
8(3)(i)	Addition: Facilitate survey of the areas and vulnerable population to identify source, transit and destination areas of trafficking including trafficked for debt bondage or bonded labour	Bonded labour in most cases is trafficked for labour.
Chapter IV PREVENTIVE MEASURES		
9	Addition: Both state and district anti-human trafficking committees setting up Anti Human Trafficking Clubs in the educational institutions to create awareness on the IIT issue.	With limited/available resources in the community, we can reach out to the vulnerable community (to create awareness) at the greater level.
9(m)	Addition: Awareness should include addressing the stigma survivors face, else rehabilitation becomes a challenge.	Sensitivity
Chapter V SEARCH, RESCUE OR EMERGENCE, AND POST-EMERGENCE ACTIVITIES INCLUDING CARE, PROTECTION AND REHABILITATION OF VICTIMS		
11(t)	Addition: Form Rescue Team comprising of SPO in cases of sexual exploitation, and DM/SDM in cases of bonded labour, police, AHTU, labour officer, women officers, woman counsellor, independent witnesses, translator, photographer, NGO representatives, and any other necessary person. Conduct search and rescue, informing	

	<p>unavailable member immediately after. Conducting the search shall not be delayed for want of FIR.</p> <p>Rescue provisions to include the procedure as per ITPA for sex trafficking cases under section 15 ITPA.</p>	
11(1)	<p>Addition: Change in language as use of 'may remove such person' gives undue discretion to the law enforcement official.</p> <p>'May' to be replaced with 'shall'</p>	<p>Ambiguity in this section can give departments reason to escape from owning responsibility.</p>
11(1)	<p>Addition: A higher rank official should be involved in the rescue.</p>	<p>As all we know the traffickers are influential and notorious. Hence, Inspector of Police can be named to do rescue in par with Immoral Trafficking Prevention Act.</p>
11(1)	<p>Addition: Add prefix- psychological trauma</p>	
12	<p>Addition: There should be a protection home/rehabilitation home within the range of 10-15 kms or at least 3 per district.</p>	<p>Due to the lack of Protection homes and rehabilitation homes, the police are reluctant to conduct rescue operations after 6:00 PM, especially if the rescue site/crime scene is too far away from the protection home. Also, if the victims are women and children.</p>
12 & 13	<p>Addition: Protection & Rehabilitation Homes for male / men victims above the age of 18 years to be dedicated.</p> <p>Social Welfare Hostels/residential facilities to be arranged for adult men which can cater to the need of temporary accommodation (post-rescue)</p> <p>People rescued as families (especially from labour trafficking), should not be separated as per Sec. 19(3) of this Act but be placed in a home shelter/protection home together so that repatriation is quicker.</p>	<p>This is one of the challenges as in many cases no department is willing to accommodate men hence the District Officials are finding it difficult to accommodate these men for Protection and Rehabilitation.</p>
16	<p>Addition: Verification of documentation is necessary where agents make fake documents of children by increasing the age of the child in the document to show them as adults but after rescue, they do not get the benefits entitled for children due to the fake age proof documents. If a rescued victim prima facie looks like a child medical age verification test must be made compulsory</p>	<p>So that the child gets the entitlements as per his/her age.</p>
16(2)	<p>Addition: Special Court needed for such case</p>	

	type and jurisdiction of Sessions Court/Special designated Court is recommended rather than any Magistrate court as Magistrate Court does not have the expertise or infrastructure to manage safety, care and protection of victims post rescue.	
16(6)	Addition: or the DLSA	
16(7)	Addition: In relation to victims who are not children – apply the law as per Section 17 ITPA (release of majors)	The law already exists. If ITPA and TOPA are charged, then there will be a clash of which act will supersede because both are special acts, and both have Non obstante clause.
16(7)	Addition: Should also say, "in accordance with the provisions of the relevant laws for the time being in force"	
16(9)	Deletion: Section 16(9) has put a condition that Magistrate or CWC shall consult the District Anti- Human Trafficking Committee before taking final decision with respect to the rehabilitation of the victim. This provision needs to be removed as it may become a time-consuming process.	
16(9)	While Section 16 (10) mentions the provisions of the JJ Act to be followed, Section 16 (9) may lead to confusion that even the CWC must consult the DATC before passing the final order as per the JJ Act. Recommendation to remove the ambiguity and make Section 16(9) for the Magistrate, and Section 16 (10) with the mention of the CWC.	
19 (2)	Increase the age of the child, not a female, to 10.	
19(3)	Recommendation: Replace term inmates with residents	
19(4)	Addition: "A victim under this Act shall not be held in any detention facility under any circumstances."	Recommendation to elaborate on this sub-section as may lead to ambiguity and generalisation.

19(5)	<p>Addition: Recommendation to mention timelines of provision of minimum standards of care including crisis and trauma counselling, emergency, and other medical support etc.</p> <p>Apt terminology to be used especially abled or differently abled person instead of disabled persons.</p>	
20	Addition: Rehabilitation may be done in a Community-Based Model for labour trafficking and commercial sex trafficking survivors. Corporates can be considered for assisting in rehabilitation efforts through CSR funds.	
20	Addition: To have standard documents for documentation purpose or to have management of information	To effectively track, facilitate and ensure proper progress and satisfactory completion of their reintegration. <i>(As part of best case & database management system)</i>
20(k)	Addition: "That any victim shall be kept safe, secure, protected and, as required, separated and distanced from all perpetrators of any offences under this Act and/or any other persons who can in any way be a threat to the overall safety, security or development of the victim."	The idea to keep victims safe should be from all perpetrators in general and not just against the case of the victims. Also, there are times when persons who are not perpetrators could have undue influence on victims.
Chapter VI REPATRIATION AND REINTEGRATION OF VICTIMS		
21	Uniform rules, procedures, norm for interstate transfers (repatriation) of victims should be clearly stated to reduce ambiguity and state specific rule which become barrier for transfers.	Smooth transfer of the victim
Chapter VII MONETARY RELIEF AND COMPENSATION		
22	Addition: Insert a section on foreign victims, how they can apply before or after repatriation, how they can get the money that is awarded to them.	Supreme Court has mentioned about Cash Cards, but it is mostly theoretical. E.g.: How does a victim in Bangladesh apply for getting compensation here in India.
22	Addition: There must be a timeline given (3 months) for disbursement/to be deposited into the survivor's account.	Even after 3 years of being awarded compensation, some victims are still waiting to receive the money in their account.
22(2)	The interim relief needs to be standardised. A standardised base rate can be set, and the	

	judge can assess and give more if needed.	
22(2)	Deletion: Recommendation to remove the requirement of application.	The police should send a copy of the FIR and other details to DLSA who can then investigate the matter and dispense the immediate interim compensation.
22(5)	Addition: The relief and compensation, including those provided under sub-section (1), shall be in addition to any other compensation including any amount or benefit payable by way of any damages or under any scheme of the appropriate Government or pursuant to any order of the court under any law for the time being in force, including, (Victim Compensation Schemes, BLRS, NCLP Scheme, Compensation under child & adolescent labour Act, SC/ST Atrocity and Prevention Act, etc.	
22(6)	Addition: The designated court may order, where applicable, any back wages due to the victim to be paid to him, in addition to any relief extended to the victim under this section within three months.	
Chapter VIII OFFENCES & PENALTIES		
23	Section 4 is written in error. The correct Section number needs to be written there or the content of the same needs to be put here.	
25(c)	Addition: HIV; removal of organs, infection leading to removal of reproduction organs or causing hurt or injury to reproductive organs, maiming, scarring or temporary or permanent mental damage to the victim.	
25(1)(b)	Addition: where the victim, or his dependent or any other person suffer an injury amounting to grievous hurt, or acid attack, or genital mutilation or removal of organs, forced insertion of external objects into private areas , or an injury or exploitation that causes him to be in a persistent vegetative state, substantial physical or mental incapacitation, deprived of ability to live and enjoy life as a normal human being would.	
30	Deletion: "knowingly or having reason to believe that a person is a victim"	As we have seen that it has been used by defence lawyers to eliminate exploitation charges on customers.
35(2)	Recommendation to not provide exception to family members of the person trafficked	Recommendation to not provide exception to family members of the person trafficked

Chapter IX OFFENCES AND PENALTIES RELATING TO PROPERTY		
42	Addition: If the person fails or is unable to pay the fine amount the premises should be sealed for a particular period.	
Chapter X MISCELLANEOUS		
43	Recommendations: (i) Replace designated courtrooms with dedicated/exclusive court rooms, (ii) provision should be made for special appointment of dedicated PP's to handle the cases under this Act.	(i) Designated Courtrooms can also try other cases, and it becomes a burden on the court system. NIA designated courts will have the jurisdiction to try the other cases which NIA has jurisdiction over, i.e., Terrorism, Cyber-terrorism etc. Thus, it might help to have a dedicated court just to try human trafficking cases alone. (ii) The dedicated Panel PP's in dedicated courts can help the cases to meet the results in due time. Reference: SC/ST Act
44(1)	Victim's right to engaging his Counsel needs to be enlarged- Section 44(1) has given the right to take a legal assistance of his choice for any offence under this Act for a victim. However, this right is subject to section 301 of Code of Criminal Procedure, 1973, which means the victim must act under the control of Public Prosecutor. A victim needs to get an approval from the court to file his/her written argument.	
47(3)	Addition: Creation of a Rehabilitation Fund. — All fines imposed under this Act and the proceeds and properties forfeited and confiscated may be credited to a Rehabilitation Fund which can be administered and managed by the State Anti-Human Trafficking Committee to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following: a) Primarily for the rehabilitation and reintegration of victims of trafficking b) Used for conducting a national research program on trafficking c) For the establishment of an electronic data collection system or monitoring and evaluation purposes. d) Provision of necessary technical and material support services to appropriate government agencies and	

	non-government organizations (NGOs). e) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and f) Promotion of information and education campaign on trafficking	
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Other	Addition - "deemed vulnerable to be victimized" needs to be defined either in the Section or in the definitional clauses	Without the definition, there is no clear indication of who falls within the ambit of "deemed vulnerable".
	1. Complainant - Identity is to be kept confidential for safety purpose. 2. Need to include Facial recognition technology at transit point to identify traffickers and middlemen.	

- D. On 23rd August, 2021 meeting was called with stake holders and District Women and Child Welfare Officers, Pune Municipal Corporation, and Deputy Commissioner, WCD Pune, at Pune in respect of Children in Street situation & necessary instructions as per the guideline of National Commission for Protection of Child Rights, New Delhi were issued.
- E. On 13.12.2021 joint meeting was held at Bhandara with Collector, Civil Surgeon, Police Superintendent, Bhandara, in respect of the incident of death of new born infants due to fire at the Neo Natal Care Unit of District Civil Hospital, Bhandara. In view of the discussion in the said meeting vide letter dated 16.12.2021 the Addl. Chief Secretary. Public Health Department and Commissioner, National Rural Health Mission (NRHM), Mumbai were requested to do the needful at the earliest to ensure that necessary sanction, approval and funds are made available for installation of firefighting equipment in Neo Natal Care Unit of the said Hospital.
- F. On the basis of information received because of the timely intervention by the Commission two instances of child marriages were stopped in the following cases.
- G. In respect of 10 matters of instances of breach of child rights, copies of letters issued by the Commission to the concerned Police authorities were endorsed by the Commission to the Inspector General of Police, (Prevention of Atrocities on Women and Children), Maharashtra, Mumbai, for necessary action.
- H. In respect of the exploitation of child labour, child beggars at pilgrimage centres on 22.01.2021 review meeting was held with the District

Collectors of Ahmednagar, Beed, Mumbai, Nashik, Pune and the District Women and Child Welfare Officers of these districts and necessary instructions were given as per the instruction of National Commission for Protection of Child Rights, New Delhi.

- I. On 15.04.2021 attended the state level online workshop under the Pariksha parva 3.0 Abhiyan, and issued guidance to the participants comprising of Head Masters, Principals of the Government Schools, Zila Parishad, Municipal Corporation, Municipal private aided secondary schools and District Education and Training Centre in the State.
- J. Participated in the formulation of child policy with the help of study group & women and child development officials.
- K. The Commission's website has been revived and kept operational.
- L. In respect of Joint Action Plan directed by National Commission for Protection of Child Rights, New Delhi regarding Prevention of Drugs and Substances abuse among children and Illicit trafficking in 4 districts of Maharashtra namely viz Pune, Nagpur, Nashik & Mumbai Online meeting of all the stake holders was called to discuss the status of the implementation of said plan & necessary instructions were given.
- M. As per Instruction of National Commission for Protection of Child Rights, New Delhi, various measures directed to the Commissioner, Women's & Child Development Department Principal Secretary (Education), Principal Secretary (Health), Commissioner Family welfare from time to time.
- N. Participated the interview programs at regional headquarters, as member for the Selection of the Chairman and Members of the Child Welfare Committee and members of the Juvenile Justice Boards in the State and made necessary recommendations.

- O. During the period from January 2021 to March 2022, 74 proceedings have been finally disposed and filed by placing them before the Commission, 11 proceedings have been disposed of on administrative grounds, 09 proceedings have been transferred on grounds of jurisdiction have been proposed to be transferred.
- P. During the period from January 2021 to 14th March, 2021 in respect of all the 243 complaint matters received necessary correspondence has been done with the concerned stake holders to take appropriate action and submit action taken report to the Commission.
- Q. Due to pandemic situation & 2nd wave of Covid 19, the Government banned the social gathering & programmes to prevent the spread of covid. Hence, commission could not arrange any programme.
- R. A webinar was organized on 12th June, 2021 on the subject – Revisiting Rescue and rehabilitation Interventions for protection of Children, post second wave of Covid-19.

(I) Statement showing the details of complaints received, disposed off and pending for the period 2021-22

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
2021-22	489	196	685	15	670

(J) STATEMENT OF ACCOUNTS 2021-22

Statement sent to A. G . after audit, audited statement will be submitted to legislature separately.

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

**ACCOUNTANTS REPORT ON
COMPILATION OF
UNAUDITED
FINANCIAL STATEMENTS**



**For the Year Ended
31th March 2022**



RATAN RATHI & CO
CHARTERED ACCOUNTANTS,
'KRISHNA NIDHI', NEAR NATRAJ GARDEN,
KHAMGAON 444 303
CONTACT NO.:7722072117
E- MAIL ID: ratan_rathi@rediffmail.com

Date:02-01-2025

**ACCOUNTANTS REPORT ON COMPILATION OF UNAUDITED
FINANCIAL STATEMENTS**

To,
The Hon, Administrative Officer
MSCPCR
Worli, Mumbai

On the basis of the accounting records and other information and explanation provided to us by the management, we have compiled the unaudited balance sheet of MSCPCR Worli, Mumbai as on March 31, 2022 and the related Income & Expenditure Account and Receipts & Payments Accounts for the period then ended.


The management of the Administrator Worli, Mumbai- MSCPCR is responsible for

- A. Completeness and accuracy of the underlying data and complete disclosure of all material and relevant information to the accountant.
- B. Maintaining adequate accounting and other records and internal and selecting and applying appropriate accounting policies.
- C. Preparation and presentation of financial statements in accordance with applicable laws and regulations, if any.
- D. Establishing controls to safeguard the Assets of entity and preventing and detecting frauds or other irregularities.
- E. Establishing controls for ensuring that the activities of the entity are carried out in accordance with applicable laws and regulations and preventing and detecting any non-compliance.

The compilation engagement was carried out by us in accordance with standard on Related Services (SRS) 4410" Engagement to compile Financial Information" issued by the Institute of Chartered Accountants of India.

The Balance sheet and Income & Expenditure Account are in agreement with the books of accounts subject to our notes and remarks. We have not audited or reviewed these financial statements and accordingly we do not express an opinion thereon.

For Ratan Rathi & Co
Chartered Accountants


CA Ratan Rathi
Partner
Membership No.: 036429



3RD FLOOR, TRANSPORT SERVICE S.P ROAD WORLI, MUMBAI
INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDED 31st MARCH 2022

Expenditure	SALARY	NON SALARY	OTHERS	INCOME	SALARY	NON SALARY	OTHERS
Salary & Allowances	6,092,857			Grant Received	1,822,737	2,551,000	
Bank Charges		443		Salary & Allowance			
Bank Interest		117,602		Grant Received on Non-Salary			
Computer Expenses		23,587		UNICEF			
Chief Minister Relief Fund		23,709					
Printing and Stationery		354,590		Other Income			
Tour & Travelling Expenses		737,237		Bank Interest			
Advertisement		44,150		Sales of Scrap			50
Allowance to Secretary		349,641					
Electricity Expenses		58,934		Excess of Expenditure Over			
Internet Charges		50,480		Income			
GST TDS Return Filing Charges		1,172					
Medical Allowance	4800						
Office Expenses		33,445					
Website Charges		71,606					
TADA		41,911					
Repairs & Maintenance Non Salary		64,620					
Depreciation		244,632					
Excess income over Expenditure	(4,275,519)	333,242	50				
	1,822,737	2,551,000	50		1,822,737	2,551,000	50

BOOKS OF ACCOUNTS HAS BEEN COMPLIED BY US ON THE BASIS OF DATA PRODUCED BEFORE US AND We have not audited or reviewed these financial statements and accordingly we do not express an opinion thereon.

For Ratan Rathi & Co.
Chartered Accountant
FRN : 108698W



Place: Khamgaon
Date: 02/01/2025

(Signature)

CA Ratan K. Rathi
Partner
M. No. 036429

UDIN : 25036429BMINLAI252

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, MUMBAI
3RD FLOOR, TRANSPORT SERVICE S.P ROAD WORLI, MUMBAI
BALANCE SHEET FOR THE YEAR ENDED 31st MARCH 2022

LIABILITIES	SALARY	NON SALARY	TOTAL	ASSETS	SALARY	NON SALARY	TOTAL
CAPITAL FUND				Excl. Assets			
OPENING BALANCE	(2,500,596)	1,876,118	(624,478)	As per schedule	3,394	1,536,463	1,539,857
Add/(Less): Adjustment in Opening Balance							
Add/(Less): Advance written off	(4,275,519)	333,292	(3,942,227)	Current Assets			
Add/(Less): surplus/(Deficit)	(6,776,115)	2,209,410	(4,566,705)	Loan & Advances			
				Festival Advance Given to Employees	13,750		13,750
Current liabilities							
Salary Payable	6,062,370		6,062,370				
Festival Advances Agst Salary Recd. From State Govt	10,000		10,000				
DCPS Payable	11,384		11,384	Cash & Cash Equipment			
GIS Payable	4,440		4,440	Non Salary Petty Cash Book		135,715	135,715
GPf Payable	120,000		120,000	Cash Non Salary Book		21,306	21,306
HBA Payable	42,170		42,170	State bank of India		(153,640)	192,760
HRR Payable	1,040		1,040	RBI			
TDS Payable	33,292		33,292				
GPf Payable(Class IV)	5,000		5,000				
Income Tax Payable	122,780		122,780				
Insurance Payable	1,416		1,416				
Professional Tax Payable	1,200		1,200				
Other Current Liabilities							
K K Chanani & Associates							
Electricity Expenses Payable		55,000	55,000				
Audit Fees Payable							
Advance from Non-Salary Fund							
	(492,459)	2,264,409.56	1,903,387		363,543	1,539,844	1,903,387

BOOKS OF ACCOUNTS HAS BEEN COMPLIED BY US ON THE BASIS OF DATA PRODUCED BEFORE US AND We have not audited or reviewed these financial statements and accordingly we do not express an opinion thereon.

For Ratna Rathi & Co.
Chartered Accountant
FRN : 108698W



CA Ratna K. Rathi
Partner

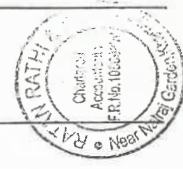
M. No. 036429

UDIN : 25036429BMINLA1252

Place: Khangaon
Date: 02/01/2025

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, MUMBAI
3RD FLOOR, TRANSPORT SERVICE S.P. ROAD WORLI, MUMBAI
RECEIPT AND PAYMENT ACCOUNTS FOR THE YEAR ENDED 31st MARCH 2022

RECEIPTS	SALARY	NON SALARY	OTHERS	PAYMENT	SALARY	NON SALARY	OTHERS
Opening Balance:				Salaries & Allowances	4,131,262		
Cash in hand		1,306		Bank Charges		443	
Non Salary Petty Cash Book		23,714		Printing & Stationary		320,077	
State bank of India	230,435	(361,860)		Tour & Travelling Expenses			
RBI PLA		4,327,494		Conveyance Expenses			
	230,435	4,090,654		Advertisement		349,641	
Grant Received:				Allowance to Secretary			
Salary & Allowances	1,822,737			Office Expenses			
Non-Salary		2,551,000		Petrol Expenses		58,934	
UNICEF				Electricity Expenses			
NCPCR				Language Translation Charges			
	1,822,737	2,551,000		Misc. Expenses			
Other Receipts				Postage Expenses			
Bank Interest	126,977			RTE Expenses			
Festive Advances		25,861		Internet Charges		50,480	
Sale of Scrap				Repairs & Maintenance			
RTI Fees			50	GST TDS Expense		2,432	
Transfer (From RBI Salary)	4,200,517			Sitting & Other Allowance			
GPF Payable - Salary	80,000			Transfer			
GPF Payable (Class IV) - Salary	5,000			Professional Tax Payable - Salary	126,977		
Income Tax Payable - Salary	122,780			Bank Interest A/c - Non Salary	23,709		
GIS Payable - Salary	2,640			Chief Minister Relief Fund - Non Sal	4,800		
Professional Tax Payable - Salary	1,200			Medical Allowance - Salary	1,002,139		
HRR Payable - Salary	1,040			GPF Payable - Salary	55,000		
Insurance Payable - Salary	1,416			Income Tax Payable - Salary	849,780		
Infiniti Retail Limited				GIS Payable - Salary	31,680		
Office Expenses - Non Salary		40,245		Professional Tax Payable - Salary	10,000		
Tour & Travelling Expenses - Non Salary		30,425		HRR Payable - Salary	12,480		
Transfer (From Non Petty)		20,000		Festive Advances given	1,416		
Transfer (From SBI Non Salary)		132,000		Ajay Londhe			
				Colaba Central Co-Op Consumers		12,929	
				Core Solution		89,808	
				Cosmos Agencies		304,669	
				GST TDS A/c - Non Salary		90,162	
				HT Media Ltd.		1,172	
				Indian Express Ltd.		33,419	
				Infiniti Retail Limited		9,759	
				Mohd. Arif		135,353	
				Orient Consultancy		3,857	
				Rohini Lade		70,030	
						50,941	



BLOCKS OF ASSETS	RATE OF DEPRECIATION	WDV AS ON 01.4.2021	Addition upto 180days	Addition after 180 days	Sale/Scrap/Deletion During The Year	Sub Total	Depreciation	WDV AS ON 31-03-22
		(a)	(b)	(c)	(d)	(a+b+c+d)=(e)	(f)	(e+f)=g
<u>Building</u> PWD & Civil	10%	408691.98	0	0	0	408691.98	40869.20	367822.78
<u>Computers & Accessories</u>								
Computers	40%	38123.52	0	379434	0	417557.52	91136.21	326421.31
Printer	40%	6907.68	0	97247	0	104154.68	22212.47	81942.21
<u>Equipment</u>								
Digital Cameras	15%	4023.13	0	0	0	4023.13	603.47	3419.66
EPBX	15%	51629.48	0	0	0	51629.48	7744.42	43885.06
LED TV	15%	13817.20	0	0	0	13817.20	2072.58	11744.62
Projector	15%	11861.21	0	0	0	11861.21	1779.18	10082.03
Water Cooler & Purifier	15%	6124.05	0	0	0	6124.05	918.61	5205.45
Xerox Machine	15%	19444.42	0	0	0	19444.42	2916.66	16527.76
Biomatrix System	15%	3993.04	0	0	0	3993.04	598.96	3394.08
Furniture & Fixtures	10%	743791.41	0	0	0	743791.41	74379.14	669412.27
Total		1308407.13	0	476681	0	1785088.13	245230.90	1539857.23





**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.

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