

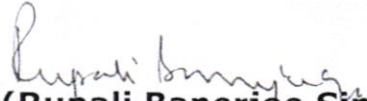
File No.11011/46/2021-Admn  
National Commission for Protection of Child Rights  
5<sup>th</sup> Floor, Chanderlok Building, 36-Janpath,  
New Delhi-110001

24<sup>th</sup> January, 2022

**OFFICE MEMORANDUM**

**Sub: Minutes of the 49<sup>th</sup> Statutory Meeting of the Commission held on 21<sup>st</sup> January, 2022 in the Chamber of Chairperson NCPCR.**

Kindly find enclosed herewith a copy of the minutes of the 49<sup>th</sup> Statutory Meeting of the Commission held on 21<sup>st</sup> January, 2022, duly approved by the Chairperson, NCPCR, for information and necessary action.

  
(Rupali Banerjee Singh)  
Member Secretary

**Encl./As Above:**

To

1. The Chairperson
2. Member (PP)/ Member (RT)
3. Registrar
4. Advisor (Education / Programme)
5. Sr. CL (Legal)
6. STE (Child Health) / STE (NE Cell) / TE (LRC)
7. Assistant Director
8. PPS to Member Secretary
9. Minutes Register/Guard File

**Minutes of the 49<sup>th</sup> Statutory Meeting of the Commission held on 21<sup>st</sup> January, 2022 in the Chamber of Chairperson NCPDR, Chanderlok Building, Janpath, New Delhi.**

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The present strength of the Commission is as follows:

1. Shri Priyank Kanoongo, Chairperson
2. Ms. Pragna Parande, Member
3. Ms. Rosy Taba, Member
4. Ms. Rupali Banerjee Singh, Member Secretary

The 49<sup>th</sup> Statutory Meeting of the Commission was held on 21.01.2022 at 3:00 p.m. in the Chamber of Chairperson NCPDR. As both the Members were not present, the meeting was reconvened at 3:30 p.m. The following were present:

1. Shri Priyank Kanoongo, Chairperson
2. Ms. Rupali Banerjee Singh, Member Secretary

The meeting commenced with a welcome note and brief introductory remarks by the Chairperson.

**Confirmation of the Minutes of 48<sup>th</sup> Statutory Meeting of the Commission held on 29.10.2021:**

The Chairperson informed that the Minutes of the 48<sup>th</sup> Statutory Meeting of the Commission were treated as confirmed as no comments were received.

**Action Taken Reports (ATRs) on decisions taken in the 48<sup>th</sup> Statutory Meeting of the Commission held on 29.10.2021:**

Action Taken Reports (ATRs) on decisions taken in the 48<sup>th</sup> Statutory Meeting of the Commission were reviewed. MS was asked to put up the current status of ATRs on file.





**Pending Action Taken Reports (ATRs) on decisions taken in the 34<sup>th</sup> to 47<sup>th</sup> (i.e., 34<sup>th</sup>, 39<sup>th</sup>, 41<sup>st</sup>, 43<sup>rd</sup>, 44<sup>th</sup>, 46<sup>th</sup> & 47<sup>th</sup>) Statutory Meetings of the Commission:**

Pending Action Taken Reports (ATRs) on decisions taken in the 34<sup>th</sup> to 47<sup>th</sup> (i.e., 34<sup>th</sup>, 39<sup>th</sup>, 41<sup>st</sup>, 43<sup>rd</sup>, 44<sup>th</sup>, 46<sup>th</sup> & 47<sup>th</sup>) Statutory Meetings of the Commission were also reviewed. MS was asked to put up the current status of pending ATRs on file.

**AGENDA ITEMS PROPOSED BY LEGAL DIVISION:**

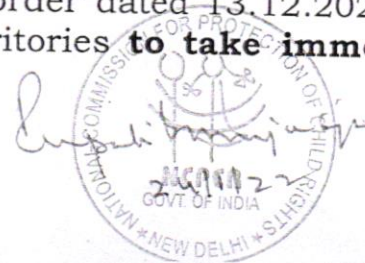
**Agenda Item No.1: CiSS link on Bal Swaraj Portal (for tracking children who are living in street situations):**

The Hon'ble Supreme Court in SMWP (C) No.6/2021 In Re children in street situations has taken *suo-moto* cognizance on the issues pertaining to children in street situations. The Hon'ble Supreme Court while taking up this matter has discussed the SOP 2.0 on children in street situations issued by NCPCR and has directed the States/UTs to implement the SOP 2.0 of NCPCR for rescue and rehabilitation of children in street situations.

The Hon'ble Supreme Court in its order dated 15.11.2021 has given the following directions".

- (i) The District Magistrates/ District Collectors are to take steps in accordance with SOP 2.0 that has been formulated by the NCPCR.
- (ii) The Secretary, Department of Women and Child Welfare of each State shall be the nodal officer to ensure that all the District Magistrates/ District Collectors take prompt action for implementation of SOP 2.0 formulated by the NCPCR.
- (iii) The process has to start with immediate action being taken by the authorities for identification of CiSS and thereafter, providing the required information NCPCR for the later stages as well.
- (iv) The State Governments/Union Territories are directed to promptly attend meetings that are held by NCPCR and offer their suggestions, apart from voicing their concerns, if any, in implementation of the SOP 2.0.

Further, the Hon'ble Supreme Court in its order dated 13.12.2021 has directed the State Governments/Union Territories **to take immediate**





**action for identifying children in street situations without any delay and upload the required information on the Bal Swaraj – CiSS portal of the NCPCR.** The Hon'ble Supreme Court has further stated that identification of children and registration of these children at Stage-1 of the NCPCR's Baal Swaraj-CiSS Portal is crucial. Therefore, the States/UTs have to upload the data of rescued street children on the Bal Swaraj Portal-CiSS of NCPCR.

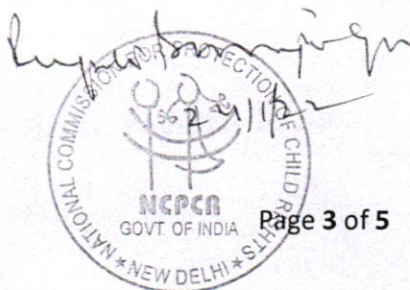
There are six stages in the portal which have to be filled by the District Child Protection Unit and State Child Protection Society-

- (i) Stage 1 asks for personal basic details of the child like name, age, address etc.
- (ii) Stage 2 asks for filling up the social investigation report of the child.
- (iii) Stage 3 is the form of individual child care plan wherein it becomes clear that where the child is being placed, recommendation of Child Welfare Committee, sponsorship benefits etc.
- (iv) Stage 4 has been given to upload the Child Welfare Committee order.
- (v) Stage 5, total 34 Government implemented schemes/ benefits have been listed out from which the DCPU can select the benefit of schemes being given to the child in this stage.
- (vi) Stage 6 is for uploading follow-up forms of children. Where the child has been recommended for follow-up, whether in child care institution or in non-institutional care, the follow-up is done by the person assigned by the Child Welfare Committee. So in this stage, if there are any follow-up forms filled by the officer conducting follow-ups of the child, then those forms have to be uploaded.

In compliance of the Hon'ble Supreme Court orders, the states/UTs are uploading data on this portal. The State/UT-wise data received regarding children who are in street situations as on 09.12.2021 on Bal Swaraj portal-CiSS is given at **Annexure-I**

**Decision: This was noted by the Commission.**

**[Action: (MS / Legal Cell)]**





**Agenda Item No.2: An appeal to be filed by NCPCR before the Hon'ble Supreme Court against an Allahabad High Court verdict on child sexual assault:**

A recent judgement dated 18.11.2021 has been pronounced by the Hon'ble High Court at Allahabad in Criminal Appeal No.5415 of 2018 in the matter of Sonu Kushwaha V. State of UP before the Hon'ble High Court at Allahabad. In the said judgement, the Hon'ble High Court has commuted the sentence of the accused from 10 years to seven years citing the reasons that the accused has committed an offence under Penetrative Sexual Assault (Section 3 and 4) and not Aggravated Penetrative Sexual Assault (Section 5 and 6). It is clear from the facts of the case that there was penetrative sexual assault by the accused and that the offence falls under the Aggravated Penetrative Sexual Assault. This judgement has been observed by the Commission to be not as per the letter and spirit of the POCSO Act, 2012. The commutation of sentence of the accused in the present case, wherein the accused has been convicted for committing a serious violation of penetrating his penis in the mouth of the child, is observed by the Commission to be prejudicial to the justice delivered to the victim in this case and the Commission feels that such necessary steps in the matter to file an urgent appeal against the aforesaid Judgement of Hon'ble High Court must be taken.

Further, the Ministry of Women and Child Development vide its letter dated 26.11.2021 has requested the Commission for taking up filing of an appeal in the Hon'ble Supreme Court with regard to the above court order of Allahabad High Court and protect the interest of Government of India.

In view of the directions of MWCD and the rights of the minor victim, an appeal may be filed before the Hon'ble Supreme Court challenging the order of the Hon'ble Allahabad High Court.

**Decision: This was approved by the Commission**

**[Action: (MS / Legal Cell)]**

The meeting ended with a vote of thanks to the Chair.





**Annexure-I**

**State/UT-wise data received regarding children who are in street situations as on 09.12.2021 on Bal Swaraj Portal-CiSS.**

Sr No.	State/UT	Children living on the streets with their families	Children stay on the streets in the day & back home in the night with their families who reside in a nearby slum/hutments	Children without support living on the streets all alone	Total
1	Andaman & Nicobar Islands	0	0	0	0
2	Andhra Pradesh	87	95	9	191
3	Arunachal Pradesh	0	0	0	0
4	Assam	14	34	14	62
5	Bihar	41	29	11	81
6	Chandigarh	1	0	0	1
7	Chhattisgarh	8	3	3	14
8	Dadra & Nagar Haveli and Daman & Diu	0	0	0	0
9	Delhi	40	62	0	102
10	Goa	13	27	0	40
11	Gujarat	1053	814	9	1876
12	Haryana	3	18	12	33
13	Himachal Pradesh	0	42	0	42
14	Jammu and Kashmir	32	114	6	152
15	Jharkhand	0	0	0	0
16	Karnataka	37	69	9	115
17	Kerala	0	0	0	0
18	Ladakh	0	0	0	0
19	Lakshadweep	0	0	0	0
20	Madhya Pradesh	257	413	34	704
21	Maharashtra	0	0	0	0
22	Manipur	0	0	0	0
23	Meghalaya	0	5	0	5
24	Mizoram	0	0	0	0
25	Nagaland	0	1	0	1
26	Odisha	11	4	14	29
27	Puducherry	9	13	0	22
28	Punjab	0	10	2	12
29	Rajasthan	0	0	0	0
30	Sikkim	0	0	0	0
31	Tamil Nadu	33	8	9	50
32	Telangana	0	0	0	0
33	Tripura	0	2	12	14
34	Uttar Pradesh	12	0	80	92
35	Uttarakhand	7	9	1	17
36	West Bengal	0	0	0	0
	<b>Total</b>	<b>1658</b>	<b>1772</b>	<b>225</b>	<b>3655</b>

