

SPECIAL REPORT
ON
CHILD PROTECTION IN THE STATE OF WEST
BENGAL



Submitted by

National Commission for Protection of Child Rights (NCPCR)
New Delhi

Statement

The National Commission for Protection of Child Rights (hereinafter referred to as the Commission) is a statutory body constituted under Section 3 of the CPCRA Act, 2005 to protect the rights of all children and address other related matters in the Country. The mandate of the Commission is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the Child Rights perspective, as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child (UNCRC). The functions of the Commission are to study and monitor all matters relating to constitutional and legal rights of children; to examine and review the safeguards provided by any law for the protection of child rights and recommend measures for their effective implementation in the best interest of the child; to review the existing laws and suggest amendments therein, if considered necessary; to look into complaints or take *suo-motu* notice of the cases involving the violation of constitutional and legal rights of the children; and to monitor implementation of laws and programmes relating to the survival, welfare and development of children. The Commission is further mandated to monitor the proper and effective implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015; and the Right to Free and Compulsory Education (RTE) Act, 2009.

West Bengal with its 3.2 crore population between the age of 0-18 years has 35% of total child population. As per NCRB's Crime in India Report, in 2021, crime against children in the State was around 32 percent of the total crime in the State and almost 7 percent of the total crime against children in the country. To address the issues related to children in the States, NCPCR has been continuously engaging with the State Authorities in different Departments. Some important and crucial observations have come to Commission's notice while making continuous efforts to attend to similar issues in West Bengal.

The Special Report outlines deliberate violations of the legal procedures by the West Bengal Government and its Officials who are themselves entrusted with the responsibility of protecting rights of children and work in their best interest.

Rationale for submission of this Special Report

1. The Constitution of India and the above mentioned Acts entrusts the Central and State Government for ensuring the implementation of provisions of the Acts and extending the benefits to all children. However, in case of West Bengal, the State Administration have been found to be violating the special child related Acts laid down by the Parliament of India- POCSO Act, 2012; Juvenile Justice Act, 2015; and the RTE Act, 2009.
2. While fulfilling its responsibilities as laid down under the above stated Acts, the Commission comes across different kinds of violence against children and efforts are made to redress the matter with cooperation from the State and concerned District Administrations. However, deviations from enforced Laws have been found in the functioning of the Administration while dealing with extremely sensitive issues related to violence against children in the State. The Commission has noticed during the course of multiple enquires that the State and District Administration have been non-cooperative and rampantly disregarding the Laws.
3. Therefore, it is deemed important to highlight the deliberate mismanagement of such delicate issues related to children which should otherwise be addressed in a more responsible and considerate manner. Hence, the Commission as per section 16 sub-clause (1) of the CPCR Act, 2005 is submitting a Special Report on Child Protection in the State of West Bengal.

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1. VIOLATION OF JUVENILE JUSTICE (JJ) ACT, 2015 AND RISKING SAFETY OF CHILDREN THROUGH THE COTTAGE HOME SCHEME

The Juvenile Justice (JJ) Act, 2015 has been enacted and passed by the Parliament of India to cater to the basic needs of children in conflict with law and children in need of care and protection. The Act has specific provisions to ensure that children are restored to their families or are placed in Child Care Institutions (CCIs). As per Section 2 (21) of the JJ Act, 2015, “child care institution” are defined as Children Home, open shelter, observation home, special home, place of safety, Specialised Adoption Agency and a fit facility recognised under the Act for providing care and protection to children, who are in need of such services.

However, it has been found that West Bengal is running a parallel system of dealing with what are being called as ‘destitute children’ in the State. These institutions are called ‘Cottage Homes’ and are being run under the Cottage Scheme- a Scheme for the welfare of children in need of care and protection under the Department of Women and Child Development and Social Welfare, Government of West Bengal. As per the information available on the Department’s website, there are 96 cottage homes run by non-government organization supported by Government of West Bengal providing services to 8750 destitute children but the list of 95 Cottage Homes in 18 Districts is available on the website.

The said Scheme deviates from the purpose and principle of the JJ Act, 2015 in more than one ways. *First*, the Scheme consists of providing assistance in the form of capitation grants to the existing voluntary organizations active in the field of child welfare. The recurring and non-recurring expenditure is borne by the organizations running cottage homes. However, no more detail about how these organizations are selected for housing children and whether these Cottage Homes are registered under the JJ Act, 2015 which lays down specific provisions for all such institutions to be registered. It is responsibility of the State Government under Section 41 of the Act, to determine and record capacity and purpose of the institution; and to register the institution as a Children’s Home/ Open Shelter/ Specialized Adoption Agency/ Observation Home/ Special Home (Place of Safety), as the case may be. Housing children in such places by the State Government is not only a disregard to the Law but may also have serious implications on safety and security of children.

The Cottage Home Scheme is funded through the West Bengal Juvenile Justice Fund created in 2015, as per Section 105 of the JJ Act,

2015 and Rule 78 of the West Bengal JJ Rules, 2017. Point 6(ii) of the Operational Guidelines for the West Bengal Juvenile Justice Fund states that, the Juvenile Justice Fund may be utilized for “supporting innovative programmes for the welfare of the children in the Child Care Institutions including cottage homes”. Further, section on the process of release of grant under the Juvenile Justice Fund of the Guidelines (point 7) states that - The District Child Protection Unit (DCPU) or an NGO which is running a child care institute (CCI) or running a programme for children in difficult circumstances including orphan and destitute children, whether or not funded by the State Government under any scheme or programme, may make a request to the SCPS through the District Magistrate and through Directorate of Child Rights and Trafficking (DCRT) for Kolkata for grant support under the WBJJF with a detailed proposal of activities and along with estimated expenditures. When an elaborate procedure for recognition is put in place for all such institutions that are housing children in need of care and protection, including Cottage Homes separately validates the question whether these Homes are recognized under the Act or not. The copy of Guidelines is enclosed as Annexure 1 at pp. 46-53.

Second, the definition of destitute children given in the scheme also falls under the definition of CNCP children as per JJ Act, 2015. These are children (i) who do not have parent or any near relative; and (ii) who have single parent families, like husband is dead or imprisoned or separated or vice versa and where the income of the family is less than Rs. 250 per month. If State is funding the CNCP children, then that cannot be on a selective basis and admission criteria cannot be fixed for select few categories. Any institution that houses children in need of care and protection must be established, run and regulated as per JJ Act, 2015. Section 2 (14) of the JJ Act, 2015 defines “child in need of care and protection” as a child-

- (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or*
- (ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or*
- (iii) who resides with a person (whether a guardian of the child or not) and such person—*
 - (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or*
 - (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or*

- (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or*
- (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or*
- (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or*
- (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or*
- (vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or*
- (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or*
- (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or*
- (x) who is being or is likely to be abused for unconscionable gains; or*
- (xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or*
- (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;*

Furthermore, the Scheme does not outline any specifications for regulation of these Cottage Homes such as infrastructural norms, inspections, guidelines for other basic facilities for children etc. For instance, during a visit to one such Cottage Home in District Malda, it was found that 48 boys in different age group were staying in the Home but children were not accommodated age-group wise as per the accommodation criteria under JJ Model Rules 2016 and there were other infrastructural lapses such as no play area. It is vital to understand that the norms and standards provided under the JJ Act, 2015 and Model Rules, 2016 are in fact rights and entitlements of these children who are under institutional care as per the Act. These entitlements also include having a specific number of staff and persons engaged in the CCI for care and protection of children. Another important norm that is being overlooked in these Cottage Homes is police verification of the staff engaged in the Home.

Additionally, it was also discovered that the State Government placed 48 boys in the Cottage Home without the orders of the concerned Child Welfare Committee (CWC) which is a mandatory requirement as per the JJ Act, 2015. As per the procedure, before placing a child in an institution the Child Welfare Committee (CWC) shall first declare that a child is in need of care and protection; either pass orders for restoration of the child to parents or guardian or family or for placement of the child in Children's Home or foster care or sponsorship.

An active example of how poorly these Cottage Homes function and regulated was seen during a visit to a Cottage Home for Boys- Beldanga Bhagirathi Seva Sadan, Murshidabad, West Bengal conducted on 12.05.2023 serious anomalies were observed by the Commission. First, the Home has a capacity of accommodating 25 boys but at the time of visit 10 boys were staying in the Home but children were sharing beds for sleeping. There was no proper store room and dry ration was kept in the room where boys were living. Outdoor space was not available for Children. Later, the Beldanga Bhagirathi Seva Sadan, Cottage Home for girls, Radhikanagar Daspara, Murshidabad was also visited. It is also listed in the cottage home scheme of Department of Women and Child Development and Social Welfare, Government of West Bengal and has a capacity of accommodating 25 girls. At the time of visit, 13 girls were staying in the home. Children were not accommodated age group wise. Space was limited for housing twenty five children with no play area. Beds were provided on sharing basis. Serious safety concerns were observed as there was a computer lab where a fan was installed but fan's height was very low and hence the staff was directed to remove the fan immediately. Within the premises of the Home, an incense stick factory was also installed.

Simply placing children in Cottage Homes without following the due procedure and bypassing the powers of the authority that is mandated under the Law for taking out the orders is violation of the Act as well as neglecting the guiding principles of the child protection system in the country.

2. CHILDREN: VICTIMS OF BOMB BLASTS IN WEST BENGAL

A newspaper recently published a story of 24 families of six children who lost their lives and 18 children who were critically injured due to crude bomb blasts. These families and children are located in five districts where bomb-making is an enterprise, and one that has left behind tragedy and death especially for the innocent children. These districts are Burdwan, Birbhum, Malda, North 24 Parganas and South 24 Parganas. Bombs have become fodder for a range of criminal activities, leaving in their wake a trail of tragedy. As highlighted in the news report, several children have been killed or maimed by these bombs which they mistook for playthings. The Commission took cognizance of such reports where children got affected by these blasts and during this process and came across serious mistakes, oversights and disregard of the legal procedures by the officials involved in dealing with such sensitive incidents where children are involved.

Also, many a times the Commission face difficulties in conducting any inquiry or visit for helping the victims. When in such cases immediate intervention is required to ensure that children get immediate medical attention, counselling and compensation, in most cases it becomes difficult due to administrative hurdles faced by the Commission. For instance in case of Murshidabad bomb blast State poll body denied permission for the visit of the Commission's team and advised that the visit may be deferred till the completion of the election process due to the Panchayat Election, 2023 and the entire State machinery, including the district civil and police administration being involved with the election work. As a result of delayed intervention in many cases where children either died or were severely injured and hence disabled, the families are still waiting for the compensation from the authorities. Besides, when the State Commission for Protection of Child Rights (SCPCR) informs the NCPCR that they have taken cognizance it becomes the responsibility of the State to ensure relief and compensation to the children.

1. **Children at the receiving end:** An incident was brought into the Commission's notice regarding a bomb blast on 24.04.2022 that took place at Gopalnagar Village under jurisdiction of Kaliachak Police Station, District Malda, West Bengal in which 05 children were severely injured. It was informed that similar incidents have taken place in this region in the past but the perpetrators were not adequately punished. Such cases were shelved by the authorities calling them a cylinder blast. Further, the Commission under Section 13(1)(j) CPC Act, 2005 took cognizance of the

matter and requested Chief Secretary, Government of West Bengal to conduct expeditious and detailed investigation into the incident and to submit their report within 10 days. The Commission in the said regard had also requested the Director General of Police, West Bengal to do the same as above and submit an Action Taken Report.

S.No.	Date	Place	Impact
1.	24.04.2022	Gopalnagar, Kaliachak Police Station, District Malda	05 children were severely injured
2.	17.09.2022	Titagarh, District North 24 Paraganas	Inside a school building causing threat and stress to the children
3.	25.10.2022	Kakinara Railway Station, District North 24 Paraganas	One child died and one injured
4.	21.05.2023	Maheshtala, South 24-Parganas	A 10-year old child died
5.	21.02.2023	Mallarpur village, Birbhum district	One 7-year old child died
6.	19.06.2023	Jangipur area, District Murshidabad	Five children injured
7.	07.12.2022	Karbalay area, District North 24 Parganas	Two children injured
8.	16.11.2022	Bakchora village, District North 24 Parganas	One child died and one injured
9.	28.10.2022	Atghora village, Narendrapur	Five children died
10.	27.05.2021	Khatipur village, District Birbhum	One 11-year old child died
11.	22.02.2022	Rampurhat village, District Birbhum	A six-year-old child died and four injured
12.	23.12.2022	Ekdala village, District Birbhum	A six-year-old child died and another child got injured
13.	22.03.2021	Rasikpur, District Burdwan	A 17-year old and a six-year old child died
14.	26.03.2022	Kaliachak area, District Malda	A 4-year-old child died
15.	15.07.2023	Babla Village, Block Salar, Mushidabad	Two children injured
16.	04.07.2023	Bhandar, District South 24 Parganas	Two children injured
17.	08.07.2023	Bhangor, District South 24 Parganas	Two children injured

Thereafter, the Commission received a Memo/Action Taken Report from the office of District Magistrate, Malda, West Bengal wherein it was stated that the Children were admitted at Gopalganj Primary Health Centre, Kailachak III block and after receiving primary treatment Bikram Sala, a minor was released and the rest four were transferred to Malda Medical College & Hospital same day at 9:00 pm. The Commission had not received any response from the office of the Chief Secretary, Government of West Bengal. As a result, on 13.05.2022, a summons was issued to the Chief Secretary, Government of West Bengal to appear in-person, before the Commission along with the details of the action taken in this matter on 20.05.2022, to explain the reasons for not providing the medical assistance to the injured children and on the same date, a summons was also issued to the Additional Director General & Inspector General of Police to appear in-person, before the Commission along with the details of the action taken in this matter on 20.05.2022, to explain the reasons for not furnishing the requisite information sought by the Commission. Later, the Commission received an Action Taken Report from the office of Additional Director General (ADG) & Inspector General of Police (IGP), West Bengal wherein it was informed to the Commission that, the Investigation officer had conducted raids by which four accused persons involved in the bomb blast were arrested.



2. The Commission took *suo motu* cognizance of a crude bomb blast at a School in Titagarh, West Bengal and visited Titagarh for on the spot fact finding on 21.09.2022. During the fact finding, it was brought to the notice of the Commission that a minor had been apprehended by police and was being held in Titagarh jail as an adult for his involvement in the aforesaid incident. The Commission in the said regard issued notice to Superintendent of Police, North 24 Parganas District, requesting to submit ID proofs- Aadhaar or School Mark sheets of all the accused. Upon examining the Aadhaar Cards and other details of the four persons apprehended by the police, it was found that one person is a minor. It is important to note that, even after visiting the school, the police authorities had failed to notify the Commission that one of the four people apprehended was a minor.

Further, District Magistrate failed to fulfil his duties and take action as mandated by the Juvenile Justice (Care and Protection of Children) Act, 2015. As per Section 9 (1) of the Act, the District Magistrate should ensure that if the person alleged to have committed a crime is a child (that is less than 18 years of age) has been apprehended, that child should be immediately forwarded to the Juvenile Justice Board (JJB) having jurisdiction. Further, the District Magistrate didn't review the aforesaid matter as per section 16 of the JJ Act, 2015. In addition, the Officer in-charge and the concerned authorities have failed to follow the procedures, violating Rule 8 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and also failed to produce the minors before the Board within twenty-four hours of their arrest, violating Section 10 of the Act. Furthermore, when the minor was apprehended it was the responsibility of the Officer-in-charge to ensure that child is not detained in the jail and not treated as an adult.

3. The Commission under Section 13(1) (j) of CPC Act, 2005 took *suo motu* cognizance of news reports of death of a minor boy and another child suffered injury in a bomb blast while they were playing near Kakinara Railway Station in 24 North Parganas, West Bengal. Furthermore, it was reported in the news that the bomb squad discovered and defused another bomb in the same location. The Commission requested District Magistrate, 24 North Parganas, West Bengal to look into the matter on an urgent basis since there is a grave violation of the Child Rights. It was recommended that proper medical treatment for the injured children be provided, and that proper compensation be provided to the family of the deceased victim under the applicable Government schemes.

4. The Commission sent a notice to the District Magistrate of South 24-Parganas to investigate about a blast in an illegal firecrackers store in Bengal's South 24 Parganas district where a child aged 10 years was found dead and that despite being aware of an illegal warehouse operating in the District, the local administration failed to take any action regarding the same.

5. Taking cognizance of a complaint received in the Commission, a notice was sent to Chief Secretary, West Bengal on 04.08.2023 to look into several incidents of bomb blast that occurred in the State and were reported in news (A copy of the letter is enclosed as Annexure 2 at pp. 54-55). In view of allegations stated in the complaint, it has been observed that there is prima facie contravention of Section 13, 15, 16, 18, 19 of the Unlawful Assemblies (Prevention) Act, 1967 and Section 9B of the Explosive Substance Act, 1884, Section 120B, 302, 335 of the Indian Penal Code, 1860.

6. On June 19, five children were severely injured in the Jangipur area in Murshidabad District following the explosion of a crude bomb which the kids were playing with, mistaking it for a ball. The five children, aged between seven and 11 years, were under treatment at a local hospital. NCPCR directed the State Government to immediately identify those behind the tragic incident and get them booked under necessary legal provisions, besides making all necessary treatment arrangements for the injured children.

7. Another blast has been in reports in the Karbalay area in North 24 Parganas district where a blast left two injured on December 7, 2022. The locals found a round object from the garage and threw it in the small fire that was lit due to cold weather. Due to explosion caused from the round object, two children got badly hurt.

8. In the same District North 24 Parganas, a girl aged 10 years who lived in Bakchora village was killed and her friend who was of the same age was injured on November 16, 2022 while they picked up a round object they found at the terrace of their uncle's house.

9. Another such incident was reported in Atghora village in Narendrapur where five children, all under 14 years of age, were injured after two men, still unidentified, lobbed crude bombs on October 28, 2022. Now the parents do not allow children to play outside due to fear of such incidents.

10. In another such reported case in Khatipur village located in District Birbhum, on May 27, 2021, an 11-year old lost his life with an explosion

when he picked up a shiny metal box. The family did not lodge a complaint fearing harassment by local police. As per the family the police came and took their statement but no arrest was made and **no compensation was provided. The family was given Rs. 2,000 from the Samabyathi scheme which is meant for performing the last rights of the poor.**

11. In Rampurhat village in District Birbhum, a six-year-old died on February 22, 2022 after she picked up a round object she found behind her home. The explosion also left four of her friends injured. As per the reports the police arrested her father alleging that he stockpiled the bombs, who spent three months in jail.

12. The third incident from District Birbhum took place in Ekdala village, on December 23 2022. A six-year old boy was playing with his friend, who was 7 years old, at his grandfather's home when they found round objects. The explosion killed the child on the spot. Police has arrested the deceased child's grandfather.

13. On March 22, 2021, in village Rasikpur in District Burdwan, a 17-year old was killed when, according to the police and his parents, he picked up a jute-wrapped object in the neighbourhood garden thinking it was a ball. A part of his face and his hands were blown away. He was declared dead at Burdwan hospital. The blast also injured another child aged 6.

14. The Commission was informed about an incident of blast of Gas cylinder causing death of a 4-year-old child on 26.03.2022 in the Kaliachak area. It was claimed by the Police officials from their source that the blast of Gas cylinder was also an incident of bomb blast. The Circle Inspector, Kaliachak Police Station to verify the same visited the spot, interrogated house inmates of the deceased child and nearby witnesses but all of them claimed that the incident was a blast of Gas cylinder.

The Commission in the said regard of bomb blast had received a letter from the office of Directorate General Border Security Force, Ministry of Home Affairs wherein it was informed to the Commission that Kaliachak Police officials through search operation have recovered 124 bombs in the surrounding areas. Further, it was also informed that the Police had arrested 11 suspected people who were resident of Gopalnagar village, Malda, West Bengal and presently serving their sentence in Malda Jail. The charge sheet has not been filed by local Police and the matter is still under investigation. Furthermore, it was informed to the Commission that BSF

troops have been briefed to carry out the Joint Ops with the Police in Kaliachak area.

Callous approach towards border protection and ignoring danger for children: It is important to highlight here that Kalichak is close to the India-Bangladesh Border. In December 2017, the then Union Home Minister chaired a meeting with the Chief Ministers of the Indo-Bangladesh Border (IBB) States, in Kolkata. Highlighting the concept of Border Protection Grid (BPG) to secure international border, he stated that BPG will be supervised by a State level Standing Committee under the Chairmanship of respective Chief Secretaries. BPG will ensure greater help for the States in the overall border security. For putting in place the BPG, he sought active participation of all stakeholders including State Governments.

Later, in accordance with the Department of Border Management (BM.I Division), MHA, Government of India, L/No.11013/40/2017-BM.III dated 02.01.2018, the Chief Secretary, West Bengal was approached to establish a 'State Level Standing Committee' to review and monitor the constant strengthening of the Border Protection Grid on the Indo-BD border, as well as to convene meetings every quarter and to constitute a committee on the Border Protection Grid on the Indo-BD border. NCPCR also approached the Chief Secretary, West Bengal regarding the same. However, no communication regarding establishing the Committee or convening a meeting has been received from the office of the Chief Secretary, Government of West Bengal till date.

3. INSENSITIVE APPROACH TOWARDS SEXUAL VIOLENCE AGAINST CHILDREN

a) Gang rape of a minor girl in North-Dinajpur District of West Bengal

The Commission under Section 13(1) (j) of CPCRA Act, 2005 took cognizance of a complaint wherein it was informed that a seventeen-year-old minor girl belonging to backward Rajbanshi community went missing on 20.04.2023 around 6 p.m. and was later found dead. Though the said complaint it was also informed that the minor was gang raped and then murdered, further according to the enclosed media reports the body of the deceased girl was very brutally dragged on the streets of Kaliaganj area of North-Dinajpur District of West Bengal by the police officials. The NCPCR team visited the residence of victim girl's family at 9:00 a.m. on 23.04.2023 to further proceed and conduct the fact-finding. The family informed the NCPCR that, no statement was taken by the investigating authorities of the Pradhan of the village. Further, the post-mortem of the minor deceased girl was done by three male doctors and that too after sun-set.

Thereafter, as per the previously intimated schedule the NCPCR team returned to the Raiganj Circuit house by 11.30 a.m., 23.04.2023, in order to attend the inquiry that was scheduled here with the Investigation officer and the doctors who did the autopsy of the victim. No one turned up for the inquiry, neither the Investigation officer nor the doctors who did the autopsy of the victim. The Chairperson, NCPCR and others tried contacting the District Magistrate and Superintendent of Police, Kaliaganj to ensure the availability of the Investigation officer along with the doctors who did the autopsy of the victim, but none of the calls were answered and the whole team of NCPCR waited the whole day to conduct the inquiry but failed to do so, because of the unavailability of the above-mentioned officers. On 24th April, 2023, morning at 8:00 a.m. as the NCPCR team was about to depart for the airport, Shri Manas Mandal, Additional District Magistrate, Karnajora, Raiganj visited the Circuit house and informed the Chairperson, NCPCR that the District Magistrate was sick and wasn't available for duty. Chairperson, NCPCR asked the Additional District Magistrate to call and produce the Investigation officer and the doctors who did the autopsy of the victim. Further, it was informed to the Commission that a short inquiry can take place wherein one of the doctors who did the autopsy was available along with the Investigation officer of the matter, as the other two doctors who did the autopsy were on leave.



During the interaction with the doctor, Dr. Bhaskar Jyoti Debnath, Assistant Professor, FMT, Uttar Dinajpur who examined the minor girl, it was observed that the post-mortem of the minor victim girl was done by 3 male doctors. There was not even a single female doctor present at the time of autopsy of the seventeen-year-old female girl. Further, it was observed that the doctor came without any documents and did not even have a copy of the autopsy along with him. The victim's body was received by the doctors at around 4.30 p.m. and the post-mortem started at around 7.30 p.m., after sunset. It is pertinent to mention that during the interaction with the doctor, it was informed that autopsy was conducted on 21.04.2023 at around 7:30 p.m. and that the time of the death of victim girl was 12 hours to 24 hours prior to the autopsy. It is also to be highlighted that had the Police lodged the missing complaint and started the search operation on time, the life of the victim girl could have been saved.

It was observed by the Commission that the investigation has not been done by the police authority and the main objective of the police is to bury the matter to the ground. The statement of the family members has not been recorded, mobile phone of the deceased was not seized, statement of friends was not recorded and inquiry through social media intermediaries was not done by the police and the death of the victim was declared as suicide without even evaluating and considering all the facts in the situation.

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Dinajpur Rape and Murder Case: 'She had love affair with Javed,' Mamata Banerjee's insensitive comment against minor

On April 20, a teen girl was raped and murdered by Islamists, instead of revealing their identity and accepting that the minor was groomed, Mamata says the minor was in a relationship with the accused. This is not the first time West Bengal Chief Minister Mamata Banerjee has done this. In 2022, referring to a 14-year-old gangrape victim she said, 'the girl was pregnant'

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Amidst this state of affairs, the Chief Minister of West Bengal Smt. Mamta Banerjee during a Press Conference made an absurd remark by saying that the deceased girl had a love affair with the accused in the matter showing complete lack of understanding and respect towards the Law of the land. (Link <https://organiser.org/2023/05/01/171878/bharat/dinajpur->

rape-and-murder-case-she-had-love-affair-with-javed-mamata-banerjees-insensitive-comment-against-minor/)

Also, the Commission came to know that before NCPCR's interaction with the Investigation Officer, Smt. Shashi Panja Minister of Women and Child Development, West Bengal in a press conference had declared that the girl consumed poison to commit suicide. This shows the desperation of the Chief Minister and Minister of WCD to hide the identity of the accused who groomed the minor girl for exploitation and to bury this matter to the ground as it depicts a very callous and casual behaviour of the State Administration and Investigating Authority and in towards such a sensitive matter.

b) Murder and rape of two girls in District Hooghly

The Commission took cognizance of two separate incidences of death of two minor girls, one under Jangipara Police Station and another under Sheoraphuli (Sheorafuli) Police Station in October, 2022 during Durga Puja celebrations. In the first reported incident, a 12 years old girl child was reportedly abducted and missing and later the dead body of the victim girl was found from a pond in the vicinity of the village. Similarly, in the second incident, a 12 years old girl was stalked by a 19 years



old boy who physically abused the minor girl and forcefully took the victim to a nearby railway track wherein he hit the victim to the extent of ending the innocent life. In both of the cases, the police authorities were lenient and reluctant to register the FIR and registered it only after two days from the incident and thereafter made no fruitful advancement in the matter. To take stock of the status of the above incidences, Chairperson, NCPCR visited Hooghly District on 13th and 14th October, 2022. **The team of NCPCR was stopped by people and shown black flags when Chairperson (NCPCR), along with complainant arrived to meet the family of a minor girl who was found dead in the pond.**

c) Gang rape of a minor girl in Malda District of West Bengal

The Commission took cognizance of a complaint dated 23rd March, 2023 wherein it was informed that a 6th class minor girl who is of unsound mind and belonging to backward Rajbanshi community was gang raped inside the school premises of a School in Malda District, West Bengal on 18th March, 2023. Through the said complaint, it was also informed to the Commission that the incident was witnessed by a classmate of the victim girl. According to the eye witness, at the time of committing gang rape, there were 3 accused persons in total wherein two of the accused person gang raped the victim girl and one of the accused person also video-graphed the same. The Commission noticed that there were several glaring issues which require an investigation by investing authority-

- It was observed that legal aid and assistance had not been provided by the authorities to the victim girl's family as per Rule 7 of POCSO Rules, 2020.
- It was observed that Specific relief had not been provided by the authorities to the victim girl's family as per Rule 8 of POCSO Rules, 2020.
- It was observed that the Police Officials have violated the Chapter 12 of the Code of Criminal Procedure, 1973.
- It was observed that the medical examination of the victim girl was done by a male doctor whereas Section-27 (2) of POCSO Act, 2012 states, if the victim is a girl child, the medical examination shall be conducted by a woman doctor. The Police Officials have contravened the Section 27 (2) of POCSO Act, 2012.
- The Police Officials were found to have violated the Standard Operating Procedure of Crime Scene Investigation by not wearing gloves issued by the Directorate of Forensic Science Services under the Ministry of Home Affairs, Government of India.

d) Case of Sexual abuse of minor in Specialised Adoption Agencies (SAA), Howrah

Another incident of sexual abuse of a child came into Commission's notice through a news report according to which a raid on 'Cradle Baby Centre' was made in Howrah and 10 people were arrested, including the woman, who was running the adoption centre for the last five years, and the West Bengal Civil Service (WBCS) official. The daughter-in-law of former Howrah Deputy Mayor Minati Adhikari and a State government official in WCD Department were among 10 people arrested from West Bengal's Salkia

for allegedly selling new born babies from an adoption centre. Several babies were removed from the private home by police during the raid. Police said that there are several complaints against this NGO; including allegations of selling babies in the guise of running the Home and that there were incidents of molestation of the infants. An investigating team was constituted to probe the matter. They found several discrepancies, following which the police made the arrests and registered a case under POCSO Act.

Violation of the JJ Act, 2015 by authorities-Upon initial inquiry by the Commission based on news reports it was found that the said Home was a Special Adoption Agency (SAA). The Commission found it concerning that the incident of sexual abuse occurred in a Special Adoption Agency which is meant to accommodate children under age 6 years as per the JJ Act 2015. Therefore, a two member inquiry team from NCPCR visited Howrah District on 10.12.2021 to ascertain the facts. On checking records, interaction with Home staff and CWC Howrah; it was realized that the pendency of cases of children residing in the Homes is not reviewed properly as a result, children who have been placed in Homes for temporary institutional care, are still in these children homes for years. Department of WCD and CWC, Howrah did not acted as per their functions in this matter. CWC which is the competent authority for taking decisions about CNCP children was having no information about the incident as well as transfer of children without the knowledge of CWC.

Lawful procedures as laid down under Section 29, 30 & 31 of JJ Act 2015 were sufficiently ignored for a certain time while placement of children to another SAA. The CWCs of Howrah and Hooghly were also complacent in their action as their first order regarding the shifted children came on 30.11.2021 whereas Director, Child Rights and Trafficking took over the powers of CWCs and passed an order 19.11.2021 for transfer of children.

e) Case of Sexual Abuse and Death of Minor in Nadia, West Bengal

NCPCR noticed the matter of sexual abuse of a 14 year minor girl occurred in Hanskhali in Nadia district in various news reports. According to media reports, what is known is that the girl went to a birthday party hosted by Sohail alias Braja Gopal Gayali, a former schoolmate and son of a local Trinamool Congress strongman on April 4; was brought home bleeding by some unknown people; and died within hours. Around sunrise the next morning, she was cremated without a death certificate or a police complaint. A team from NCPCR visited Nadia and found that the inquiry of the case was instituted after five days of actual occurrence of the incident when the

mother filed a complaint to the local police. Also, while assessing the FIR, it was realized that though the complainant did not made any allegations against her husband, his name is mentioned as one of the accused for destructing the evidence in the case. Such a situation may put the family under pressure during the inquiry and may cause obstruction in revelation of true facts or may turn up the case in favour of the accused.

CRIMES AGAINST CHILDREN

‘Did she have a love affair?’ Mamata Banerjee questions alleged gangrape of minor who died

The son of a local Trinamool Congress leader has been arrested after the minor was allegedly gangraped on April 4 at his house.

Scroll Staff

Apr 12, 2022 · 12:47 pm

Updated Apr 13, 2022 · 10:30 am



Yet again, Chief Minister Mamata Banerjee questioned if the minor girl who died after allegedly being raped in District Nadia had a love affair with the accused person. The news report further stated that talking at an event CM asked “How do you know if she was raped? The police are yet to ascertain the cause of the death. I had asked them [the police]. Was she pregnant or had a love affair or was sick?”(link <https://scroll.in/latest/1021658/did-she-have-a-love-affair-questions-mamata-banerjee-on-alleged-gangrape-and-death-of-minor>)

f) Death and sexual assault of a minor in Matigari area, Siliguri, West Bengal

The Commission under section 13(1) (j) of CPC Act, 2005 took suo-motu cognizance of a report wherein it was informed that a 15 year old minor girl from Siliguri, West Bengal was taken to a nearby empty plot/land by the accused- a 21 year old man Mohammed Abas. He then sexually assaulted the minor girl and killed her by smashing her head with a brick. As per the report, the police were informed regarding the said incident by the local people after they found a minor girl’s body in school uniform. Allegedly, the accused was a drug addict and was married twice and had a child.

Seeing the gravity of the situation and the lenient stand of the State Authorities in the present matter, a team from NCPCR visited Siliguri, West Bengal on 29th of August, 2023 for the purpose of conducting a fact finding. During the visit, the team interacted with the second officer at the Matigara Police Station, Child Welfare Committee, school teachers, classmates, and family of the deceased victim. During the fact finding visit and based on the facts presented before the Commission, various procedural lapses in investigation and negligence on the part of the Police Authorities have been found.

The procedural lapses in investigation noticed during fact- finding are as follows:

1. For the purpose of conducting a thorough fact finding, the Team of officials from NCPCR visited the Matigara Police Station, Siliguri Metropolitan, wherein it was observed that even after issuing communication regarding the proposed visit of the Commission, **the Investigating Officer (I.O.) of the said case failed to appear or even meet the officials which shows the callous behaviour of the State Authority.** Further, in the absence of the I.O of the case, the team was briefed by the Second officer and were informed that the police came to know regarding the incident in the evening around 5p.m. on 21.08.2023 and immediately thereafter, the police and medical team went to provide support and further, on reaching the spot the victim was found dead and without clothes. Further, the Second Officer also informed that on perusal of the CCTV footage of one camera it was seen that the victim along with her friend were walking past the City Centre Mall which is about a kilometre from their school and on perusal of the CCTV footage of the second camera after the friend of the victim left, the minor was sitting on the accused cycle and the accused was wearing a mask. The Second Officer also informed that since there was no CCTV in between the two cameras, so the reason why the victim sat of the cycle is not known.

On interaction of the officials of NCPCR with the Second officer, it was also informed that since the victim didn't have her own mobile phone, therefore, they did not check the call records or mobile details of the parents' mobile phone. On inquiring, the Second officer also informed that since the minor had no mobile phone of her own, hence they haven't checked whether she was on social media. He also informed that they also did not inquire into call records to rule out the reason how the victim came in contact with the accused. However, it is pertinent to mention that on

interaction with the family members of the victim, it was informed that the police took the mobile phone of the mother to look into the call details. This anomaly raises suspicion whether the investigating agency is doing a fair investigation or not. It is also to be stated that the Police authorities purposely failed to provide correct details of the inquiry during Commission's fact-finding.

Further, the team during their interaction with the family members were informed that the police authorities did not record their statements. Furthermore, the team was also informed by the family that the investigating agency did not enquire into the social media accounts of the minor victim neither they looked into details as to how the accused was stalking the victim. It was therefore observed that there were numerous lapses in the procedure followed by the investigating officer due to which the investigating agency also failed to include provisions under the POCSO Act in the initial registered FIR.

During the interaction of the team with the school teachers, and her classmates, it was informed to the NCPCR team that the victim was an introvert child and did not have many friends. Further, one of the classmate of the victim also informed that she has seen the accused sitting nearby school area. It is observed that the investigating agency did not make any inquiry into the same. It is pertinent to mention here that since no enquiry has been made into whether the accused was known to the victim or not. It is of utmost importance to enquire into the same as failure to investigate may also cause failure of due process of Law in lodging of an FIR even under sections defined for aggravated form of sexual assault under POCSO Act. The same is observed as another major lapse on the part of the investigating agency.

4. MISCONDUCT AGAINST CHAIRPERSON, NCPCR, BY THE WEST BENGAL OFFICIALS- SECURITY BREACH THEREOF

The Commission took *suo motu* cognizance of a complaint received through web news report of Republicworld.com on 27th March, 2023 titled “Minor Girl Murdered in Kolkata’s Tiljala, wherein a chaotic scene was witnessed on the Kolkata’s Tiljala area after the body of a seven year old minor girl was murdered, found at a neighbour’s house”. During initial inquiry, it has come to the notice of the Commission through the said report that the Police officials arrested the accused who allegedly killed the girl in the name of human sacrifice. It also came to the notice of the Commission that after the incident came to light, many angry protestors in large numbers including the members of victim girl’s family, took to the streets on Monday i.e. on 27th March, 2023 and blocked several roads, Bandel Railway gate and caused disruption on the Southern Railway branch of Sealdah. As a result, around 20 trains were affected due to the blockade. The angry protestors had also blocked the public transport near the Picnic Garden-Howrah route.

Attempt to stop the visit of NCPCR’s enquiry team- A team of NCPCR, headed by Chairperson, NCPCR, accompanied by Member Secretary and two Consultants reached Tiljala, Kolkata on 31.03.2023 at about 03:15 p.m for the purpose of conducting a thorough fact finding. The information of this was given to the State Government on 28.03.2023, seeking their assistance to make arrangements for Liaison officer, security, logistic arrangement and to further arrange meetings/interactions with the victim parents, Investigating Officers, and the doctor who conducted the autopsy of the victim girl. However, no information with regard to the same was conveyed to the Commission till the night of 30.03.2023. In the meanwhile, the Commission has come across an information that there might be a strong possibility of security breach during the visit of NCPCR, and the fact finding process of the NCPCR might also be obstructed/interrupted. Accordingly, the same was conveyed to Chief Secretary, Home Secretary, DGP West Bengal, and Union Home Secretary vide Commission’s letter dated, 30.03.2023. It was only after the matter brought to the notice of the Union Home Secretary, the details of Liaison Officer and other details were made available to the Commission only through WhatsApp message and no formal communication was given by the Government of West Bengal, although no details of security arrangements for the visit were shared with the Commission.

Criminal conspiracy and recording the proceedings without permission-During the fact-finding, it came to the notice of the Commission, that that two cameras (Camera 1 was a body-cam placed on a table and Camera 2 was a webcam connected to a Wi-Fi with no storage in the room) were covertly put on a predetermined angle within the officer-in charge's room with the intention of illegally monitoring and intercepting the Commission's fact-finding process. The recording was being done without the Commission's knowledge or agreement, and when confronted with the situation and questioned about it, the Officer-in-charge said that *"the same has been done with the order of the superior officers."* It is pertinent to mention that the recording and a subsequent sharing of the information poses a bigger question on the intention of the West Bengal police. Moreover, it is impossible to rule out any motives for manipulating the victims or even jeopardising the Commission's report. The presence of two cameras, wherein the body-cam placed at a specified angle was being monitored elsewhere and the second camera having no immediate storage in the room was transmitted to a third party is a matter of Cyber Forensic Investigation.

It is to be highlighted that, the conduct of the West Bengal Police was pre planned/arranged and all the requisite motive to record and transmit the information to a 3rd party was premeditated. Therefore, a criminal conspiracy between several officials of West Bengal Police to record and disclose the information without the consent or an agreement with an intention of causing wrongful loss by interfering into **the fact finding process violates Section 72 and 72A of IT Act, 2000 r/w Section 120B of the Indian Penal Code, 1860**. Also, recording and transmitting the process of NCPCR fact-finding process in which the victim girl's family was also a part, the identity of the victim girl's family may have been compromised which amounts to the violation of the Judgment passed by the **Hon'ble Supreme Court in the matter of Nipun Saxena vs UOI, 2019 and also the provisions of Section 228A of IPC, 1860, Section 23 of POCSO Act, 2012 and Section 74 of JJ Act, 2015**.

Manhandling and physical assault of Chairperson, NCPCR, Shri Priyank Kanoongo strongly objected on observing the placement of the cameras. Reacting upon the same, the SHO told the Chairperson that the recording of process of NCPCR fact-finding was being done on the directions of the superior authorities. Thereafter, the Chairperson insisted that the camera should be handed over to the superior authority of West Bengal Police. While the Chairperson NCPCR was moving out from the room,

Biswak Mukherjee, SHO along with 6-7 Police Personnel blocked the passage by closing the door to confine and restrain the movement of the Chairperson and further manhandled/physically assaulted the Chairperson in Tiljala Police station. The Chairperson was also threatened to life by the SHO on the pretext not to handover the camera to the superior authorities.

Chairperson NCPCR somehow managed to move out from the Police Station and reached the Hotel. Subsequently, Senior Police officers of the rank of Joint CP and DCP, West Bengal Police came to meet the Chairperson NCPCR and requested to pardon the errant Police Officials for their misconduct. Chairperson then requested the Police Officers to record his statement and lodge an FIR in the said incident and to also ensure that the illegal recording shall not be misused. In response the Police Officers replied that action could only be taken after obtaining the directions from their superior authorities. Subsequently, after 15-20 minutes, the DCP again turned up and recorded the written statement of Chairperson NCPCR, based on which an FIR was registered in PS Tiljala.

After receiving a copy of the FIR, the Commission determined that **all applicable Sections were not invoked in this matter and Section 72 and 72A of IT Act, 2000 r/w Section 120B of the Indian Penal Code, 1860 and Sections 186, 187, 189, and 357 of the IPC, 1860 and other relevant provisions of law were not included in the FIR.** Also, the disciplinary action against the errant Police Officer, SHO Tiljala, is not equivalent to the serious misconduct committed. Further, transferring the SHO, PS, Tiljala to the Training Academy is merely a formality and is not in accordance with a fair and just procedure of law.

5. NON-COOPERATION BY AND WITHIN AUTHORITIES:

a) Reluctance to file FIR in case of ‘Custodial Death’:

The Commission had taken suo motu cognizance under section 13 (1)(j) of the CPC Act, 2005 of a tweet dated 06th March, 2023 in which it was brought to the notice of the Commission that a minor child was found dead in the custody of West Bengal Police in Birbhum’s Mallarpur Police station on 30 October, 2020. According to the action taken report received through the Police Officials, Departmental enquiry proceedings took place against the alleged Police officials and punishment was given by ceasing their increment for 06 months with no future effect, and CVF-3381 Sk Saleuddin of Mollarpur was temporarily demobilised with NVF-150306 Moley Pal (sentry) affirmed by the District Magistrate, Birbhum due to negligence of duty. The Commission did not find the above action taken report from Birbhum’s Mallarpur Police Station to be satisfactory. Therefore, the Commission requested reinvestigation in the matter and to lodge FIR for a just, fair and equitable investigation.

b) Non-cooperation in discussing matters related to Child Marriage

The Commission continued its efforts to press District level officers for taking appropriate steps for prevention of child marriages. The Commission held 40 virtual meetings with 615 districts of 22 States/UTs (Rajasthan, Gujarat, Karnataka, Madhya Pradesh, Uttar Pradesh, Chhattisgarh, Maharashtra, Tamilnadu, Bihar, Assam, West Bengal, Arunachal Pradesh, Jharkhand, Telangana, Kerala, Andhra Pradesh, Odisha, Uttarakhand, Nagaland, Haryana, Tripura and Sikkim) during 21st April to 25th May, 2022 to review the activities conducted by the authorities of each District of the State for prevention of child marriage. Following participants from each District were requested to attend the meeting:

- | | |
|---|--|
| i. Child Marriage Prohibition Officer
(not below the rank of ADM) | iv. DPO-ICDS |
| ii. Head of SJPU
(notbelow the rank of DSP/ACP) | v. DCPO-ICPS/Mission Vatsalya |
| iii. District Education Officer (DEO) | vi District Programme Coordinator-
SamgraSiksha Abhiyan |
| | vii. CWCs |
| | viii. Labour officer |

While other States took active part in the above exercise for prevention of child marriages, **none of the officials from districts participated in the meeting of West Bengal** scheduled on 11.02.2022.

c) Cognizance on the issue of Mass Marriages during 2023

In 2023, the Commission extended its reach to all districts of all 36 States/UTs and held more than 60 virtual meetings during 31st January to 21st April, 2023 to review the activities conducted by authorities of each district of the States for prevention of child marriage. The activity was conducted on a similar pattern wherein districts were required to conduct awareness programmes, conduct meetings with relevant stakeholders, map vulnerable children and provide a report of the same to the Commission. This year also cold response from district officials of West Bengal was noticed during the scheduled meeting on 16th February 2023. Officials from only three districts had joined the meeting out of twenty two districts and requisite information was also not submitted to the Commission. It was only after the summons issued to Principal Secretary, WCD, West Bengal on 15th March 2023, for which the Summons hearing on 3rd April 2023, that the information of district-wise activities conducted for prevention of child marriages in the State and interventions made in noticed child marriage cases during 2021 and 2022 was provided to NCPCR.

In this process, it was found that the West Bengal WCD Department did not collect relevant data on FIRs registered in child marriage cases and present misleading information. The Commission then examined the data in light of the information shared by Principal Secretary, WCD and Social Welfare Department, West Bengal. It was discovered that, out of the 4001 cases, total of 2939 child marriages were stopped during April 2021 to March 2022, whereas status of action taken in rest of 1062 cases was missing. Similarly, during April 2022 to September 2022, out of the 2732 noticed cases, a total number of 2154 child marriages were stopped and action taken in rest of 578 cases was not indicated. Therefore, the Commission issued a notice to DGP, West Bengal vide letter dated 03.04.2023 with as request to take lawful action in all child marriage cases in accordance with Prohibition of Child Marriage Act (PCMA) 2006 and POCSO Act 2012 and submit the detailed factual report covering the following, along with authenticated copies of the relevant documents to the Commission within 10 days of issue of the letter:

- i) Copy of FIRs in rest of the child marriage cases noticed during April 2021 to March 2022 and April 2022 to September 2022.
- ii) Status and progress of investigation of the police in the matter.
- iii) Whether, CWCs were informed in all the above cases, copy of CWC orders.

Since, the child marriage data given by Department of WCD and Social Welfare, Government, West Bengal and Police Department, West Bengal did not match, the Commission requested both departments to reconcile the data available with them. Since, the reconciled data was not received by the Commission; a meeting was scheduled on 02.06.2023 at Vigyan Bhawan with Special Juvenile Police Units of all Districts and Head of WCD Department of all districts of West Bengal. This was informed vide letter dated 22.05.2023 to Principal Secretary, Department of WCD & Social Welfare, Government of West Bengal. Again, the officials did not attend the meeting at New Delhi. Later, due to Code of Conduct in the State, Commission too could not visit the State at that time. Lack of convergence and exchange of information between the WCD and Police department was noticed whereas the WCD Departments must work closely with the Police Department in matters related to children, and vice versa. The Commission is taking all possible to steps to build convergence amongst the Departments, so that in each case of child marriage the child receives complete care and protection under the law.

e) Non-attendance of CWCs and DCPUs from the State of West Bengal in launch of Training Modules for Child Welfare Committees and also the “Protocol for Restoration and Repatriation of Children

Since the implementation of the JJ Act, 2015 and its Rules, 2016, there were many challenges and gaps which came to the notice, especially hindering the process of rehabilitation of children. In an attempt to eliminate those challenges which are being faced by authorities in repatriation and to send the maximum number of children back to their native place with their families/relatives the Commission has prepared Protocol for Restoration and Repatriation of children and GHAR (Go Home and Reunite) portal. The new amended Juvenile Justice (Care and Protection of children) Model Amendment Rules, 2022 under Rule 81(5A), (5B) and (5C) mandates the Commissions to develop protocols for repatriation of children i.e. the manner in which the children belonging from a different State and District can be repatriated to their native place and restored with their families/relatives/guardians. For this purpose, the Commission has formulated a protocol for restoration and repatriation of children under the Juvenile Justice system.

The Commission on the occasion of Child Rights Day, on 20th November, 2022 launched the “Training Modules for the Child Welfare Committees”, “Protocol for Restoration and Repatriation of Children” and

“GHAR-Go Home and Reunite” portal. During the launch discussions were held and DCPOs and CWCs were sensitized with the Protocol and functioning of the portal. The Commission requested to nominate one representative each from CWCs and DCPU of all the Districts (2 representatives from each district) and must be directed by their respective State Government to attend the event on 20th November, 2022 at Vigyan Bhawan to ensure wider participation.

The Commission did not receive any confirmation from the Department of Women and Child Development and Social Welfare, West Bengal or the Child Welfare Committees and District Child Protection Officers from West Bengal till 17.11.2022. It was informed to the Commission that the State is going to celebrate Child Rights Day on 20th November, 2022 and therefore, there will be **no participation** in the launch event from the State of West Bengal. It was noted that State of West Bengal is a source State from where the number of children being trafficked is considered to be on higher side, which is a grave matter of concern. The Commission launched the Training Modules and Protocols to brief the CWCs and DCPU about their role in tackling the sensitive issues in the light of the amended roles of functionaries under the JJ Act, 2015.

f) Non-attendance in the meeting organized by NCPCR to discuss and deliberate upon Draft Model Guidelines in respect of Section 39 of the POCSO Act, 2012

The Hon'ble Supreme Court in the case titled “We the Women of India vs. Union of India & Ors. Writ Petition(s) (Civil) No(s) 1156/2021 and in Writ Petition No.427 of 2022 titled Bachpan Bachao Andolan vs. Union of India” has directed the National Commission for Protection of Child Rights to formulate Model Guidelines with respect to Support Persons under Section 39 of the POCSO Act in consultation with the State Governments and Government of the Union Territories. The Hon'ble Supreme Court in the said matter has also directed the State Governments and the Government of the Union Territories to further frame rules for their State/UT's based on the aforesaid Model Guidelines.

In the process of framing the draft model guidelines for the aforesaid purpose, Commission organized a Consultative Meeting to discuss and deliberate upon the draft on 22.11.2023 at Vigyan Bhawan, New Delhi, Delhi. However, there was no participation from the Department of WCD, West Bengal.

g) MASI Inspections

The National Commission for Protection of Child Rights (NCPCR) has developed an application- MASI – Monitoring App for Seamless Inspection- for real time monitoring of the Child Care Institutions (CCIs) and their inspection mechanism across the country. The effective and efficient functioning of the mechanism for inspection of Child Care Institutions provided under the Juvenile Justice Act, 2015 and synchronous monitoring of the system is the rationale behind developing this comprehensive application. The app is linked to the monitoring Portal where the automatic reports will be generated. MASI enables unified inspections by Child Welfare Committees (CWCs), State Inspection Committees, District Inspection Committees, Members of Juvenile Justice Boards (JJBs) and State Commissions for Protection of Child Rights (SCPCRs) as laid down under the JJ Act, 2015. It will serve as a single platform for inspections of all the CCIs across the country by any of the above stated authorities. Regular follow-ups before and after the completion of cycle of inspection are to be done. The complete reports will be automatically generated on the Portal as soon as the questionnaire is filled and submitted by the authority. The Commission has observed that so far 11 inspections have been conducted in four districts of West Bengal (Alipurduar, Purulia, Howrah and Hooghly).

6. TRAFFICKING OF CHILDREN

Trafficking of children is a serious crime and a grave violation of their rights. Every child deserves to be protected and deserves an environment free of any violence. However, it has been widely reported that child trafficking is a growing menace in the State of West Bengal. The condition of law and order in terms of dealing with crimes related to children is in a state. Children, especially girls are being trafficked to different places. The Commission conducted rescue operation in various cities across the country and many girls were found to be trafficked from the State of West Bengal and brought here to do various kind of work. Following is the data of number of girls rescued from different cities who were found to be originally from West Bengal. Since, March 2021, during the rescue operations conducted by the Commission, 124 rescued girls were brought from West Bengal either to different State or different city within West Bengal-

S. No.	Date	Place of rescue	No. of Children Rescued
1.	02.08.2023	Manesar, Gurugram	1
2.	14/06/2023	Motihari (BH)	4
3.	28/05/2023	Saran (BH)	5
4.	28/05/2023	Siwan (BH)	17
5.	19/05/2023	Mau (UP)	1
6.	05/05/23	Pune (MH)	1
7.	19/04/2023	Hissar (HR)	1
8.	30/03/2023	Lucknow (UP)	1
9.	26/03/2023	South 24 Pargana(West Bengal)	1
10.	21/03/2023	Krishna Dist. (AP)	1
11.	22/02/2023	Manglagiri (AP)	1
12.	02/04/23	Betiah (Bihar)	6
13.	28/12/2022	24 North Pargana	1
14.	13/12/2022	Siwan& Saran (Bihar)	9
15.	28/11/2022	Bettiah (Bihar)	13
16.	27/09/2022	Lakhimpur Kheri (UP)	1
17.	21/09/2022	Patna (Bihar)	5
18.	09/10/22	Erode (Tamil Nadu)	1
19.	29/08/2022	Shahjahnpur (UP)	1

20.	08/08/22	Gautam Budh Nagar (UP)	1
21.	08/05/22	Bharuch (Gujarat)	1
22.	08/05/22	Malappuram (Kerala)	1
23.	19/07/2022	Shamli (UP)	1
24.	17/07/2022	Shamli (UP)	1
25.	29/06/2022	Satna (MP)	1
26.	29/06/2022	Chirriya P(Motihari Bihar)	4
27.	27/06/2022	Dwarka (Delhi)	1
28.	15/06/2022	Delhi	2
29.	15/06/2022	West Bengal	1
30.	06/07/22	Satna (Madhya Pradesh)	1
31.	06/01/22	Cyberabad Hyderabad	1
32.	25/04/2022	Vadodara (Gujarat)	1
33.	21/04/2022	Sirsa Haryana	1
34.	14/04/2022	Motihari (Bihar)	1
35.	04/12/22	East Delhi	1
36.	03/11/22	Mumbai (MH)	1
37.	03/09/22	Kollam (Kerala)	1
38.	24/02/2022	Tiruppur City(Tamil Nadu)	1
39.	21/01/2022	Mallapuram (Kerala)	1
40.	28/12/2021	Kurnool (AP)	1
41.	18/12/2021	Saran (BH)	10
42.	12/05/21	Bettiah (BH)	10
43.	22/11/2021	Lucknow (UP)	1
44.	11/01/21	Gurugram (HR)	1
45.	27/10/2021	Firozabad (UP)	1
46.	10/12/21	South Goa	1
47.	04/02/21	Surat (GJ)	2
48.	24/03/2021	Gopalganj (BH)	1
49.	03/05/21	Gurugram (HR)	1
			124

World Day against Human Trafficking

The National Commission for Protection of Child Rights (NCPCR) commemorated World Day against Human Trafficking which was observed on 30th July 2022. On this occasion the Commission started a campaign on 'Combating Child Trafficking in 75 Bordering districts of the country from 1st to 25th August, 2022. With this exercise the Commission intended to reach out to all such districts that are source or transit spots of trafficking. As part of this exercise the district level sensitization programmes were held in seven (7) border districts of West Bengal-

1. Uttar Dinajpur
2. Dakhin Dinajpur
3. Malda
4. Coochbehar
5. Alipurduar
6. Kalimpong
7. Jalpaigudi

NCPCR along with the field experts visited these Districts to have a understanding of child trafficking issues in West Bengal. The key stakeholders involved in the exercise were Head of SJPU/ police personnel of the district, CWCs/ DCPOs, staff of DCPO, officials of Border Security Forces of Indo- Bangladesh and Indo-Nepal Border, Childline and NGOs. In total, 25 Spot Visits were conducted at various places including police stations, child trafficking victim house visits, potential border areas of trafficking BSF/ SSB border posts, CCIs and Childline.

Observations made during the visits-

- The reported lack of medical staff, including gynaecologists and women doctors, in all districts is a concerning issue, particularly when it comes to the medical examination of sexual abuse victims. This shortage can lead to delays in providing essential medical care and conducting timely examinations, which is critical for gathering medical evidence in cases of sexual abuse, especially under the Protection of Children from Sexual Offences (POCSO) Act. The availability of timely medical evidence is vital for building a strong case, ensuring justice, and holding perpetrators accountable under law.
- It appears that there is a significant number of kidnapping and missing cases in the districts, while the number of registered trafficking cases is negligible. Furthermore, interactions with recovered minor girls, police officials, and understanding the trend of kidnapping and missing crimes

suggest that the investigation process may not be thorough, with the primary focus being limited to the recovery of minor girls. If the focus is solely on recovering the missing minors without conducting a comprehensive investigation into the chain of events and persons involved, it may hinder efforts to identify and address the root causes of these crimes. A thorough investigation of every step is crucial for identifying persons involved and preventing further incidents.

- While the number of registered trafficking cases may be negligible, it is important to consider the possibility that some of the missing or kidnapped minors could still be at risk of trafficking. It is essential to investigate the circumstances surrounding these cases to identify any potential links to trafficking networks or organized crime.
- Collaboration amongst different units was found missing. Strong collaboration between various stakeholders is essential to effectively identify, address and combat trafficking cases. Collaboration among organizations such as the Child Welfare Committee (CWC), police, District Child Protection Units (DCPUs), border security forces at Indo-Bangladesh and Indo-Nepal borders, GRP, and Childline can help in cracking down on possible trafficking networks and identifying cases at an early stage.
- It is important for stakeholders to establish regular information sharing, formalise protocols, and conduct joint training programs to strengthen collaboration. Additionally, coordination and cooperation with police authorities of other States/districts (from where the major number of recoveries are done) and child protection agencies and implementing joint strategies can be instrumental in addressing trafficking and ensuring a holistic approach to combating this crime.
- Placing children in Cottage Homes without following established procedure and the orders of the Child Welfare Committee (CWC) is a serious violation of provisions of JJ Act 2015.
- It is unfortunate to note that victims of sexual crime are experiencing delays in receiving compensation through the District Legal Services Authority (DLSA) due to a lack of funds. Timely compensation is important for supporting and assisting victims in their recovery and rehabilitation process. Additionally, in some districts delay by PLVs in forwarding the cases before competent authority was reported .Therefore, it is essential to review the work of Para Legal Volunteers (PLVs) to ensure that cases for compensation are being forwarded in a timely manner.

- It was found that cases in children's homes are not reviewed regularly and that all provisions for the placement of children are not explored by the CWCs is a matter of concern. The overcrowding of children in homes due to these reasons can have negative consequences for the well-being and care of the children. It is important to address these issues to ensure the effective functioning of children's homes and the welfare of the children residing in them.
- CWCs should establish a system for periodic review of cases in children's homes. This includes reviewing the status of each child's case, assessing their progress, and exploring suitable placement options. Regular reviews will help identify any delays or gaps in the process and enable timely decisions regarding the children's placement, care and protection.
- During the meetings, stakeholders highlighted the issue of child marriages in West Bengal. Strict implementation of the Prohibition of Child Marriage Act, 2006 is important to prevent child marriages and punishing the accused. Law enforcement agencies should be proactive in identifying and stopping child marriages, and FIRs should be registered in cases of child marriage to initiate legal action against the perpetrators.

7. POST POLL VIOLENCE

The Commission received a complaint dated 04.05.2021 regarding the safety and security of children in West Bengal during the incidents of post-poll violence being reported in the State. It was stated in the complaint that since the conclusion of election polls in the State of West Bengal on 02.05.2021, there are many incidents of violence being reported across the State which has made the people vulnerable and at imminent risk of danger and harm, especially children. It was further mentioned in the complaint that during this widespread attack against the people in the State, the children are being targeted and are being subjected to torture, inhuman and degrading treatment. It was also stated that many children are part of this violence and have in fact been recruited to participate in these incidents of violence.

NCPCR took cognizance of the complaint under Section 13(1) (j) of the CPC Act, 2005 and vide letter dated 04.05.2021 requested Home Secretary, West Bengal to conduct an inquiry into the incidents of violence happening in the State with regard to the safety and well-being of children in this grave situation. It is to be noted that Section 83(2) of the Juvenile Justice Act, 2015 makes provision for punitive punishment for using children for illegal activities. Further, it was requested to conduct an inquiry with regard to the children being used to participate in this violence and furnish its report within seven days about the steps taken by them for the protection and security of children in the State.

In response to the letter dated 04.05.2021, the Secretary, Home & Hill Department, Government of West Bengal vide its letter dated 13.05.2021 apprised NCPCR that the subject matter is sub-judice in the Hon'ble High Court, Calcutta in case no. W. P. A (P) 143 of 2021, Anindya Sundar Das vs. Union of India & Others and a five Member Bench of the Hon'ble Calcutta High Court has heard the matter on 10.05.2021 and observed that in case any such complaints have been received by the various Commissions with reference to the violence during poll or post poll, the same may be forwarded to the Director General of Police, West Bengal on his official email id so as to enable him to transfer same to the concerned police stations for appropriate action. Further, it was requested that necessary action can be taken by NCPCR in the light of the order of the Hon'ble Calcutta High Court and to kindly send the alleged cases by e-mail to the Director General of Police, West Bengal for taking further action.

In furtherance of the aforesaid complaint dated 04.05.2021 as well as various media reports and information provided by individuals regarding the plight of number of children along with their families who are subjected to alleged violence, torture, and atrocities meted out to them by certain individuals/ political party workers in West Bengal, NCPCR took cognizance of the matter. It was also reported in various news that due to fear and threat to the lives, many families along with their children had fled from Cooch Behar District of West Bengal to villages of Assam in Dhubri and Kokrajhar districts.

After taking cognizance of various media reports and information provided by certain individuals about the prevalent situation at that time, NCPCR send two letters dated 14.05.2021, one to the District Magistrate & Deputy Commissioner, Dhubri District, Assam and another was sent to the District Magistrate & Deputy Commissioner, Kokrajhar, Assam. The Commission requested afore-mentioned authorities to immediately visit camps as well as any other such place where these children are residing and to ascertain their exact numbers and other associated facts. It was also requested that statements of all these children be recorded by child welfare police officer of the district (CWPO) and same may be submitted to the Commission for necessary actions. It was further requested that police may register zero FIR in all such cases where atrocities against these children have been reported and the said investigation be completed within three days.

The District Magistrate & Deputy Commissioner Dhubri, Assam visited the camps where displaced children were residing and send a status report dated 16.05.2021 to the Commission. Aforesaid status report informed NCPCR that around 600 people had taken shelter bordering villages of Assam after the post poll violence in West Bengal since the results of the Assembly elections 2021 were declared. It has been reported that due to fear and threat to their lives the children have fled from Cooch Behar District of West Bengal to villages of Assam in Dhubri and Kokrajhar districts respectively. The victims were given shelter and food alongwith necessary health check-up and COVID test. Special care for the children staying in the camps was taken, which included providing of baby food, milk etc. and regular health check-up.

On interaction with the children it was observed they were in a general state of fear and shock. Although, none of them had been subjected to physical atrocities, however the sudden change in environment, and the

images of violence and threat perception which they experienced, have seriously affected their mental health. Although, care have been taken to ensure nutrition and health as well child friendly environment in the relief camp, the overall sense of distress among their parents, members family and other camp inmates had affected the children. Before taking shelter in Assam, the children were also deprived of basic rights such as food and nutrition, education, health care and privacy, etc. These violations are likely to have long term effects on the children and eventually the community.

Further, two letters were issued on 27.05.2021 to the District Magistrate, Cooch Behar, West Bengal and Superintendent of Police, Cooch Behar, West Bengal with the objective of securing the health and security of concerned children. The aforesaid letter recommended and requested to conduct a proper inquiry in the matter and facilitate the essential commodities such as books, uniform, household essentials, clothes, bedding etc; counseling and medical examination of the children by government practitioners. Further, it was also requested that compensation of minimum Rs.1 Lakh be provided to each minor victim by the State Government and security/ safety of these children in transferring them from camp sites in Assam to Cooch Behar. Another letter dated 27.05.2021 issued by NCPCR to the Superintendent of Police, Cooch Behar, West Bengal also addressed the above-mentioned issues. In addition to above issues, answering respondent also requested and recommended to conduct a proper inquiry in the matter and register FIR against the accused persons on the basis of recorded statements of minor victims. More than 20 letters have been sent by NCPCR to District Magistrate and Director General of Police, West Bengal to look into the complaints received by NCPCR in relation to the incidence of violence which happened post-poll in West Bengal.

Considering NCPCR's preliminary inquiry and the nature of complaints received, it appeared that there was a possibility of communal violence along with electoral violence in some cases. Hence, it deemed necessary to take care of this subject for the proper and effective rehabilitation of these children because without harmony and inclusive environment at public places for children to play and study, their development may be hampered. Through the affidavit filed in Hon'ble Supreme Court of India w.r.t Writ Petition (Civil) No. 568 of 2021 in the matter of Arun Mukherjee & Ors Vs Chief Secretary, West Bengal & Ors, where NCPCR is also a respondent, the Commission requested Hon'ble Court to issue directions for detailed investigation on this important point,

so that the Commission can be guided in the direction of securing the rights of children. The matter is pending in the Hon'ble Supreme Court.

NCPCR also filed its reply affidavit to Hon'ble Gauhati High Court on 30.05.2021 in response to the order passed on 27.05.2021 w.r.t Case No. PIL/29/2021 in matter of Abhhijit Sarmah Vs Union of India &Ors. wherein NCPCR is also a respondent in the matter.

NCPCR also issued various letters to different Authorities to look into the complaints received by NCPCR in relation to the incidence of violence which happened post-poll in West Bengal. The summary of these letters is as following-

S.No.	Date	Authority	Issue
1.	05.05.2021	District Magistrate, Howrah and Commissioner of Police, Kolkata	Hiding of children in Kolkata from violence and extending immediate assistance and rescue of these children
2.	11.05.2021	Chief Secretary, Government of West Bengal	About the video link which was circulated where minor children were seen attacking the houses of people and requesting to initiate an inquiry and identify people using children in post-poll violence
3.	24.05.2021	District Magistrate, North Parganas	About the complaint received alleging violence by a mob led by one TMC leader named S.K. Sahjahan, resident of Sarberia Village
4.	24.05.2021	DGP, West Bengal	Recommending an inquiry into the incident of violence and lodging an FIR and safety and security of the families to be ensured
5.	24.05.2021	Commissioner of Police, West Bengal	Informing about the complaint against Trinamool Workers and appeal for saving live from Trinamool goons
6.	25.05.2021	DGP, West Bengal	Informing about the complaint regarding violence on families of Hindu community in some areas of West Bengal
7.	27.05.2021	DGP, West Bengal	Regarding violence on Hindu

			community families by TMC leaders
8.	27.05.2021	District Magistrate, 24 North Parganas	Regarding complaint of attack on Jaygram locality under Minakhan Vidhan Sabha segment harming juveniles
9.	30.05.2021	DGP, West Bengal	Regarding complaint received alleging an incident of gang rape of a minor child by TMC cadre under Nabagram PS in Murshidabad District
10.	31.05.2021	DGP, West Bengal	Complaint against TMC worker and District police personnel of Bardhamann District
11.	31.05.2021	DGP, West Bengal	Regarding the complaint against West Bengal- Diamond Harbor District Superintendent of Police Mr. P Avijit Banerjee, IPS, political goon Jahangir Khan, IC Falta Abhijit Hait, police officer Raffikujjaman S.K and SI Sumon Bogi for attacking houses and beating, terrorising kids and parents in front of kids
12.	31.05.2021	Summon to IG Burdwan range	About unsatisfactory action taken report as no statements of affected children by the concerned Special Juvenile Police Officer, as per Juvenile Justice Act, 2005, was found in the inquiry report
13.	01.06.2021	District Magistrate, 24 South Parganas	About the complaint received alleging atrocities, torture and gross violation of child rights, on a child aged about 13 years, resident of Village Nayabad Sonarpur
14.	02.06.2021	DGP, West Bengal	About the complaint regarding attacks & atrocities on minor children and Juveniles belonging to SC Community by TMC leaders in Village Kapat Hat, Diamond Harbour, West Bengal
15.	03.06.2021	District Magistrate, 24 North Parganas	About the complaint received alleging molestation and abuse of juveniles in Barik Para of Beramjur village in Sandeshkhali Vidhansabha, North 24

			Parganas, West Bengal
16.	04.06.2021	District Magistrate, 24 South Parganas	About the Atrocities & attacks on children of Hindu families belonging to Scheduled caste community by 34-40 radical Islamic Muslim goons belonging to TMC party with weapons, bombs, swords, iron rods and bamboo sticks allegedly with the intention to kill and rape
17.	05.06.2021	District Magistrate, 24 South Parganas	About Complaint alleging attack on kids & older people Using Bombs & firearms by TMC goons
18.	07.06.2021	DGP, West Bengal	Complaint regarding damaging/vandalising of property during post-poll situation by TMC goons
19.	07.06.2021	District Magistrate, 24 North Parganas	About Complaint against Culprits under JJ Act & SC ST Atrocities act for attack on minor children, women in Village
20.	07.06.2021	District Magistrate, Hooghly	About Complaint regarding strict actions under JJ Act, SC/ST Atrocities act & other IPC sections against TMC Islamic goons
21.	07.06.2021	District Magistrate, 24 South Parganas	About Complaint regarding inhuman physical and mental torture, constant atrocities, attacks, intimidation, threats, false cases and vandalism inflicted upon families by AITC goons
22.	09.06.2021	DG (Investigation), NHRC	About Complaint regarding violence on SC community families in West Bengal by TMC workers
23.	10.06.2021	DGP and Chief Secretary, West Bengal	Five letters informing about the complaints regarding use of children in the incidences of violence in West Bengal

8. NON-IMPLEMENTATION OF AN IMPORTANT PROVISION OF THE RIGHT TO EDUCATION (RTE) ACT, 2009

The RTE Act, 2009 have laid down different provisions to enable the children in the age of 6-14 years realise their fundamental right to education given under Article 21A of the Indian Constitution. Defining the 'extent of school's responsibility for free and compulsory education' and for the role of schools in extending opportunity to children for inclusive elementary education, the RTE Act, 2009 under Section 12 outlined responsibility of private schools for including children from socially and economically disadvantaged sections of society. The sub-section (i) of section 12(1)(c) of the RTE Act, 2009 states that the unaided private schools are required to reserve 25% of their entry-level seats for students from socially and economically disadvantaged groups. This clause focuses on giving underprivileged population access to education and including children from marginalised groups in private institutions. However, as per the information received in the Commission, West Bengal is one of the seven States that are yet to extend this opportunity to children depriving the children of their right to education.

The significance of implementing the said provision can be understood from the fact that as per UDISE data of 2021-22, West Bengal has 1463 Government schools (Class I-VIII) which is 0.4 percent of total Government schools (Class I-VIII) in the country. On the other hand, the share of private unaided school in West Bengal is 1.1 percent of the total such schools in the country, for class I-VIII. However, when it comes to enrolment, 13.32 lakh children are enrolled in class I-VIII in private unaided schools in West Bengal which is 2.5 percent of the children enrolled in class I-VIII in private unaided schools in the country. Based on this data, it can be said that non-implementation of Section 12 (1) (c) in the State has deprived more than three (3) lakh children from socially and economically disadvantaged population from realising their right to inclusive education as per the RTE Act, 2009.

The RTE Act, 2009 has mandated NCPCR with the responsibility of monitoring the implementation of the Act. Specifically, section 31 of the Act states that NCPCR shall examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation. Section 13 of the CPCRA Act, 2005, also mandates NCPCR with the responsibility to examine and review the safeguards provided by or under any law; look into the matters relating to children in need of special

care and protection including children in distress, marginalized and disadvantaged children. As per this mandate, the Commission formulated a set of procedures to help States in extending this right to the children from weaker section and disadvantaged groups since it is the responsibility of the State to make rules for implementation of the provision under the Act as given under Section 38 of the RTE Act, 2009. For providing a step-by-step guide to facilitate the States in streamlining the system of admission and to ensure that children enjoy their right throughout the learning process after getting admission in the school, a Standard Operating Procedure (SOP) for Implementation of Section 12 (1) (c) of the RTE Act, 2009 has been developed by the Commission in 2021 to present a systematic mechanism/procedure to be followed by the State Governments. The SoP provides a model framework to all the States/UTs for effective implementation of section 12 (1) (c) of the RTE Act, 2009. The copy of the SOP is enclosed as Annexure 3 at pp. 56-86.

Further, the Commission had submitted an affidavit on 07.05.2022 in the Hon'ble Supreme Court in the matter of SMW (C) No.4/2020 – In Re: Children in need of care and protection due to loss of parents during COVID-19 wherein the issue of implementation of Section 12(1)(c) of the RTE Act, 2009 was also included. The copy of the Court's Proceedings is enclosed as Annexure 4 at pp. 87-101. Other recommendations included in the affidavit with regard to Section 12(1)(c) are as follows-

1. That in case of death of one or both parents of child and/or the earning member of the family and/or the parents/guardians have lost their livelihood and the child is studying in private school, the expenditure on elementary education of such children in the same school may be borne by the appropriate Government under Section 12(1) (c) of the RTE Act, 2009.
2. That for this purpose, the child along with guardian/any member of the family where the child is studying shall approach the District Magistrate and the Child Welfare Committee (CWC) of the district.
3. That the children who have lost both or single parent or parents/guardians who have lost their livelihood can get their income certificate made through the district authorities. The District Child Protection Officers shall provide assistance to such children in procuring the income certificate. Based on the income certificate and the child's eligibility, the child shall be then admitted into a school under Section 12(1)(c) of the RTE Act, 2009.

4. That all categories of schools entrusted with the responsibility under Section 12(1) of the RTE Act, 2009 whether aided, unaided or private schools shall implement the provision of Section 12(1)(c) of RTE Act, 2009 and try to include children who have lost their both or either of the parent after April 2020 under the provision so as to ensure that their education is not disrupted.

Hon'ble Supreme Court while hearing the matter on 09.05.2022 had directed the State Governments/Union Territories to comply with the suggestions made by the NCPCR in its SOP and the above stated recommendations. However, despite these orders, as per the information available in the Minutes of the Project Approval Board (PAB) meeting of the Ministry of Education (MoE), held on 24.02.2023, to consider the Annual Work Plan & Budget (AWP&B) for the year 2023-24, it has been stated with respect to implementation of Section 12 that "State has not yet started admission under Section 12(2) of the RTE Act 2009".The copy of the Minutes is enclosed as Annexure 5 at pp. 102-113.
