

No. EDN-HE(21)A(10)03/2022-V-Misc
Directorate of Higher Education
Himachal Pradesh, Shimla-1

Dated: Shimla-171001

the

06 JUL 2024
June, 2024

To

All the Deputy Directors of Higher Education,
Himachal Pradesh.


Subject: -

Recommendation to prevent illegal transportation of children_reg.

Please find enclosed herewith a copy of letter No. WCD-SCPS (F)-1-10/23 (NCPCR)-890-905, dated 13-06-2024 received from the Director of Women and Child Development HP along with copy of letter No. 99-05/2024/NCPCR (PD)/DD21793, dated 03-05-2024 received from the Chairperson, National Commission for Protection of Child Rights, New Delhi, on the subject cited above.


In this regard, you are directed to go through the aforesaid letter and issue necessary direction to all the Heads of educational institutions in your respective district to comply with the directions of National Commission for Protection of Child Rights (NCPCR), New Delhi in true letter and spirit given in the aforesaid letter, under intimation to this Directorate.

Encl: As above.


Director of Higher Education
Himachal Pradesh
the June, 2024

Endst. No. Even dated Shimla -I
Copy for information and further necessary action is forwarded to:-

1. The Additional Director, Women and Child Development, Himachal Pradesh, 4th Floor, Multi Storey MC Parking Complex, Bye Pass Crossing, Tutikandi, Shimla-171004 w.r.t. letter referred to the above.
2. All the Deputy Director, Inspection, in HP for information and further necessary action accordingly.
3. The Technical Officer, IT Cell of this Directorate to upload the same on the Departmental Website.
4. Guard File.


Director of Higher Education
Himachal Pradesh

No. WCD-SCPS (F)-1-10/23 (NCPCR)-890-905
Directorate of Women and Child Development, HP.
4th Floor, Multi Storey MC Parking Complex,
Bye Pass Crossing, Tutikandi, Shimla-171004.

To

1. All Deputy Commissioners
Himachal Pradesh.
2. The Director General of Police
Himachal Pradesh, Police Headquarters, Shimla-171002
3. The Director, Directorate of Higher Education,
Himachal Pradesh-Shimla-171001.
4. The Director, Elementary Education,
Lal Pani, Shimla-Himachal Pradesh.

Dated: 13-6-24

Subject:

Regarding recommendation to prevent illegal transportation of children.

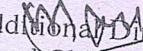
Madam/Sir,

Please find enclosed herewith a copy of the Chairperson, National Commission for Protection of Child Rights, New Delhi letter F.No. 99-05/2024/NCPCR/(PD)/DD 21793- dated 03-5-2024 on the subject cited above.

You are therefore requested to comply with the directions of NCPCR, New Delhi and send the requisite information to the quarter concerned under intimation to this Directorate please.

Encls:- As above

Yours faithfully

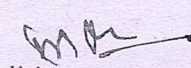

Additional Director
Women and Child Development
Himachal Pradesh

Dated:- 13-6-24

Endst. No. As above. - 906-919

Copy to:

1. The Secretary (SJ&E) to the Government of Himachal Pradesh with reference to letter No. SJE-A-F(10)-1/2011-II dated 15th May, 2024 for information please.
2. All the District Child Protection Officers for information and with a direction to enhance vigilance in their respective districts, to prevent the illegal transportation of children between locations and also issue instructions to Anti Human Trafficking Unit (AHTU) & Special Juvenile Police Unit (SJPU) of your respective District for the same.


Additional Director
Women and Child Development
Himachal Pradesh



प्रियंक कानुंगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 99-05/2024/NCPCR (PD) (DD 2179)

Date: 03.05.2024

To,

Chief Secretaries/Administrators of All States/UTs

Subject: Recommendation to prevent illegal transportation of children_reg.

Madam/Sir,

As you are aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body formed under CPCR Act, 2005 to ensure that children enjoy their rights and look into matters related to children from child rights perspective and is also the monitoring authority for implementation of the Right to Education Act, 2009 and other education related provisions for children provided under the Constitution of India.

2. Over the past few days, both the National and State Commissions have intervened to rescue numerous children who were being unlawfully transported across state borders. In one such incident, April 26, 2024, 95 children were rescued while allegedly being illegally transported from Bihar to Uttar Pradesh. The Uttar Pradesh State Commission for Protection of Child Rights (UP SCPCR) rescued the children in Ayodhya and presented them before the Child Welfare Committee (CWC). Following counseling sessions, orders were issued to relocate these children to the Government Children's Home for Boys in Lucknow.

3. Such incidents once again underscore the reality that many children in India continue to remain out of school and are susceptible to violence. The 95 rescued children were found to be attending unregistered Madrasas in the Saharanpur District of Uttar Pradesh. They disclosed that they were coerced into carrying bricks, cleaning toilets, and endured physical and mental abuse. Instead of attending formal schools, these children were confined to the Madrasa. It appears that in name of religious education, the children are deprived of their fundamental rights given under the Constitution of India and the Right to Education (RTE) Act, 2009. Section 3 of the Act provides to every child of the age of six to fourteen years the right to free and compulsory education in a neighbourhood school till the completion of elementary education. However, as per the reports the children were not sent to any formal school and subsequently were devoid of their right to benefit from the entitlements given under Right to Education (RTE) Act, 2009. Instances where such religious institutions are found to be fundraising in name of children and illegally transporting children could potentially amount to child trafficking, may attract the provisions of Juvenile Justice Act, 2015 and Section 370 of the Indian Penal Code (IPC). Section 370 of the IPC states that- *Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—*

Cont...

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

5th Floor, Chandernlok Building, 36, Janpath, New Delhi-110 001

दूरभाष / Ph. :011-23478212, 23478200

ई-मेल / E-mail : cp.ncpcr@nic.in वेब / Web:www.ncpcr.gov.in

04.05.24
S.S. (SJE-A)

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4/5/24

SOA

6/5/24


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- i. using threats, or
 - ii. using force, or any other form of coercion, or
 - iii. by abduction, or
 - iv. by practising fraud, or deception, or
 - v. by abuse of power, or
 - vi. by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking

4. In accordance with the mandate outlined in section 13 (1) of the CPCRA Act, 2005, the Commission recommends following steps-

- i. Ensure that all children in the age of 6-14 years are enrolled in neighbourhood schools and receive formal education;
- ii. Ensure that in all such cases where it is found that money is being raised in name of children and children are illegally taken from one place to another, the concerned investigating officer may consider taking action in light of Juvenile Justice Act, 2015 and Section 370 of the Indian Penal Code;
- iii. Issue necessary directions to the District Collector/Magistrate of all Districts in your State/UT to enhance vigilance in their respective districts, thereby preventing the illegal transportation of children between locations. Additionally, the District Child Protection Unit (DCPU), Anti-Human Trafficking Unit (AHTU), and Special Juvenile Police Units (SJPU) should be instructed to conduct routine inspections and monitoring to deter such occurrences.

5. The compliance of the above recommendations may be send to the Commission within 15 days of issue of the letter.

Yours sincerely,


3.05.2024
(Priyank Kanoongo)

Copy to-

1. Secretary, Department of School Education & Literacy, Ministry of Education, New Delhi. Email: secy.sel@nic.in -- for issuing necessary directions as per point 4(i)
2. Chairman, Airport Authority of India. Email: chairman@aai.aero --to issue necessary directions to all concerned officers to be vigilant for any signs of child trafficking
3. Chairman, Railway Board & Chief Executive Officer (CEO). Email: crb@rb.railnet.gov.in---to issue necessary directions to all concerned officers including RPF and GRP to be vigilant for any signs of child trafficking
4. Director General of Police of all States/UTs.