

Recommendations of the Commission in this matter (CR-278/2011) is prepared and placed on flag "A" for concurrence, _____

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pjrcpas-96

3/9

9-9-2015

A. N. Tripathi

Secretary

MSCPCR

Chairman (Incharge)

Sub
11/9/15

In order

3/9
15/9/2015

Before the Maharashtra State Commission for Protection of Child Rights.

Enquiry, under section 13 (1) and 14 (1) of the Child Right Protection Act, 2005

Case No.278/2014

Shri Navnath Kamble

Petitioner

Vs.

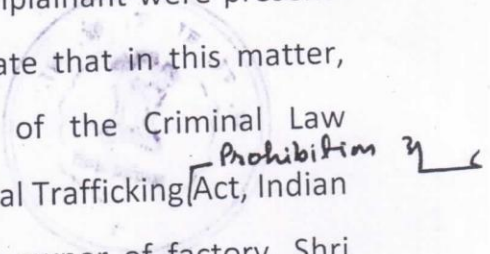
Police Inspector, Ghatkopar Police Station
and CWC, Dongri.

Respondent

Background:-

This matter has been filed by Shri Navnath Kamble, Program Officer, Pratham, an N.G.O., working in the field of child rights, mentioning that on 26th October, 2014, a child name Kumar Vishal Gupta aged 11 years, when spotted by some person, in pathetic condition and after enquiry, it appeared that he was working with one Rajdeep Chaudhari, and mercilessly beaten by him with wooden stick on 22nd October, 2014. The child was admitted in the hospital. The complainant has requested for registering F.I.R. against the employer and to treat this matter in term of rehabilitating the child under the Juvenile Justice Act.

2. The Commission took the cognizance, issued the notices to the parties, listed the matter on 8th December, 2014. P.S.I., Ghatkopar Police Station, C.W.C. Member and Protection Officers alongwith complainant were present. The papers produced by the Protection Officer indicate that in this matter, police has applied provisions of section 370 of the Criminal Law (Amendment) Act, 2013 alongwith provisions of Immoral Trafficking Act, Indian Penal Code, Child Labour Prohibition Act against the owner of factory, Shri Chaudhari and his brother Shri Dilip Chaudhari. The child has been sent to the



Children Home under the custody of Child Welfare Committee. The Volunteer of Pratham who was present during the hearing, submitted that in his statement child Kumar Vishal, informed that other two children who were also engaged as a child labour in the factory of alleged accused Shri Chaudhari, are untraceable. In this case, the police has submitted report on 5th December, 2014 before the Commission mentioning that in this matter both the accused have been arrested and produced before the Hon'ble Court and now got the bail from Hon'ble Court. The procedure to handover child to his parents by getting the permission from C.W.C. is in process. In this matter, the investigation is going on and after finalization of the investigation, charge sheet shall be filed. The Commission directed the police to trace other two children and submit the detailed report.

2. Following the order given by the Commission on 8th December, 2014, no report is received from the police, therefore, submission, made by the complainant regarding other two children, has not been complied.

3. In view of above, the Commission is making following recommendations:-

(i) The concerned police officer is directed to submit the detailed report including the status of other two children who were also engaged as child labour as mentioned by the complainant on 8th December, 2014.

(ii) To submit follow up action report in the matter of child who has been handed over to his parents.



By order and seal of the Commission

(A. N. Tripathi) 15-9-2015
I.F.S.

Secretary

Maharashtra State Commission for Protection
of Child Rights.

Date:- 15 SEP 2015