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Recommendation of the Commission regarding this case i.e. file No CR-287/2014 is prepared and placed on flap A" for concurrence.

3/8
1.8.2015

A.M. Tripathi
Secretary
MSCPCR

~~Chairman (Incharge)~~

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3/8/15

In order

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Before the Maharashtra State Commission for Protection of Child Rights.
Enquiry, under sections 13 (1) & 14 (1) of the Child Right Protection Act, 2005
and section 31 of the Right to Education Act, 2009.

C.R.No.287/2014

Suo-Motu

Introduction:-

This matter has been taken up by the Commission on the basis of letter received from the Deputy Director (Education) in which it is mentioned that 11-year old girl studying in the city international school was made purely was sexually assaulted by the attendant and driver of the bus engaged by the School to transport the student. The report reveals that attendant of the bus with the help of bus driver raped the child and sexually assaulted at several occasions. The matter was reported by the father of the victim to the Principal and director of the School. No cognizance was taken by the Principal. Therefore, father of victim approached the police and registered F.I.R. This matter appeared in the newspaper also. Education Department had constituted a Committee to enquire the matter. The Committee has submitted report and fixed the responsibility to the Principal and director of the School and Others. The Committee has recommended to cancel the NOC issued in favour of the School and to initiate the proceeding under the provisions of IPC.

2. Considering the gravity of the case, the Commission took the cognizance, listed the matter, and called the parties, i. e. Police Inspector, Education Department and School's authority. The School Education Department has submitted a detailed report mentioning action as taken on the recommendation of committee. Police has submitted a report mentioning that driver and attendant of the bus has been arrested. They have been booked under the various provisions of IPC and POCSO Act. Principal and director of

the School, both have been included as an offender. However, they have got anticipatory bail. The police has filed chargesheet against all the accused in the Court and now matter is in the Court. The owner through its Managing Director and present Principal appeared before the Commission on 13th March, 2015 submitted a detailed report saying that then Principal and Director have been suspended. The School has taken preventive and precautionary measure in case of hiring the services of bus. The school authorities were not aware about the incidence happened with the victim, they have also submitted that bus by which victim were travelling from her house to school was not hired by the school.

3. The report of the Education Department reveals that bus on which this incident happened used the name plate of the school and also keeping the bus in the school premises. Therefore, it cannot be admittable that bus was not hired by the school. Thus, negligence by school's authority cannot be ruled out. The R. T. E. Act and Rules made thereunder is very clear and prescribe the detailed guidelines with respect to the safety of the children including the hiring of services for transporting the children. This Commission has also made a detailed guidelines on the issue of security and protection of the children during transportation..

4. During the time of hearing on 13th March, 2015, it was decided by Commission to call the police officer and education officer. Since they were not attending the Commission, however, the report from the police department received in the office of the Commission on 13th March, 2015. Therefore, on the basis of the report of the police and available documents submitted by the School Education Department. It has been decided to make the recommendation.

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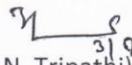
5. As in this matter, legal action has been taken by the police, but action against the school authorities including the trustee of the school by whom's omission, it happened, and as reported by the Education Department need to be followed.

6. In view of the recommendation made by the School Education Department, action taken by the Police, the Commission is making the following recommendations:-

- (i) NOC given to the school should be cancelled as recommended by education officer (primary).
- (ii) Proper arrangement should be made by the school to transport the children from their home to school.
- (iii) Bus attendant and conductor should be lady in case of girl child.
- (iv) Police verification is required prior to engage the services of private Contractor. C.C.Camera should be installed in each and every bus and that should be monitored by the school principal.
- (v) Daily counselling of the children in term of behavior of the attendant, driver and conductor towards them should be carried on and report card should be prepared and be placed in the meeting of PTA.
- (vi) Services of hiring buses should be finalized with the consent of PTA.



By order and seal of the Commission


(A. N. Tripathi)
I.F.S.

Secretary

Maharashtra State Commission for Protection
of Child Rights.

Date:- 31 AUG 2019