

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

13 JUN 2019

EDN-H-Ele(4)MC/WCS/2018-Sexual Harassment
Directorate of Elementary Education
Himachal Pradesh, Lalpani Shimla-1
Dated Shimla -171001 the

13 June, 2019

To

MA
All the Deputy Directors of Elementary Education in
Himachal Pradesh

&

All the BEEOs/CHTs
Govt. Primary School in Himachal Pradesh

Subject:-

**Protection of children from sexual offences (POCSO) Act,
2012 and Instruction thereof.**

In the recent past there have been some incidents of sexual abuse against the school children in the Educational Institutions. Section 19 of POCSO Act provides as under:-

(1) Any person (including the child) who has apprehension that an offence under this Act is likely to be committed or has knowledge that such offence has been committed he shall provides such information to :-

- (a) The Special Juvenile Police Unit or
- (b) The local police.

Further Section 21 of the said act provides as under:- (1) Any person, who fails to report the commission of an offence under sub section(1). of section 19 or section 20 or who fails to record such offence under sub section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provision of sub-section(1) shall not apply to a child under this act.

As such in view of the above provision of the POCSO Act, 2012 requires mandatory reporting of cases of child sexual abuse to the law enforcement authorities i.e. the special juvenile Police Unit or the local Police and applies to everyone including parents/in-charge/staff of the institution/school. Failure to report to the authorities any apprehension of offence likely to be committed or knowledge that such offence has been committed is an offence under the Act. This provision of the act casts a legal duty upon a person who has knowledge that a child has been sexually

G-11
1458
5/08/19
3/7/19
5/7/19

abused. Thus a person/in-charge/any member of staff/institution has to report any apprehension of offence likely to be committed or knowledge of such offence promptly to the authorities mentioned in section 19(1) clauses (a) and (b) and no attempt made to hush up or get the matter compromised. Any such attempt would make the in-charge/staff of the concerned institution/school liable to be criminal/departmental action.


In view of the above, it is directed that as and when in-charge/staff of institution/school comes to know or receives the information with respect to commission of any offence under the POCSO Act the following action shall be taken immediately:-

- 1) Any official (JBT/PTWC etc.) of Primary School will inform the incident immediately to Police and lodge FIR instantly. CHT/HT/Senior most teacher will immediately report to Police and lodge FIR instantly. He/She will also report the offence to DDEE/DDHE immediately for information and necessary action. As per the Section 21(2) any person, being incharge of any company or an institution who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment of a term which may extend to one year and with fine. He will also be liable for action as warranted by law.
- 2) BEEO will ensure that if FIR has been lodged or not. He will also report to DDEE immediately for information and necessary action.
- 3) The teacher incharge/any teacher/official alone in middle school will immediately report to the Police and Lodge FIR instantly. Secondly he will also inform the incident to the Principal of controlling school.
- 4) The appointing authorities will pro-actively take disciplinary action under CCS Conduct rule 1964/ (CCA) rules 1965 against the offender immediately.
- 5) Parents/guardians should be guided and sensitized the security of their wards. The security issues should be discussed during monthly meetings of School Management Committee and teachers. The School Management Committee should also discuss the protection issues in the meetings and ensure the security of students.
- 6) Child toll free No. 1098 should be conspicuously displayed in the school at prominent places and students should be trained to contact this number in case of any emergency and difficulty circumstances.
- 7) Govt. of India, National commission for Protection of Child Right has launched the online solution "e-box" for redressing grievances related to POCSO. The NCPDR 'e-box' button shall enable the children/students to lodge

online registration of grievance pertaining to sexual offence committed against any child. It enable the children/students to register their complaints in a simplified manner by visiting NCPCR website(<http://www.ncpcr.gov.in/>) and click on e-box. Therefore, maximum children and other stakeholders may be made aware of this facility. It is also directed that this link regarding e-box may be displayed on the entrances, all notice board and in the class rooms of the school mandatory.

8). The students/children must be encouraged to report such case(s), if any, to Senior teacher, chairperson of sexual Harassment committee, Class Teacher or their Parents whoever they feel easy to approach. No such case(s) be hidden at any cost by any person/official concerned who have the knowledge of any such incident(s).


The instruction mentioned hereinbefore may be adhered to and implemented in letter and spirit. Any laxity in this matter will be viewed seriously.


Director
Directorate of Ele. Edu.
Himachal Pradesh, Shimla-01
Eleedu-hp@gov.in
0177-2812464

Endst No Even Dated Shimla-171001 the June, 2019

Copy to:-

1. The Principal Secretary (Education) to the Govt. H.P. w.r.t. their letter No. EDN-C-B(15)-13/2015(Chamba) dated 11-02-2019 and 15-03-2019 for information and further order please.
2. Guard File.


Director of Ele. Edu.
Himachal Pradesh, Shimla-01
Eleedu-hp@gov.in
2860 0177-2812464

ENDST NO. - EDN-U(G-11) Elem/ Sex. Harass. Committee
office of the
Dy Dir. Ele. Edu. Una, Distt. Una
Dated :- 16/07/19

The copy of original letter is being forwarded to all the Principals/Headmasters and all the BEEs for information and necessary compliance. And all the above said heads are directed to read the instruction on the subject attached casefully.


Deputy Director of Elementary
Education Una, Distt. Una (H.P.)