

**GOVERNMENT OF WEST BENGAL  
SCHOOL EDUCATION DEPARTMENT  
Bikash Bhavan, 5<sup>th</sup> Floor, Salt Lake City, Kolkata - 700091**

NO: 740/1-SE (LAW)/SL/5S-356/18

Dated: 26/06/2019

**REVISED NOTIFICATION**

This is to notify about certain changes which have been made with respect to the notification bearing No.739-SE (LAW)/SL/5S-356/18 dated: 26.06.19 in relation to the Guidelines (Child Safety from Sexual abuses in School), wherein the list of members comprised under the State Level Nodal Committee in **page 36, "A Representative of Home and Hill Affairs Dept. not below the rank of Joint Secretary"** and **"The State Project Director (SPD), Paschim Banga Sarva Shikha Mission (PBSSM)"** have been inserted as members.

And, in the list of members comprised under District Level Nodal Committee in **page 38** the **positions of DPO,SSM ( previously in Sl. No. 3.) and DIS(SE) (previously in Sl. No. 4) has been interchanged with each other placing DIS (SE) in Sl.No.3 and DPO, SSM in Sl.No.4.**

Other contents of the notification remain same.

**THE COPY OF THE NOTIFICATION REVISED IS ENCLOSED HEREWITH.**

By order of the Governor,

Sd/-

Pr. Secretary to Government of West Bengal

Enclosed: As Stated.

No. 739/1-SE (LAW)/SL/5S-356/18

Date: 26.06.19

**NOTIFICATION**

1. In compliance with the direction of the Hon'ble Calcutta High Court passed in WP 31138 (W) of 2017 dated 16th November, 2018 and in pursuant to provision of the Revised Final Report dated 16th November, 2018, the Governor is hereby pleased to constitute the State Level Nodal Committee comprising of following members:

Sl. No.	Name & Designation	Role in the Nodal Committee
1.	Commissioner, School Education.	Chairman
2.	An officer of School Education Department in the rank of Joint Secretary as nominated by Pr. Secretary of School Education Department	Member
3.	Dy. Director in the School Education Directorate as nominated by Commissioner, School Education.	Member-Convener
4.	Representative of Chairperson, WBCHSE	Member
5.	Representative of President, WBBSE	Member
6.	Representative of President, WBBPE	Member
7.	An expert with law background – A Law Officer of School Education Department.	Member
8.	Representative of Home and Hill Affairs Dept. not below the rank of Joint Secretary.	Member
9.	Representative of Social Welfare Dept. not below the rank of Joint Secretary.	Member
10.	Representative of Health and Family Welfare Dept. not below the rank of Joint Secretary.	Member
11.	SPD, PBSSM.	Member
12.	Representative of Kolkata Police not below the rank of DC(P).	Member
13.	Representative of West Bengal Police not below the rank of SP.	Member
14.	Nominee of WBCPCR.	Member
15.	Nominee of UNICEF (Kolkata).	Member
16.	Any other member(s) to be co-opted by the Nodal Committee.	Member(s)

2. The State Level Nodal Committee shall perform the following activities in respect of child safety from sexual abuses in school:

a. Implementation of the Guideline: The Nodal Committee will take all out efforts and necessary action to implement the guideline at the school level through other levels of Nodal Committees. Necessary orders and circulars may be issued from their end in this regard with the approval in the School Education Department.

The Committee will for send quarterly report to the Department as to the progress of work apart from the regulatory reports as in the guideline. Apart from this, the Committee will send other reports as may be asked by the Department as & when needed.

The Committee will preserve all the State Level records as its level and maintain a data base also.

If any Standard Operating Procedure (SOP) has to be developed, it has to be made by the Committee. State level Nodal Committee shall seek the assistance of School Education Department, as and when needed.

b. Awareness among the school staff: The Nodal Committee would be responsible for spreading awareness amongst the school staff in schools within the state, by conducting sensitisation efforts and disseminating complete information about the extant laws, procedures and these Guidelines in relation to sexual harassment and/or abuse of children in school(s). As part of this responsibility, the Nodal Committee would prepare necessary awareness materials, conduct workshops for training school staff and be authorised to issue certifications to the school staff who complete the necessary training.

c. Sensitization of Parents: The Nodal Committee would also be responsible for requiring the school staff to include the parents and guardians of school children in the awareness and sensitization efforts mentioned in (a) above, so as to sensitize them as to the legal framework and introduce them to the local law enforcement procedures pertaining to child sexual abuse cases.

Parent-volunteer run awareness programs can be designed to coincide with the Parent-Teacher meetings.

d. Minimum Syllabus of the Awareness Material: The Nodal Committee would ensure that the awareness material provided by it, at the minimum covers the relevant provisions of the IPC, the POCSO Act, the Juvenile Justice Act, the CPCR Act and necessary provisions of Code of Criminal Procedure such as filing of FIR, registration of complaint with the Magistrate and these Guidelines. The syllabus shall provide special emphasis on the rights of the victim-child such as the right to medical treatment, the right to compensation, the right to receive counselling support from the DCPU, the right to have a support person appointed by the DCPU through the CWC and the right to engage a lawyer and the right to receive free legal aid from the DLSAs.

e. Certification Test: Upon completion of the sensitization and training efforts discussed above, the Nodal Committee would conduct a test based on the learning material distributed, to assess the awareness of the school staff. It shall be made mandatory for the staff of the school to appear for the test. Certificates would be awarded upon successful completion of the test. Such test(s) may be conducted annually.

f. Building local networks: The Nodal Committee would also ensure that the awareness initiative undertaken by it for schools in the state includes regularly bringing together and creating an acquaintance and a network between all the relevant stakeholders (in child sexual abuse cases), including the local police department, SJPU, DCPU, CWC, public prosecutors and medical community and Child line with the school staff. The support of Civil Society Organization that works in child rights, in particular on child sexual abuse shall also be sought by the Nodal Committee.

g. Annual Reports: The Nodal Committee would ensure that each school in the state (irrespective of the Board of Education the school conforms to, their ownership pattern or any other special criteria) shall be responsible for preparing an annual report and/or such other periodic reports containing such information and details as may be required by the Nodal Committee, to be submitted to the Nodal Committee. The report(s) will *inter alia* include the steps taken towards implementation of the Guidelines, receipt of any complaints of sexual harassment, steps taken to respond to the complaint(s), the present status of such complaint(s), steps taken vis-à-vis the accused person(s). Consequences of failure to submit an annual/periodic report shall be prescribed by the Nodal Committee. Notwithstanding anything stated above, the Nodal Committee will ensure that each school in the state immediately reports any incident of child sexual abuse in its premises to the Nodal Committee, along with steps taken by such school to respond to the complaint(s) by the school.

h. Nodal Committee to act as Support Centre: The Nodal Committee would act as a support centre in respect of ongoing investigations relating to child sexual abuse cases in schools in the state, to the extent of building of local networks as mentioned in point (e) above, and putting schools and parents of victim-children in touch with the relevant authorities.

i. Ensure accountability of schools: The Nodal Committee shall ensure accountability of schools, by acting as a forum for complaints to be made against any school in the state that flouts any provisions of these Guidelines. Such complaints may be made by parents or any other person and the Nodal Committee shall, upon receipt of any such complaint, make relevant inquiries and take necessary actions against the school(s) in question, including, directing the school to comply with the Guidelines and penalise them in case of non-compliance; The Nodal Committee may also *suo motu* make inquiries against any school in the state and take necessary actions, if it comes to its notice that such school has been flouting any of the Guidelines.

j. Accountability of the Nodal Committee: The Nodal Committee would be required to annually publish details of the work done by it (as described above) online and/or through such other means and in such other media as may be prescribed, which would be accessible to the general public. The provisions concerning confidentiality outlined in section C (ii) and (iii) of these Guidelines shall be fully applicable to the Nodal Agency.

3. There shall be District Level Nodal Committee under the leadership of concerned District Magistrate with following members:

Sl. No.	Designation	Role in the Nodal Committee
1.	District Magistrate ✓	Chairman
2.	Superintend of Police of the District ✓	Member
3.	DIS (SE)	Member-Convener
4.	DPO, PBSSM	Member
5.	DIS (PE)	Member
6.	District Social Welfare Officer.	Member
7.	An expert with law background to be nominated by DM.	Member
8.	Any other member(s) to be co-opted by the Nodal Committee	Member(S)

Similar activities have to be performed by the Committee as applicable to State level Nodal Committee.

4. There shall be Sub-Divisional Committee under the leadership of concerned Sub-Divisional Officer comprising of the members as may selected by SDO concerned. The District and/or Sub-Divisional Committee shall assist the State Nodal Committee and shall perform such activities as entrusted by the State Level Committee.

Similar activities have to be performed by the Committee as applicable to State level Nodal Committee.

5. The State Nodal Committee shall prepare and furnish the annual report to the State Government in respect of their performance.

6. For the purpose of this notification, "School" means any school from Pre-Primary to Higher Secondary level which receives aid from the State Government to maintain its' affairs. It also includes the unaided school(s) affiliated to the Board(s), Council constituted under the Act(s) of the West Bengal State Legislature.

7. This shall have immediate effect, until further order.

By order of the Governor,

Sd/-

Pr. Secretary to Government of West Bengal