The National Commission for Protection of Child Rights (NCPCR) is constituted as a Statutory Body of Government of India under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to exercise the powers conferred on it and to perform the functions assigned to it under this Act. One of the functions of the Commission under Section 13 (1) (j) of the CPCR Act, 2005 is to inquire into and to take suo motu cognizance of the complaints violations/deprivations of child rights. The Commission, under Section 14 of the CPCR Act, 2005, has all the powers of a Civil Court in trying a suit under the Code of Civil Procedure, 1908.

2. The Commission took suo motu cognizance of the information passed on by the Child Welfare Committee at Nirmal Chhaya Complex, on 09.05.2012 about three girls who reportedly have run away from a Home: ‘Bharat Vikas Sangh’, Surinagar Colony, Rohtak, and gave their statements to the CWC regarding alleged gross violations of child rights, including, the following by: the owner of the Home - Ms. Jaswanti; her daughter, one Ms. Sushma alias Simmi who is also the Coordinator of her Organisation as the Childline Partner in Rohtak; and one Mr. Jaibhagwan reported to be the son-in-law of the owner (not Simmi’s husband):-

   a. Disrobing the young girls, tying them to iron grills and beating them with iron rods & wooden sticks;
   b. On slightest pretext of indiscipline making the children go without food and water for days ranging 1 to 3;
   c. Children subjected to verbal abuse and hitting on the private parts of girls;
   d. Using the children as domestic helps and sending them to her own home, home of her daughter and others without any remunerations;
e) Forcing the children to work in agricultural fields (a good number of sickness have been reportedly found in the premises by the police).

f) Sexual molesting of girls by Mr. Jaibhaugwani, reportedly the son-in-law of the owner of the Home.

g) Abandoning mentally challenged women from the Home in trains / bus stops in the middle of night;

h) Allegedly selling / giving away of babies / infants in adoption without the consent of biological mothers or even following norms for adoption of destitute/orphaned children;

i) Reportedly restoring children to mothers/relatives without any specific orders from CWC and without conducting any Inquiry as required under section 33 of the JJ Act, 2000.

3. A Team from NCPCR, led by the undersigned, Dr. Dinesh Laroia, Member, NCPCR; Dr. Ramanath Nayak, Sr. Consultant, NCPCR & Mr. Ajay Kumar, Project Coordinator, NCPCR visited the said Home (Bharat VikasSangh) late in the evening on 09.05.12 in the presence of the ADC (DC being out of station); SDM, SSP, P.O.-ICDS, and CDPO Rohtak.

4. During the interaction with the girls in the said home, they narrated horrific details of sexual abuse, exploitation, molestation by an adult male, physical abuse and forced labour etc. The children also informed the team that they were not being allowed to go to a formal school and even those children who were sent out to a private school, were recalled and were not allowed to attend the formal education. When the owner of the home was questioned as to why the children were not put in the formal school, she informed the team that “the environment in the neibourhood Govt. school is not good.”

5. The Home in question is registered under Section 34 (3) of J.J.Act, 2000. The organisation (Bharat VikasSangh) is reportedly running/implementing the following institutions/programmes / schemes:

(i) Swadhar;

(ii) Children Home for Boys & Girls (upto 10 years) - "ApnaChar";

(iii) Nari Sadan (reportedly merged with Swadhar, w.e.f. 01.05.12;)

(iv) Short Stay Home for Run Away Couples;

(v) Home for Mentally Challenged Women;

(vi) Childline Collab Organization (with Ms. Sushma alias Ms. Simmi, daughter of Ms. Jaswanti owner of the organization, as Coordinator);

[Ms. Jaswanti is reportedly the owner/Chief Executive of the organizations/Institutions/Projects mentioned at (i) to (v) above].
6. Even the elder inmates presented very pathetic and appalling condition prevailing in Nari Sadan & Home for Mentally Challenged Women, whose Statements have also been recorded by the Dy. S.P. and S.P. present at the site. The Home, it seems, has not been put under the radar of inspection mechanism just because it was presumed to be a Home registered under Section 34(3) of JJ Act and the tales narrated could only be termed as sickening and shocking. The ADC was requested to conduct a detailed/indepth inquiry into the running/operations of the Institutions/Programmes/Schemes mentioned above and submit a report at the earliest but not later than 30 days.

7. The six girls, who had been transferred to the above-mentioned Home in question (of Bharat Vikas Sangh) from the tainted /closed Drone Foundation in Gurgaon, informed that for the past two months of their stay, they have been engaged only in cleaning & sweeping.

8. Considering the fact that there are significant number of children (65 of less than 18 years found on the spot against 56 mentioned in the attendance register) presently living in the premise of Bharat Vikas Sangh and the mutual bonding achieved over the long period of their stay, it would not have been appropriate to shift them all of a sudden to some other Home. It was therefore decided by the ADC to appoint the P.O.-ICDS as Administrator of the Home to be assisted by other district officials for the day-to-day operations and monitoring of the Home as an interim measure (until a regular arrangement is put in place by the State).

9. The following immediate measures were recommended to the District Administration by the Team, which are formally forwarded to the State Government of Haryana for further necessary action(s), follow-up and reporting to NCPCR:
   
   (i) To appoint an Administrator and his/her support staff (as mentioned in point 8 above) and to put regular arrangements in place.
   
   (ii) To provide due security to the Home and the children with a PCR Van stationed outside the premises and having deployment of plain clothed policewomen on shift duties, even for their escort to school in the company of the newly designated Home functionaries.
   
   (iii) To enroll all children of the Home into age appropriate classes in a neighbourhood school (less than a kilometer) for ensuring their right to free and compulsory education in a full-time formal school within a week’s time. Accelerated learning (crash course) for older children may be arranged through a special NRBC set up by the SSA in the premise itself dedicatedly for such children. This is significant since the children have not been allowed to go to school and even some of them have been recalled from the school.
   
   (iv) To enroll all children of the Home below 6 years in the nearest AWC immediately.
   
   (v) The CWC, Rohak to have continuous Sittings in the Home for: (a) completing Social Investigation Report (SIR) and Individual Care Plan for every child, (b)
monitoring/supervision of the management/running of the Home and the conditions of the living, care, health and education of the children living therein.

(vi) The District Child Protection Officer, the District Programme Officer (ICDS), the District Probation Officer, the local CDPO, CMO, Dy. SP, DPC (SSA), District Education Officer to render all assistance to the CWC under the day-to-day guidance of the ADC for the long term care, treatment, education and rehabilitation of the children of the Home.

(vii) Since it has been reported that some babies have been given away (purpose not known), a proper investigation be conducted into such missing infants / babies by the AHTU/CB CID of the State at the earliest and report to NCPCR.

(viii) To arrange medical checkup of all inmates by deputing a medical team from the District Hospital/Med. College of Rohatig. Compliance to NCPCR be sent in 15 days.

(ix) To provide proper counseling to the children who have been sexually abused and assaulted by a counselor/psychiatrist within 10 days;

(x) To freeze immediately all the bank accounts held in the name of the Organisation/Institutions in question or their owner/Chief Executive (Ms. Jaswant) and also in the name of her daughter and son-in-law as mentioned above;

(xi) To have a complete audit of all financial transactions by the Organisation/Institutions in question through the Local Fund Auditor within 10 days and also through an Audit Party requisitioned from the Office of the Accountant General within 2 months, since the entries in the bank statement, when inquired by the ADC from the owner of the Home, were not satisfactorily responded.

(xii) It was also reported to the team by the children that in the past few months a few deaths had taken place, however no record of deaths, MLC or even any Post Mortem Certificates could be made available to the team by the owners, coordinators. Criminal cognizance of these serious allegations need to be seriously probed into and investigated. Compliance be reported to the Commission.

(xiii) It was informed that the owner used to abandon the mentally challenged inmates on railway platforms/bus depots/on highways, far off from the Home and her driver one Mr. Satish was an accomplice in this heinous act. This needs to be probed/investigated into and attempts be made by the administration to recover those inmates. Compliance report in this regard be sent to MWCD & NCPCR at the earliest possible.

(xiv) Children sharing the premises with mentally depressed/challenged women need to be segregated to achieve a balanced & healthy attitude of children. Compliance to be sent within 20 days.

(xv) HIV+ children shifted from Drone Foundation and other children if any with HIV+ status, care be taken to follow the guidelines through proper ART counters. Also if such children are harbouring any other contagious diseases, the same need to be managed accordingly.
(xvi) District Administration to map all Child Care Institutions (CCIs) operating in the District, forward a list of such mapped CCIs to HQs and make arrangements for their registration under Sec34 (3) of the JJ Act 2000. A compliance report to reach the Commission within 45 days, as already a substantial time has been provided to the State Govt.

(xvii) A robust and sincere inspection mechanism of all the CCIs to be put in place at the earliest. Any laxity in reporting or wrong reporting to be taken a serious view of by the administration and suitable penal action/disciplinary action be initiated in all earnest. Confirmation to be sent to NCPCR within 30 days.

We look forward to hearing from the State Government at the earliest on the Action Taken as per the timeline proposed above.

Yours sincerely,

(Vinod Kumar Tikoo)
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