OFFICE OF MEMBER, NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

As per the directions of the Ministry of Women and Child Development the undersigned alongwith Chairman, CARA and Shri C. K. Reejonia, Under Secretary visited SAHIB DEVI KALYAN AVAM SHIKSHA SAMITI, ANATHASHRAM, 8/40, SUBHASH NAGAR, NEW DELHI ON 11-12 MAY 2007 to enquire into the incident of sexual abuse of children that appeared in the media a few days ago. A report on the visit is placed below for appropriate action.

(Sandhya Bajaj)
Member,
National Commission for Protection of Child Rights
14.5.2007

Secretary, WCD

Copy to Chairperson, NCPCR
REPORT OF THE VISIT TO SAIHIB DEVI KALYAN AVAM SHIKSHA SAMITI, ANATHASHRAM, 8/40, SUBHASH NAGAR, NEW DELHI ON 11-12 MAY 2007.

As per the direction of the Ministry of Women and Child Development the following two-Member Committee visited SAIHIB DEVI KALYAN AVAM SHIKSHA SAMITI, ANATHASHRAM, 8/40, SUBHASH NAGAR, NEW DELHI ON 11-12 MAY 2007 to enquire into the incident of sexual abuse of children that appeared in the media a few days ago:

2. Shri J. K. Mittal, Chairman, Central Adoption Resource Agency.

Shri C. K. Reejomia, Under Secretary, Ministry of Women and Child Development also accompanied the Committee.

The Committee reached the site of aforesaid Anathashram at 5.00 pm on 11th May 2006 and found the main gate of the Ashram closed. Inspite of best efforts no one opened the gate. The Committee had to call police for help. Shri Ramesh Kumar, SI came to the site and tried to get the gate opened. Meanwhile, people started to gather around the Ashram and gradually the crowd got divided into two groups. One group was of the view that the owner, Shri Gopalkrishna Makhija, who is about 70 years old, has devoted his whole life and property for this Ashram and now facing the wrath of the public for the misdeeds of someone else. The other Group was of the opinion that since the incident has occurred in the Ashram which is owned by Shri Makhija, it is his responsibility and he should be punished. The matter became very sensitive. Since the gate of the Ashram was not opened till 7.00 pm, it was decided by the Committee that it is not appropriate at this time to ask Police to forcefully open the gate. Instead it was decided to visit the Ashram next day in the morning and ask Police to get the gate of the Ashram opened at 11.00 am on 12th May before the visit of the members of the Committee. It was also agreed by the Police. Therefore, the Committee withdrew to visit the next day.

The Committee reached the site at 11.00 am on 12th May 2007 and found the gate of the Ashram opened. ASI, Shri Kanhaiya Lal, who is also Inquiry Officer of the case, accompanied the members of the Committee. There were owner of the Ashram, Shri Gopalkrishan Makhija and two of his employees available at that time. The Committee enquired from the Shri Makhija and the employees about the incident. It was informed by Shri Makhija that he started this Ashram several years ago for orphan children and also for children who are abandoned by their families or the families who are not in a position to keep their children due to financial and other reasons. He is running this orphanage with his own earnings, pension and donations. He has also applied for the renewal of license for the orphanage. Some of his friends from neighborhood also help him in running this Ashram as a social work.
About the incident of sexual abuse of children in the Ashram Shri Makhija told the Committee that the accused, Shri Virender Kumar alias Bala, aged about 50 years is known to him since long. He is unmarried and addict to liquor. Shri Makhija brought him to this Ashram in January 2007. Bala used to do small things for the Ashram. A few days before the incident which happened in the night of 29 April 2007, Bala had an altercation with one of the employees of the Ashram and Makhija asked Bala to leave. Bala told Shri Makhija that he would leave the Ashram in a next few days. In the morning of 30th April 2007 Makhija got complaints from children about Bala. Meanwhile, mother of one of the children who was sexually abused by Bala in the night of 29 April along with four other children after hearing about the incident from his son, Rahul, aged 8 years, went to Police and complained. The Police got the accused arrested and the children were medically examined. The incident also appeared in media, by NDTV. It was informed by the Inquiry Officer that a case under Section 377 has been booked against Bala. According to Shri Makhija, he wants to run the Ashram peacefully and want the Police to take appropriate action against the accused. The Committee observed that there was no Warden or Caretaker in the Ashram.

The Committee took a round of the Ashram. It is situated in a four storey building. The ground floor is occupied by shops and there is a school on the first floor which is run by the wife of the owner. The Ashram is situated on the two top floors of the building. As per Shri Makhija, there were 28 children at present, aging from 5 years to 19 years old. The Committee inspected the rooms of the children, the kitchen, hall and other utilities. The Committee also interrogated the children. It was told by children that younger children are going to nearby school and elders are looking for jobs. It was learnt from children that they are getting three meals in a day, breakfast, lunch and dinner and that they used to get milk, paranth, dal-chawal, subzi-roti. One of the children was Ashish, 14 years, who have gone to do catering work in a marriage in the night of 29th April. Most of the children said they were not there or they were not aware of the incident. The Inquiry Officer, Shri Kanhaiya Lal, identified the four children who were reportedly abused by Bala on the night of 29th April. They were Sachin (8), Gagan (10), Shankar (8) and Sunil (10). Rahul (8) has already been taken by his mother. The Committee after taking children into confidence enquired about the incident. All the four children admitted that they were sexually assaulted on that night. One of them even said that Bala has been assaulting him for last six days and when he complained to Shri Makhija it was replied by Shri Makhija that he will throw out Bala as well as the child. Shri Makhija, however, denied this. The children did not seem to have any complaint against Shri Makhija and they seem happy in the Ashram.

Major observations by the Committee:

- Shri Makhija is an old person and it is not possible for him to look after the Ashram.
- There is no Warden or Caretaker and children of all ages are living together.
- There was negligence on the part of the owner of the Ashram for allowing such incident to occur.
Major recommendations:

- Since Ashram is in operation without appropriate license, the State Government should take necessary action in this regard.
- The five children should be given proper counseling.
- Police should investigate all issues.
- All the children should be shifted to some Government run Home at the earliest.
- The Central Government should direct to all the State Governments that at the time of issuing/renewing license to Private Homes/Orphanages proper inspection regarding state of building, sanitation and adequate safety and security measures should be done.

(SANDHYA BAJAJ)
Member,
National Commission for Protection of Child Rights
14.5.2007

(J. K. MITTAL)
Chairman,
Central Adoption Resource Agency
14.5.2007