

Commission's recommendation is prepared and placed on "file A" for concurrence.

31
28/5

A. N. Tripathi
Secretary
MSCPCR

Chairman (Incharge)

Sub
6/6/15

Immediate

31
9.6.

4/11/19

1009

Before the Maharashtra State Commission for Protection of Child Rights.

Enquiry, under section 13 (1) and 14 (1)(J) of the Child Right Protection Act, 2005.

Case No.46/2011-12

Smt Sushila Roopchand Jain

Complainant

Vs.

Police Inspector, Azad Maidan
Police Station and Others

Respondents

Background:-

In this matter, one Smt Susheela R. Jain has filed a complaint, alleging that six minor children who belong to her, have been detained by the Police and shifted in the Remand Home, by the order of the C.W.C. and requested to issue direction to C.W.C. to release the children as they are neither orphan nor under conflict with law. She has also narrated the story that how she and her daughter has been humiliated and assaulted by the A.P.I., Shinde of Azad Maidan Police Station.

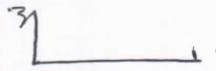
2. The Commission listed matter, called C.W.C., Superintendent of Children Homes, P. I. Azad Maidan Police Station and complainant and also directed complainant to produce documents showing the guardianship/custody of children.
3. The complainant did not come but police Officer and Superintendent submitted their reply. Superintendent has submitted reply saying that this matter is in the Court and one child has been handed over to the complainant after producing papers. C.W.C. has sent letter saying that since matter is in High Court, hence, no submission can be submitted in this regard.
4. In the meantime, complainant approached the Hon'ble High Court and High Court has directed C.W.C. to release all six children. High Court came down heavily on the approach of the police and directed Police to tender explanation in this matter, for taking casual approach regarding not to ascertain the parenthood and guardianship of the children prior to send children in the remand home.
5. Refusal of filing submission by the C.W.C. before Commission citing that matter is in the Court is not in accordance with the legal procedure. As this Commission is apex authority in the matter of protection right of children. Even if matter is in the court, the Commission can take cognizance and can make recommendation.

6. As in this case Hon'ble High Court has given the custody of children to the complainant, hence grievance of the complaint is redressed and Hon'ble Court has directed police to tender explanation. Therefore, this Commission does not feel to make any recommendation. Hence, matter is disposed of without any recommendation.



28 JUL 2015

By order and seal of the Commission


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

Secretary
Maharashtra State Commission for Protection
of Child Rights