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Before the Maharashtra State Commission for Protection of Child Rights.  
Enquiry, under sections 13 (1) & 14 (1) of the Child Right Protection Act, 2005

C.R.No.55/2015

**Introduction:-**

This matter has been brought before the Commission by the Members and Chairman of Child Welfare Committee mentioning that, one Patel Bahuuddheshiya Shikshan Sanstha, Kondhali, District Nagpur, running Children Home, has retained the children without getting the approval from the Child Welfare Committee, which required under sections 32 and 33 of the Juvenile Justice Act, 2000. Contents of the complaint says that two female children, one aged 15 years and other is aged 17 years, are residing in the Home, since period of four years. The Children Home is permitted to retain the children only upto age of 6 years. Despite of this, the Children Homes are retaining the children who are above 6 years of age. This illegal incident came into light when girl child aged 15 years, left the Home and made statement before the Child Welfare Committee, mentioning that her sister has been given in adoption by the owner of the home. When the Child Welfare Committee has inquired about the incidence, the owner of Children Home avoided giving answer. F.I.R. has been registered in the Kondhali Police Station, District Nagpur, by the Child Welfare Committee regarding abandoning the girl child from the Home. The Police Report dated 27<sup>th</sup> June, 2014 states that girl child aged 15 years and 17 years were residing in the Home without the permission. It is their complaint which says that one girl child aged 17 years has been converted into Islam and her name has been changed, therefore, strict criminal action is required against the owner of the Children Home. Shri Salamulla Khan Patel. The said girl child is missing since five months and still untraceable. The

report of Police Officer is attached with the complaint. The Commission listed the matter, called the Senior Inspector, Kondhali Police Station, District Woman and Child Development Officer, Child Welfare Committee and owner of the Children Home. During first hearing, no one was present on second hearing, i. e. on 9<sup>th</sup> April, 2015, Chairman and Member, Child Welfare Committee, Chairman and Secretary of the Children Home were present. Child Welfare Committee has been directed to file affidavit accomplishing with the two copies of the documents and owner of the Children Home was asked to file reply on this issue. Matter has been listed on 19<sup>th</sup> May, 2015, but no one was present, further, listed the matter on 25<sup>th</sup> June, 2015. Only Member of Child Welfare Committee, Shri Hazari, was present others were absent so decided to close the matter for orders, on the basis of available records and documents. Owner, Shri Salamulla Khan Patel has sent a letter on 19<sup>th</sup> April, 2015 saying that filing affidavit needs the time, therefore, requested fifteen days time to file the affidavit. A letter written by Assistant Commissioner, Woman and Child Development, Maharashtra State, dated 2<sup>nd</sup> December, 2014, showing that Home has been granted permission to in country adoption from 1<sup>st</sup> March, 2015 to 28<sup>th</sup> February, 2018 for the children in the age group of 0 to 6 years.

3. On the complaint filed by Child Welfare Committee, no reply has been received by the owner of the Children Home. No report has been received from the police and the District Woman and Development Officer. However, seeing the gravity of the matter on the basis of the available records, the Commission is making the following recommendations:-

(i) The Superintendent of the Police, Nagpur, is directed to investigate the matter by an Officer not below the rank of Additional Superintendent of Police (lady officer is preferable) and to submit report to the Commission.