

**National Commission for Protection of Child Rights**  
**Janpath, New Delhi**

**Subject: Inquiry Report of complaint regarding suicide committed by minor in \_\_\_\_\_ Thanjavur District, Tamil Nadu”.**

**BACKGROUND**

National Commission for Protection of Child Rights (**hereinafter referred to as the “Commission”**) is a statutory body constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect child rights and other related matters in the country. The Commission is further mandated to monitor the proper and effective implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Juvenile Justice Act, 2015, and Right to Free and Compulsory Education (RTE) Act, 2009. In addition to functions assigned under Section 13 of the CPCR Act, 2005, the Commission has also been mandated under Section 13(1) (j) to take suo-moto notice of matters related to deprivation and violation of child rights.

2. The Commission under section 13(1)(j) of CPCR Act, 2005 took cognizance of a complaint received on 20<sup>th</sup> January 2022 against

herein it had been alleged that there was forceful illegal conversion being done of children. The complainant further alleged that due to imposing corporal punishment and causing mental agony, a class 12<sup>th</sup> student had committed suicide. Through the said complaint it was informed to the Commission that the Class 12<sup>th</sup> student from Vadugapalayam village in Ariyalur District was forced to convert to other religion (Christianity) and when she refused the same, she was not allowed to go home and was further made to clean toilets, wash dishes, and do other chores which a minor child should not be made to do. It was also informed through the said complaint that the child had tried committing suicide by drinking herbicide because of the atrocities faced by her. The complaint further informed that the minor girl passed away on **19<sup>th</sup> of January 2022** in **Government Thanjavur Medical College & Hospital, Thanjavur.**

3. After perusal of the said complaint, the Commission observed that there were many glaring issues which were required to be investigated by the investigating authorities. The Commission, keeping in view of the prevailing issues connected to the death of a minor girl, deemed it appropriate to take cognizance u/s 13(1)(j) of CPC Act and issued a letter dated 20.01.2022 to the Director General of Police, Tamil Nadu requesting to initiate inquiry and to take appropriate and necessary legal action regarding the allegation made in the complaint. The Commission had not received any ATR or response to its letter in stipulated time.

4. It is pertinent to mention here that the Commission has been in **receipt of 3545** odd complaints for requests pertaining to initiate inquiry against the allegations in connection to this incident. Looking into the gravity of the situation, and the lenient stand of the State Authorities in the present matter, regarding the death of a minor girl in Thanjavur, a team of three officials headed by Chairperson NCPCR Shri Priyank Kanoongo, Ms. Madhulika Sharma, Advisor (Education), and Ms. Katyayani Anand, Consultant (Legal) visited Thanjavur, Tamil Nadu on 30<sup>th</sup> and 31<sup>st</sup> of January 2022 for the purpose of conducting a thorough inquiry in the matter.

5. During the visit, the team interacted with Superintendent of Police, Investigating Officer, Chief Education Officer, doctors who treated the minor girl and doctors who conducted autopsy, grandparents, and family from the maternal side (biological mother) of the minor girl, etc at the Railway Officers Rest House, **Thanjavur**.

6. The Team for the purpose of conducting an inquiry went to the

(School of the minor girl and boarding where she stayed) and to her to meet her parents.

7. Further, the team also received documents from the concerned authorities, school and parents in connection to the said matter.

8. The interaction between officials of NCPCR and the above mentioned authorities, parents of the deceased girl and grandparents of the deceased girl is annexed with the Report .

9. During the visit and inquiry many discrepancies and lapses were observed by the officials, NCPCR as to the immediate steps taken by the school authorities for the care of the minor girl after she fell sick and in

the investigation into the death of the minor girl being done by the authorities.

**The key observations during the visit and inquiry made by the NCPCR are as follows:**

**A. Procedural lapses in investigation noticed during the course of inquiry:**

- The team visited the school premises where the deceased girl was residing. Upon reaching the school premises the Team of NCPCR was made aware that the school did not have any separate rooms and accommodation for stay of children and that the Hall in which the deceased girl was staying had been cleaned off and necessary items like furniture, book, clothes, belongings of children etc were not there. There might exist a possibility of tampering of evidences in the absence of proper compliance of due procedure of law. It was also observed that the alleged crime scene was not sealed and cordoned for the purpose of the investigation by the Local Police. The team of NCPCR looking at the present scenario of the alleged crime scene, observed that there might exist a possibility of tampering of evidences in the absence of proper compliance of due procedure of law.
- During the interaction with the IO & SP, the IO informed that the warden of the boarding (hall where children were being kept) who has been named as an accused had also not been taken to the crime scene to recreate the alleged incident and seizure of evidence. The Investigating officer also informed that they did not seek the Police Remand of the warden who is one of the prime accused in the instantaneous matter.
- It was also informed by the Investigating officer that till date she has not been able to identify the vendor /the source from which the alleged substance/poison/herbicide has been procured.
- It was also observed by the team during the interaction that the statements which were made by the I.O and the S.P had various anomalies. The steps taken by the investigating authorities were observed to be not in line with the rules of procedure that should have been adopted in case of investigation into the death of a minor

girl. This creates suspicion whether the investigating agency is doing a fair investigation or not.

- It was also observed that the Children Home waited for the parents of the minor child to take her for medical treatment to the hospital even when she did not get relief with the treatment given by nurse who had been called by the Children Home authorities. It is also pertinent to mention here that before the deceased girl was allowed to be taken for the treatment to the other hospital, the school authorities collected fee from the mother. The Commission observed that no inquiry had taken place against this action of the school authorities for taking fee from the mother of the deceased child. The receipt of the fee is **enclosed as (Annexure B)**.
- Further it is also important to note that the child had fallen sick while staying in the CCI and the CCI had made no sincere efforts to provide appropriate medical care. A local nurse was engaged by the school for the medical treatment of the minor child and when the child fell more sick the CCI contacted the parents of the minor child. It was only after the minor was admitted to the Government hospital, that it was diagnosed that the child had consumed herbicide (poison). It is observed that this lapse on the part of the CCI authorities indicates malicious intention of the CCI to conceal the real reasons behind the minor girl's death.
- It was observed by NCPDR that the authorities were trying to turn the incident into a story of the minor having an evil step-mother, and how that step mother forced the deceased child to do house hold work. However, during the visit, through the interaction with the school and the police, the NCPDR was made aware how the minor girl was made to do official work of the CCI by the warden like book keeping, accounting, store management etc and other work like cleaning the premises, washing toilets, opening the door etc. It was observed that the investigating authorities were somewhere trying to conceal material facts pertaining to the care given to the child while she was staying in the CCI and also ignored all the pleadings made by the family to investigate regarding the minor being forced to convert into Christianity.
- During the inquiry it was observed by the team that due process of law as well as procedure established by law has not been followed while conducting the investigation.

**B. Key Violations under Juvenile Justice Act, 2015 and its Rules, 2016 and various other irregularities.**

**I. Legal Status: Registration of the Child Care Institutions:**

**Section 41 of the JJ Act, 2015** provides for mandatory registration of all CCIs. It states that all institutions for housing children shall be registered under the Act. At the time of registration, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution accordingly. A provisional registration shall be valid for maximum period of six months and after the Home is duly registered under the Act, it shall be registered for a period of five years and thereafter, subject to renewal in every five years.

**Section 42 of the JJ Act, 2015** specifically provides that any institution housing children without a valid registration shall be punished with imprisonment upto one year or a fine not less than one lakh rupees or both.

➤ The said Institution was earlier registered and established under Orphanage Act, 1929.

➤ This Home was registered as a Children Home in the year 2016 under the Juvenile Justice Act 2015. It was brought to the notice of the NCPCR team that in 2017 an application was made by the society/school to the District Authorities for withdrawal of said Registration under the JJ Act, 2015. However, the said withdrawal application of the society/school was not approved for withdrawal by the concerned authorities.

➤ An application had been made by the society /school for registration of the CCI under the Tamil Nadu Hostel and Homes for Women and Children (Regulation), Act 2014 which also did not get approved. Here it is pertinent to mention that the said Act of the State i.e., **Tamil Nadu Hostel and Homes for Women and Children (Regulation)**,

**Act 2014 is in contravention to Section 41(1) of the JJ Act, 2015.**

- **With respect to registration of the school for housing children under Juvenile Justice Act, 2015 and Tamil Nadu Hostel and Homes for Women and children (Regulation) Act 2014:** The school was housing children without a valid registration under the JJ Act, 2015. It is pertinent to mention here that the said society had applied for registration in 2016 under JJ Act, 2015 and thereafter, filed for withdrawal of the same in 2017. The society then filed for registration for housing children under the **Tamil Nadu Hostel and Homes for Women and children (Regulation) Act 2014 in 2017 itself, which is a State Act which came into force prior to the enactment of JJ Act, 2015.** Therefore, this issue of multiple registrations being applied for the school under the Central Act and the State Act, for housing children, was seen in contravention of the provisions laid down under the JJ Act, 2015. Further, the functioning of the School along with a Home for children without due permission of the authorities and clear legal status of the boarding indicates a clear violation of provisions of JJ Act, 2015 and the Hon'ble Supreme Court's order in W.P (Crl.) 102 of 2007.

## **II. Non-production of children before CWC:**

Section 31 of the Juvenile Justice Act, 2015 provides that any child in need of care and protection may be produced before the Child Welfare Committee so that necessary orders in the best interest of that child may be passed by the CWC. According to Section 37 of the Juvenile Justice Act, 2015, a child has to be placed in a Child Care Institution with a valid order of the Child Welfare Committee and that any child being housed in an institute without the orders of CWC is in contravention of the Juvenile Justice Act, 2015. The JJ Act, 2015 also emphasizes under the Section 3(xii) of the General Principles of JJ Act, 2015 that institutionalization of a child is to be taken as a last

resort only. In this particular case, the minor girl despite having parents and family was illegally being kept in the CCI premises and was not produced before the CWC by the authorities. Therefore it was observed that due procedure with regard to institutionalisation of child was clearly not followed by the District Authorities. It was further observed that the deceased girl staying in the CCI was not produced before the CWC and was being kept illegally.

**III. Physical Infrastructure and Child Care Facilities-**

The provisions of JJ Act, 2015 and JJ (Model) Rules, 2016 prescribes certain minimum standards of care and parameters for infrastructure of the CCI. The CCIs housing children must adhere to these parameters and prescribed standards as provided under the JJ (Model) Rules, 2016 for the welfare and best interest of children living in such CCIs.

**The crucial standards to be followed by each CCI were found to be less than prescribed norms in this CCI which are as follows-**

**a. Rule 26: Management & Monitoring of Child Care Institutions and staff of CCI**

- i) No counsellor was appointed in this CCI.
- ii) No Child Welfare Officer/ probation officer was appointed in this CCI.
- iii) No Rehabilitation-cum-Placement Officer was appointed in this CCI.
- iv) No Reference Check of the staff was done who was appointed in this CCI.
- v) No verification of the staff was done in this CCI

**b. Rule 29: Physical Infrastructure**

- i) During the visit of this CCI, it was observed that there was no Counselling room, Recreation room, Library, Visitors' room, Dining hall,

Record room, Room for Sitting of CWC.

- ii) No Individual beds are available & provided to children and further no mat or even mattresses were not provided to the children.
- iii) There was only 01 dormitory in the CCI which was observed to be insufficient for children living in the Home.
- iv) Bathrooms were observed to be insufficient for children living in the CCI.
- v) No Cooler/AC/Geyser were provided in the CCI.
- vi) No CCTV Cameras were installed in the Home which posed serious threat to safety and security of children.

**c. Rule 34/35: Medical Care and Mental Health**

- i) Emergency medical care equipment not available. First aid was not available.
- ii) No child has undergone health check-up on admission and No child has health card.
- iii) No written child protection policy was available in the institution.
- iv) No Para medical staff/ nurse was appointed in this CCI.

**d. Rule 73: Maintenance of Case File and Rule 77: Maintenance of Registers**

- i) No supervision register was available.
- ii) No individual case file with Individual Care Plan.
- iii) Details of Sources of Funding-from Govt. aid/grant, Corporate Donors, Own sources has not been provided by CCI
- iv) Details of project wise Bank Account(s) was not maintained by CCI with A/c No, purpose, amount received including FCRA Account available.
- v) No quarterly progress report of children was available.



**IV. Inspection by authorities-**

Section 54 of the JJ Act, 2015 provides that State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under this Act for such period and for such purposes, as may be prescribed. Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team. Under section 40(9) of JJ Act, 2015 the Inspection committee appointed under section 54, shall also have the powers to inspect any institution housing children, even if not registered under this Act to determine whether such institution is housing children in need of care and protection. Section 30(viii) of the JJ Act, 2015 provides that CWC must conduct at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government.

- It was observed that the school had applied for multiple registrations under Central and State Acts for housing children, however had not got approval for the same. The staff of the institution as well as the CWC informed NCPCR that no inspection had been made by the Child Welfare Committee and the Inspection Committee constituted by State Government which is mandatory to be done by the State authorities.

**V. Child Welfare Police officer and Special Juvenile Police Unit:**

Section 107 of the Act provides that (1) in every police station, at least one officer, not below the rank of Assistant Sub-Inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and Non-Governmental Organisations. (2) to co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy

Superintendent of Police or above and consisting of all police officers designated under sub-section (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman. (3) all police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively.(4) Special Juvenile Police Unit also includes Railway Police dealing with children.

During the interaction with the SP and IO it was informed that there was no exclusive officer- Special Juvenile Police Unit in accordance with Section 107 of the Juvenile Justice Act, 2015. Further the SP also informed that they were not aware regarding who holds the the said provision in the District or what/who exactly are CWPO or SJPU.

### **Recommendations**

#### **For Chief Secretary:**

- a. To take action against the district authorities who had failed to take action as per JJ Act, 2015 despite the school housing children without a valid registration.
- b. To provide necessary counselling, compensation and assistance to the parents and the brother of the deceased girl.
- c. To inquire that how many such institutes are functioning under Tamil Nadu Hostel and Homes for Women and Children (Regulation) Act 2014 and Juvenile Justice Act, 2015 and provide a list of the same to NCPCR.
- d. To shift all the children residing in the said CCI following due procedure immediately.

#### **For DGP:**

To take disciplinary action against the District Police Officials for not following the due process of investigation and conducting a fair investigation.