



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

Case File No. NCST/ATY-927/HR/1/2023-APCR

Dated: 10.04.2023

To,

Shri M.R.Meena,
Principal Resident Commissioner,
Jharkand Bhawan,
(Opposite Indian Airlines Colony),
Vasant Vihar, New Delhi-110057.
Tel: 011- 26739051/52
Email: jhbhawan@gmail.com

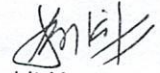
Subject: Press clipping published in the Times of India dated 12.02.2023 captioned
"Babysitter torture in Gurgaon: Cops probe if duo trafficked minors".

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 23.02.2023 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 07 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,


(अंकित कुमार सेन / Ankit Kumar Sen)
अनुसंधान अधिकारी /Research Officer

National Commission for Scheduled Tribes

No. NCST/ATY- 927/HR/1/2023 - APCR

Minutes of the Sitting of a *Suo Moto* case held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST. The Commission took Cognizance of the news item captioned as "Babysitter Torture in Gurgaon: Cops probe if duo trafficked minors" published in the Times of India dated 12.02.2023 regarding a minor tribal girl employed as a domestic help was sexually harassed and tortured by the employers.

Date of the Sitting: 23.02.2023; 11.30 AM

Participants: As per the Annexure

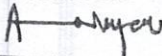
The Commission has come across a disturbing news item captioned as "Babysitter Torture in Gurgaon Cops probe if duo trafficked minors" published in the Times of India dated 12.02.2023 and took Suo-moto cognizance and decided to conduct a Sitting in this regard with the Principal Resident Commissioner, Jharkhand Bhawan.

The news item reported that a joint team of concerned police officials and Sakhi, a One-Stop Crisis Center, rescued a minor tribal girl hired by a couple residing in Gurugram to care for their child. The couple allegedly tortured and sexually harassed the girl for months. When she was rescued, several injuries were found on her hands, feet and mouth.

Accordingly, the Resident Commissioner and other Official remained personally present before the Commission.

The Commission asked the Resident Commissioner, Jharkhand regarding the present status of the victim to which he responded that the victim has been rescued, rehabilitated and restored to her parents residing in Jharkhand. She will be provided benefits of the necessary Government Schemes. Family counselling is also provided for her twice a month.

The Commission asked the officials about the history of trafficking activities taking place in Jharkhand. The Officials explained that children who are trafficked in groups can be traced and tracked but the current challenge is to trace children who migrate out of the State individually with their family members or through their relatives. The officials also


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

appraised the Commission that the Integrated Rehabilitation and Rescue Resource Centre, which has been established by the Jharkhand Government at Jharkhand Bhawan. It has been maintaining the data of 10-15 years of the illegal trafficking activities where children were migrated.

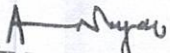
The Commission raised the questions as how does the officials plan to prevent the future incidents, what mechanisms do they currently have and what do they propose to improve the system. The officials responded that a team has been formed to monitor the issue as to how many children are being trafficked under the garb of employment and better opportunities. A survey is being conducted to trace the migrant children, who are below 18 years through Anganwadis. A continuous rescue operation is being conducted by Integrated Rehabilitation and Rescue Resource Centre. Till date, the centre has rescued 29 children.

The Commission enquired about the role of nodal officers and if they stay in touch with the employers or placement agencies through which the children get trapped in bonded labour. The officials responded that they can follow this in future. The officials also appraised the Commission that they have identified 10 districts from which major migration occurs. They will mainly focus on these 10 districts and they are in the process to implement a program where the rescued girls could get employment in industries.

After hearing the Officials, the Commission Recommended the followings –
The Resident Commissioner, Jharkhand Bhawan has to submit the following details.

- Send the data of the 29 rescued operations, the data of the counselling reports and the data of all the surveys conducted till date.
- Conduct meetings with the concerned authorities and government and propose skill development training and vocational training for the rescued children.
- Trace and verify the placement agencies pertaining to tribal employment, placement and engagement outside the State.
- Ensure registration of domestic helps, migrant workers from Jharkhand working outside the State to prevent any future incident.

Action Taken Report with Compliance of the Recommendations to be sent to the Commission within 7 days.


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National Commission for Scheduled Tribes

No. NCST/ATY- 927/HR/1/2023 - APCR

Minutes of the Sitting of a *Suo Moto* case held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST. The Commission took Cognizance of the news item captioned as "Babysitter Torture in Gurgaon: Cops probe if duo trafficked minors" published in the Times of India dated 12.02.2023 regarding a minor tribal girl employed as a domestic help was sexually harassed and tortured by the employers.

Date of the Sitting: 24.02.2023; 10.30 AM

List of Participants: As per the Annexure

The Commission took Suo-Motu cognizance of a perturbing and disturbing News item "Babysitter Torture in Gurgaon: Cops probe if duo trafficked minors" published in the Times of India dated 12.02.2023. The news item reported that a joint team of concerned police officials and Sakhi, a One-Stop Crisis Center, rescued a minor tribal girl hired by a couple residing in Gurugram to care for their child. The couple allegedly tortured and sexually harassed the girl for months. When she was rescued, several injuries were found on her hands, feet and mouth.

The Commission considered the News Item as grossly inhuman, grave and gigantic and issued Notice dated 13.02.2023 to the Commissioner, Gurugram; Commissioner of Police, Gurugram and Deputy Commissioner, Gurugram seeking reply within one day. Pursuant to the notice, an interim reply was received from the Deputy Commissioner, Gurugram to stating further investigation is being conducted. Since the reply submitted by the State was highly unsatisfactory, the Commission, issued Summons to the Commissioner, Gurugram; Commissioner of Police, Gurugram and Deputy Commissioner, Gurugram. To appear before the Commission on 24.02.2023.

Subsequently, report submitted by the Deputy Commissioner, Gurugram stated that an amount of Rs. 50,000/- (25% of the compensation amount) has been deposited in the account of the victim as per the guidelines of SC/ST (PoA) Act, 1989 upon the registration of FIR. It was also mentioned that as per the report received from the Deputy Police Commissioner, Gurugram the accused have been arrested and produced before the concerned Court. A copy of the FIR was given to the victim. An account was opened in Canara Bank for the victim to process the compensation amount.

During the course of hearing, the Commission expressed its displeasure as the Officials Summoned did not appear before the Commission despite the rejection of the Request for Exemption sought for. However, in the interest of justice City Magistrate, Gurugram, DCP along with ACP (concerned I.O.), West Gurugram were allowed to appear and submit the facts before the Commission.

The Commission sought to know from the Deputy Commissioner of Police (DCP), West Gurugram, regarding the current status of the matter. In response, the DCP, West Gurugram, stated that the minor tribal was rescued and was taken to the hospital. After the medical examination, she was produced before the concerned Court where her statements were recorded under Section 164 of the Criminal Procedure Code, 1973. The

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accused were arrested and an FIR was registered U/S 323, 324, 342, 370, 506 of the Indian Penal Code Act, 1860, Section 12 of The Protection of Children from Sexual Offences Act, 2012 and sections 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and **section 3 (2) v(a)** of SC/ST(PoA) Act were inserted.

Further, the City Magistrate appraised the Commission that the compensation of Rupees Fifty Thousand was given to the minor victim. Moreover, District Legal Services Authority was informed of the incident and the required documents were provided to them for further financial and legal assistance to the victim. Further, the investigation was deliberately circulated in media to inform other people who hired domestic help of the consequences of any similar actions. It has also been stated that the sensitization campaigns are being conducted to educate the people who have hired domestic helps.

The Commission asked the concerned police officials regarding the owners of the placement agency through which the girl was hired by the couple. The Assistant Commissioner of Police, Udyog Gurugram stated that the owner of the placement agency has been declared as a proclaimed offender as he also has two more cases registered against him.

After hearing the Officials, the following recommendations were made –

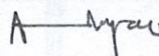
The City Magistrate, Gurugram -

- i. To co-ordinate and ensure proper rehabilitation of the victim girl along with the benefits of all the social and economic welfare schemes of the state and centre to the victim,
- ii. To ensure payment of the maximum compensation under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2016, The Protection of Children from Sexual Offences Act, 2012, State Victim Compensation Scheme and other applicable laws.
- iii. To take all the necessary, punitive and preventive actions to prevent such incidents in the future.
- iv. To conduct sensitization programs to educate the residents regarding child labour and attached consequences would be conducted in regular intervals.
- v. To issue an order directing all the Resident Welfare Associations and other Wards and Societies in Gurugram, to maintain the data-base along with Police verification of all domestic helps and provide the same to the concerned officials within 7 days.

The Deputy Commissioner of Police, West Gurugram -

- vi. To ensure time bound investigation of the case, expedite the matter and ensure speedy justice to the victim minor girl.
- vii. To ensure the insertion of the relevant provisions of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; and Anti-Trafficking laws.
- viii. To take punitive and preventive measures in migrant workers and domestic help cases.

Detailed Action Taken Report along with Compliance of the Recommendations to be submitted to the Commission within 7 days.



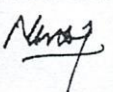


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Attendance Sheet
National Commission for Scheduled Tribes

File No - NCST/ATY-927/HR/1/2023-APCR

Sitting to be held on 24.02.2023 at 10.30 P.M in the case of Press clipping published in the Times of India dated 12.02.2023 captioned "Babysitter torture in Gurgaon: Cops probe if due trafficked minors".

Sl. No.	Name and Designation	Address & Phone No.	Signature
I	<u>National Commission for Scheduled Tribes</u>		
1.	Shri Ananta Nayak Hon'ble Member	In Chair	
2.			
3.			
4.			
5.			
5.			
6.			
7.			
II	<u>Officers from Distt. Gurugram</u>		
1.	City Magistrate, ggn	7988556267	
2.	Deepak Saharan I.P.S. D.P West gurugram	9999981805	
3.	Manoj Kumar A.C.P. udyog gurugram	99999 81811	
4.			
5.			
6.			
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