



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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16.03.2011

* Case No.CPN /5255/2010-11. | 704

Name of the complainant : Nausheen Yousuf Majlis, (NGO),
A-2/4, Golden Valley, Kalina Kurla Road,
Santacruz (E), Mumbai-400098.

V/S:

Superintendent,
Children's Home, Umerkhadi,
Dongari, Mumbai.

Chairperson,
Child Welfare Committee,
Children's Home, Umerkhedi,
Dongari, Mumbai.

Date : 10.03.2011.

Coram : Justice Kshitij R Vyas (Former Chief Justice), Chairperson

ORDER

Complainant Nausheen Yusuf and Faraha have appeared as NGO. Respondent Dr. Shaila Mhatre, Chairperson, Santosh Shinde, Member and Shri S.N.Jadhav, Superintendent of Child Welfare Committee, Umarmkhadi, Mumbai are present at the time of hearing. The reports are filed by the Child Welfare Committee as well as Superintendent, Children's Home.

Heard the parties at length.

It is the grievance of the complainant that the school going children, who are kept at Children's Home, Umarmkhadi, Dongri, Mumbai are not allowed to appear in the oral as well as written school

examination, being going on at present, by the authorities of the Children's Home as well as Child Welfare Committee in the name of verification, as to whether children are in fact enrolled and / or studying in the school, and whether examinations are in fact going on etc. It is apprehended by the complainant that the procedure adopted by the respondents, will adversely affect the school going children, in as much as it will preclude them from appearing in the school examination.

On the other hand, the respondents have pointed out that children who are rescued from the streets, are kept at the Children's Home as they are involved in the activities of begging. The children kept at the Children's Home where they and their parents are also involved in the counseling by Psychotherapist and Clinical Psychologist. It is stated that no sooner the period of counseling is over, the children will be sent to their respective parents, after obtaining bonds. In a given case, the children are also admitted in the Ashram Schools.

After hearing the parties, it appears that complainants are keen that the children kept at Children's Home be allowed to appear in the examination. Dr Mhatre for the Child Welfare Committee, has made it clear that neither the Child Welfare Committee nor the authorities of Children's Home are acting against the interest of the school going children. They however, apprehended that in absence of any particulars like students enrolment in the school, date of

examinations, etc., it is futile to release children from the Children Home.

After having considered the rival contentions, the Commission, while appreciating the noble activities to rehabilitate the rescued children by the respondents, does feel that it is equally important to see that children who are in fact school going children, should be released for the purpose of appearing in the examination. The procedure to verify facts can wait but examination can't wait.

In view of above the following recommendatory directions shall serve ends of justice :-

1. The complainant shall furnish details regarding the names of the school going children and the particulars of their admissions, attendants in the school, also the dates of oral, and the written examinations of the concern Student with necessary proof.
2. On receipt of the same, the Child Welfare Committee, Children Home, after verifying /enquiring the same, release the concern students to appear in oral as well as written examinations only. It is clarified that this arrangement may not amount to releasing the child from the Children Home.

3. The Child Welfare Committee / Children Home shall give priority to release students to appear in the examination against all technicalities bearing in mind that academic year of the student is not wasted.
4. The Child Welfare Committee / Children Home shall provide books and other materials required for the examination to the students.

In view of this nothing further is required to be done in the matter. The case is ordered to be disposed of, by giving liberty to the complainants to ventilate their grievance if any, before appropriate forum.

sdl-
(Justice Kshitij R. Vyas)
Chairperson.



Mumbai.