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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11382/2017

FOUNDATION FOR
SOCIAL EMPOWERMENT

..... Petitioner

Through: Mr. Salabh Gupta, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Anil Soni, CGSC with
Ms. Priyanka Singh, Adv.
for R-1.

Mr. Rahul Mehra, Standing
Counsel (Criminal) with
Satyakam, ASC and Mr.
Tushal Sannu, Adv. for
State.

Ms. Swati Maliwal,
Chairperson of Delhi
Commission for Women.

Mr. Sanjeev Bhandari with
Mr. Narender Mann, Adv.
for CBI.

Mr. Amol Kokne, Adv. for
R-5 & 6.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

20.12.2017

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1. Mr. Amol Kokne, Advocate accepts notice for the
respondent Nos.5 & 6.

2. A status report dated 19th December, 2017 has been handed



over by the Committee appointed by this Court in pursuance to the order dated 19th December, 2017. The status report is taken on record.

3. The report shows that the team was obstructed by one Ms. Ruchi Gupta, who we are informed by Mr. Amol Kokne, Id. counsel for the respondent Nos.5 & 6, is one of the religious teachers. The report discloses the attack on the members of the team which would require initiation of contempt of court proceedings against the persons who have obstructed the team.

4. FIR No.1445 of 2017 stands registered by Police Station Vijay Vihar, Rohini, Delhi in regard to the violence faced by the Committee yesterday.

We shall consider this aspect of the matter on the next date of hearing.

5. As noted by us in yesterday's order in para 11, the petitioner has disclosed 10 FIRs registered in Delhi, Farukhabad, Maharajganj and Banda, U.P. In addition, five Daily Diary entries have been mentioned in para 12 of the writ petition. These daily diary entries relate to complaints of missing girls, commission of sexual offences and even a case of suicide.

No action appears to have been taken by the local police.

6. The report of the Committee appointed by us would show that the building which the team has visited was obstructed by locks. We are informed by the members of the team, who are present in the Court, that there are multiple doors with locks and over 100 girls were found. We are informed that the keys of the



locks are in possession of Ms. Ruchi Gupta. It is stated that the team was locked up for about 45 minutes.

7. Ms. Swati Maliwal, Chairperson of Delhi Commission for Women who has been a part of team, informs us that, from their physical appearance, most of the girls appeared to be minors. She prays that the Child Welfare Committee concerned be called upon to visit the premises and that the age verification of these inmates be undertaken.

We are also informed that some of the woman inmates are in ailing condition and are not being given medical attention. She submits that the inmates appear to be under tremendous pressure.

8. Ms. Nandita Rao, Advocate, who is a member of the team appointed by us, submits that over 100 girls were housed in animal like conditions with no privacy. She submits that during the inspection where the inmates were housed, the passage was so narrow and of such low height that the team had to bend double to go through the same. Metal doors have been installed at short intervals. Ms. Rao expressed grave apprehension about the health of the inmates and submits that several of inmates appear to be under the influence of some kind of drugs or narcotic substances. The inmates are completely confined and are not permitted any access or contact with their relatives or friends. They are kept in close confinement in the dark spaces with no sunlight with metal grills and nowhere to exit therefrom. She submits that even the sleeping area is monitored and the girls have no privacy at any time.



9. Pursuant to our last order, Santosh Gopa, daughter of Sh. Ram Reddy and Garima Sahu, daughter of Sh. Santosh Sahu are present in the Court.

10. So far as the third person i.e. the sister of the complainant in FIR No.1353/2017 is concerned, the team has noted that she was named Rosy and that several of inmates have confirmed that she has been staying in the premises. We are informed by Mr. Amol Kokne, ld. counsel for the respondent Nos.5 & 6 that Rosy is a major and is entitled to do spiritual service anywhere in India.

11. Given the apprehension, regarding the safety of her sister, expressed by the complainant, and the nature of complaint made by her, we are entitled to satisfy ourselves with regard to her sister, i.e. Rosy's safety.

12. We are further informed by Mr. Ajay Verma, Advocate and the members of the team that there is an adjacent building wherein men inmates are lodged. This position is confirmed by Mr. Kokne and according to him, the men who are lodged in the building are doing *seva* for Ashram. The team has expressed apprehension that since they may also include minor boys, it is essential that an inspection be undertaken of this building as well with regard to the ages of these inmates.

13. So far as the nature of the building is concerned, we are informed that there are multiple floors in the nature of cubicles. It is suggested that the construction of this building is completely illegal and unauthorized.

14. We are informed that similar centers have been set up in



different parts of the country.

15. A prayer is made on behalf of the petitioner as well as the members of the team that an investigation into the entire matter including the complaints already registered by the Police and the Daily Diaries deserve to be transferred to a Central agency having a pan-India presence and jurisdiction.

16. Mr. Amol Kokne, ld. counsel for the respondent Nos.5 & 6 joins the request for investigation of the affairs of the respondent Nos.5 & 6 by the CBI.

17. We are informed by Ms. Swati Maliwal, Chairperson of Delhi Commission for Women that she has noted that several of the inmates of the respondent No.6 were in dire need of medical help. Mr. Amol Kokne, ld. counsel for the respondent Nos.5 & 6 submits that some of the inmates are medically trained doctors. Mr. Kokne is in a position to inform us about the names of inmates who are admittedly being treated or of the inmates who are administering the treatment.

18. We are informed that there were large numbers of medication and injections lying in the premises. It would appear that a large number of individuals are being lodged in close proximity in extremely cluttered and would be unhygienic conditions, some of whom, admittedly, are in need of immediate medical help.

19. Given the sensitivity and seriousness of the matter, the Director of CBI is requested to constitute a Special Investigation Team forthwith in the matter to conduct an investigation into the



cases registered in Delhi as set out in para 11 of the writ petition; enquiries into the daily diaries detailed in para 12; as well as any other complaint made to Police Station, Vijay Vihar, Rohini, New Delhi shall stand forthwith transferred to the Central Bureau of Investigation by the concerned S.H.O. of Police Station, Vijay Vihar.

All investigations and inquiries including related case diaries shall be handed over to the SIT appointed by the CBI forthwith.

20. There are cases which are registered in both Delhi and Uttar Pradesh. The CBI shall investigate the cases which have been registered in Delhi as well as examine the Daily Diary entries and proceed with the inquiries and registration of the cases in accordance with law.

21. Insofar as the cases registered in Uttar Pradesh are concerned, the CBI shall file a status report within three weeks from today before this Court.

22. The CBI shall proceed expeditiously in the matter and ensure that steps in accordance with law be taken at the earliest.

23. S.H.O. Police Station, Vijay Vihar, Rohini shall also make available to the SIT any other Daily Diary entries/complaints which have been received in respect of the respondent Nos.5 & 6 to enable the CBI to proceed in the matter in accordance with law.

24. Pursuant to our last order, Santosh Gopa, daughter of Sh. Ram Reddy and Garima Sahu, daughter of Sh. Santosh Sahu have appeared in the Court. We have interacted with them. They shall assist the CBI into the investigation and inquiries which shall be



undertaken by it.

25. The Chairperson of the concerned Child Welfare Committee (VI) is directed to visit the premises i.e. A-1/339 as well as A-1/351-352, Vijay Vihar, Rohini and to take forthwith all steps with regard to the inmates in accordance with the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015.

26. Deputy Commissioner of Police, Rohini shall provide police protection and full assistance to the team from Child Welfare Committee, as well as the Committee appointed yesterday which shall visit the premises in question today itself.

27. The team appointed by us shall also conduct an inspection in the building constructed on the plot No.A-1/339, Vijay Vihar, Rohini where, we are informed that males are stated to have been housed. The team shall be facilitated and full protection and assistance be offered by the DCP Rohini.

28. We direct the Commissioner, North Delhi Municipal Corporation to investigate the buildings in question and in case, any illegality is discovered with regard to the building, immediate action shall be taken in accordance with law.

29. The team shall point out the inmates who are in need of immediate medical help.

30. We direct the Principal Secretary, Department of Health and Family Welfare, Govt. of NCT of Delhi to depute a team of doctors to visit both the premises in question i.e. A-1/351-352 & A-1/339, Vijay Vihar, Rohini, New Delhi to medically examine all the inmates to ensure their well being. In case, further medical



examination, tests or treatment are required, the respondent Nos.5 and 6 shall ensure that such inmates are produced in terms of the directions of the team of medical experts appointed by the Department of Health and Family Welfare, Govt. of NCT of Delhi.

31. It is directed that that respondent Nos.5 and 6 shall ensure compliance of our order dated 19th December, 2017 and today and extend full cooperation to the members of the team appointed by us.

32. The respondent Nos.5 & 6 shall place before this Court by tomorrow the full details and particulars of every inmate lodged in the building Nos.A-1/351-352 and A-1/339, Vijay Vihar, Rohini with full details thereof.

33. The respondent Nos.5 & 6 shall also inform us tomorrow about the location of Ms. Rosy and the date on which she will be produced in the Court.

34. We are informed by Mr. Ajay Verma, Advocate and other members of the Committee that no register or details regarding the inmates or members were produced before them while they were inspecting the premises. They have, however, seized a visitor's register which is with Delhi Police. The same shall be handed over to the SIT of CBI.

35. It is submitted by Mr. Kokne, ld. counsel for the respondent Nos.5 & 6 that the inmates of the respondent No.6-Ashram had apprehended violence and that a mob has gathered. We are informed by Ms. Nandita Rao, Advocate and ACP Tanu Singh that the inmates who were to come to Court this morning, refused to do



so. The police have also responded to a PCR call to the effect that a mob had gathered in front of the premises in question, but on reaching the spot, the police found that there was no mob.

36. Be that as it may, the police have placed pickets at both the gates of the respondent No.6 to ensure that no untoward incident occurs.

List for details of all the inmates on 21st December, 2017 at 3.30 p.m.

List for the reports, status report and other issues on 17th January, 2018.

Dasti under signatures of the Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 20, 2017

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