

Report in connection with the visit of West Bengal Human Rights Commission to Sukanya Home, Salt Lake City, Sector – V, AQ-15, Kolkata – 700 091, West Bengal on 10<sup>th</sup> December, 2024.

---

1. Justice Jyotirmay Bhattacharya, Hon'ble Chairman, Shri Basudeb Banerjee, IAS (Retd.), Hon'ble Member (Admn.), Justice Smt. Madhumati Mitra, Hon'ble Member (Jud.), Ld. Registrar, Ld. Dy. Registrar, OSD & Ex-Officio Secretary-in-charge and Accounts Officer of the visiting team visited Sukanya Home on 10<sup>th</sup> December, 2024 between 3 p.m. to 4.30 p.m.

2. Sukanya Home is a Child Care Institute located at AQ-15, Sector-V, Salt Lake City, Kolkata – 700 091, West Bengal registered under 41(I) of the Juvenile Justice (Care and Protection of Children) Act, 2015. It is Children's Home under Government of West Bengal.

3. During our visit the Superintendent of Sukanya Home apprised the Commission that the Home is a registered institute for child care and it was registered for five years w.e.f. 27/01/2023 to 27/01/2028 and the Home has a capacity of 100 girls and it includes two (2) sections for **Children's Home** and another for **After-care home**. The Superintendent of the Home informed the Commission that the Home is being run under supervision of a Superintendent. That apart, one Assistant Superintendent is working on deputation basis. One (1) Storekeeper and four (4) Govt. staff are working in the Home on deputation. At present 16 contractual employees Mission Vatsalya are engaged to look after the affairs of the home. From the information supplied to the Commission by Superintendent, it came out that at present the Home is running with shortage of 13 nos. of vacancies.

4. During our visit the Commission noticed that repairing work was going on in respect of school building. On query, the Commission was informed by the Superintendent that the repairing work in respect of dormitory and school building of the Home has been undertaken. While talking with the visiting team, the Superintendent

pointed out that the condition of the roof of the building is not so good and it requires immediate repair. She replied to a query of the Commission that she has already taken up this issue to the authority concerned for repairing of the roof and the matter is under consideration.

5. During the course of our visit, the Superintendent of the Home expressed her intention to the Commission to convert the dormitory building into school building as there is a bus stand near the dormitory building and which causes various nuisance.

6. Superintendent of Home informed the visiting team that a school under the name and style, **Sukannya Vidyapith** affiliated under West Bengal Tribal and Social Welfare Department, is being run within the premises of Sukanya Home.

7. The visiting team was apprised by the Superintendent that various co-curriculum activities like music, sewing and art and craft, vocational activities like football, karate and yoga, training/practices, etc. are performed by the children.

8. On the date of the visit i.e. on 10<sup>th</sup> December, 2024 the number of inmates of the Home was 62 in total. Out of 62, 32 were Indian children and 30 were foreign nationals. Amongst foreign nationals 29 are Bangladeshi children and one is **Rohingya** child.

9. During visit it was also noticed by the visiting team that a friendly football match was going on in between two teams in the play ground of the Home.

10. The inmates were with decent dress including winter garments and shoes and chappals. None of the inmates made any complaint regarding food, behaviour or other issues.

11. The Bangladeshi inmates expressed their intention to go back to their own country to join with their own families.

12. On our query, we were informed by the Superintendent of the Home that most of the foreign nationals staying in home are the victims of human trafficking.

Charge-sheets were submitted in respect of some cases. Investigations are pending in some cases. The superintendent of the Home has handed over a list mentioning the details of the cases where the investigations are yet to be completed. It appears that there are four cases where the investigations are yet to be completed. Out of those four cases three cases are namely Petrapole PS case no. 107/23 and 139/23 dated 30/09/2023 and 29/12/2023 respectively u/s 366B/370/34 IPC and u/s 14 &14C Foreigns Act and u/s 5 of ITP Act. The cases are pending before the Ld. Court at Bongaon. Particulars of the court have not been furnished.

13. The status of the inmates in connection with those cases has not been mentioned. Sections under which the cases have been initiated indicate that the inmates are the victims of child trafficking as Sections 370 and 366B have been mentioned. It cannot be overlooked that at the time of initiation of the instant cases on 30/09/2023 and 29/12/2023, the age of the victims was shown as 17, by this time the victims have attained majority. In another case which is pending for investigation as per the information supplied to the Commission by the Superintendent of the Home, it appears that at the time of initiation of that case on 20/02/2024, the inmate was 17 years old. Within a short period she will attain majority.

In the above situation the Superintendent of Police of the concerned districts may be requested to look into the matter personally, so that investigation may be completed by the investigating agency as early as possible.

14. The Superintendent of Home also gave a detailed report in respect of 10 pending cases where Bangladesi girls are involved. Out of 10 cases 8 cases were initiated in the year 2023 under various Sections of Indian Penal Code, Immoral Traffic Act and Foreigners Act. The status of the victim girls, in relation to those cases, has not been mentioned. Out of above mentioned 10 cases, it appears that in the 8 cases the

age of the inmates was 17 years in the year 2023. That means by this time the victim girls already attained majority.

15. Superintendent of Home may be asked to take up the issue with the Public Prosecutor of the concerned district to move to concerned Ld. Court for early disposal of the pending cases.

16. The Superintendent of Police, and the Ld. Public Prosecutor of concerned districts may be asked to look into the matter personally so that the investigations as well as the trial of the cases are to be completed within reasonable time. At the same time they may be asked to take up the matter with appropriate authorities and the Ld. court concerned for proper legal action for their repatriation as per law at appropriate stage.

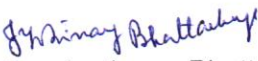
The foreign nationals who are detained in India in connection with criminal cases are entitled to get speedy justice within the meaning of Article 21 of the Constitution of India. While detaining in custody in India, the said foreigners have also a right to communicate with their families as per the arrangements made by the authorities/appropriate Govt. and through their Embassies. At the same time, the Home authorities must ensure that they can get free legal aid during the course of legal proceedings and the facilities of free legal aid and to communicate with their families through Counsellor/Embassy are duly provided to them.

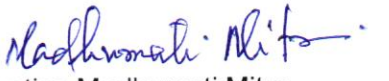
In view of above, the Commission recommends as under :-

- a) The D.G.P. & I.G.P., West Bengal may be asked to direct the Superintendent of Police, Basirhat Police District and Superintendent of Police, Bongaon Police District to look into the matter so that the investigations of (i) Petrapole PS case no. 107/23 u/s 366B/370/34 IPC & 139/23 u/s 366B/370 IPC dated 30/09/2023 and 29/12/2023 respectively; (ii) Swarupnagar PS case nos. 733/23 dt. 07/12/23 u/s 370 IPC and 96/24 dt. 20/02/24 u/s 342/363/365/368 IPC may be completed within the reasonable time.

- b) The Principal Secretary, Department of Women & Child Development & Social Welfare, Govt. of West Bengal may be asked to direct the Superintendent of Sukanya Home to consult with the Ld. Public Prosecutor of North 24-Parganas regarding the disposal of cases where the inmates of Sukanya Home are involved and for taking appropriate steps of Bangladeshi children who are victims of human trafficking for repatriation with the appropriate authorities including Bangladesh High Commission after observing all legal formalities with the permission of Ld. Court where the cases are pending;
- c) Superintendent of Sukanya Home is directed to handover particulars of cases which are pending for investigation and the cases which are pending for disposal to the Ld. Public Prosecutor and S.P. of concerned district so that they may look into the matter personally considering the agony of the victim girls.

  
Basudeb Banerjee  
Member (A)

  
Justice Jyotirmay Bhattacharya  
Chairman

  
Justice Madhumati Mitra  
Member (J)