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

+ **W.P.(C) 2004/2020**

DUMPALA MEENAVATHI AND ANR.

..... Petitioner

Through: Dr. Menaka Guruswamy, Sr. Adv.
with Mr. Sravan Kumar, Mr. Yash S.
Vijay, Mr. Utkarsh Pratap and Mr.
Medha Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Ms. Monika Arora, CGSC with Mr.
Yogesh Panwar and Mr. Balkrishan,
Advs. for UOI.
Mr. Rajesh Kumar, Special Public
Prosecutor for CBI.
Mr. Vimal Raj, Adv. for R-2.
Mr. Amit Kochar, Adv. for R-4 and
R-6.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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19.04.2022

CM APPL. 18841/2022

Issue notice. Notice is accepted on behalf of respondent Nos. 1,2,3 and 4. Respondent No.5 has been declared as a Proclaimed Offender and respondent No.6 is the institution in question being run by respondent No.5.

The petitioners have moved this application with a prayer that their



daughter/ respondent No.4 is suffering from severe backache and they are not in a position to meet her while she is residing in the respondent No.6 institute.

A perusal of the application shows that the Court had called for reports in relation to the respondent No.6 institute being run by respondent No.5 in W.P. (C.) No. 11382/2017. On 22.12.2017, the Court passed an order, the relevant extract whereof has been set out in this application itself, and the same reads as follows:

“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, Id. 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, Id. 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.”

The petitioner has relied upon further orders passed in the said proceedings on 04.01.2018, 08.02.2018 and 27.07.2018. A reading of the aforesaid orders and orders filed along with the application project an alarming situation in relation to the running and management of the respondent No.6 institute. Respondent No.5, who is the person to have set up the said institute has been charge sheeted by the CBI and is absconding.

Prima facie, we find it difficult to accept that the inmates of the institution, including respondent No.4, are in their full senses when they claim that they are at the institution on their own free will, and that they are not under any coercion or undue influence.

Learned counsel for respondent No.4, the daughter of the petitioners and respondent No.6, on the other hand, has sought to place reliance on a report prepared by the Doctors from AIIMS and IHBAS. The report



prepared by the said doctors does not gel with the report prepared by Ms. Swati Maliwal, Chairperson of Delhi Commission for Women, and by Ms. Nandita Rao, Advocate of this Court. In fact, it appears to us that these reports are contradictory, and cannot be reconciled.

Since, respondent No.5 is absconding, looking to the conditions reported by Ms. Nandita Rao in her report, which has not been dealt with in the report prepared by the doctors from AIIMS and IHBAS, we are, prima facie of the view that respondent No.6 institute should be taken over by the Health Department of GNCTD, for its management and running.

We, therefore, put the respondent No.6 institute to notice, through respondent No.4, who claims to be managing the institute collectively with the other inmates, to show cause as to why we should not proceed and direct the takeover of the institute by the Health Department of the GNCTD.

We also direct the listing of W.P. (C.) No. 11382/2017 on 21.04.2022. Let Court notice be issued to counsel representing the petitioner in the said petition. We are informed that the respondents represented today, are the respondents in the said petition and, therefore, there is no need to serve separate notices to them.

Counsel for the petitioner in the present petition shall also take steps to inform learned counsel for the petitioner in W.P. (C.) No. 11382/2017 of the listing of the petition on 21.04.2022.

In the meantime, we direct the DCP concerned to ensure that the petitioners are able to meet respondent No.4 before the next date. Adequate Police protection shall be provided to the petitioners upon their visit. Neither the respondent No.6 institute nor any of its inmates shall cause any obstruction in the said meeting, which shall take place privately between the



petitioners and respondent No.4. The DCP is directed to ensure that the inmates presently housed at the facility in Delhi are not taken out and removed to any other facility of the respondent institute in the meantime.

VIPIN SANGHI, ACJ

NAVIN CHAWLA, J

APRIL 19, 2022

N.Khanna