

## National Commission for Scheduled Tribes

### Report of the National Commission for Scheduled Tribes with regard to the enquiry conducted on the reported incident of alleged rape of minor tribal girls in the Jhhaliamari Ashram School of North Bastar District, Kanker (Chhattisgarh)

A Team of the National Commission for Scheduled Tribes (NCST), led by Smt. K.Kamala Kumari, Hon'ble Member along with Shri R.K. Dubey, Assistant Director and Shri P.K. Das, Senior Investigator enquired into the incident of alleged rape of minor tribal girls in the Jhhaliamari Ashram School under Narharpur Block of North Bastar District, Kanker (C.G.) from 09-01-2013 to 10-01-2013. The Team reached Raipur on 09-01-2013 and held a meeting with the Commissioner, Tribal and SC Development Department, Govt. of Chhattisgarh and discussed various issues related to the incident. Thereafter, the Team proceeded for North Bastar District headquarter Kanker, where it visited the hostels where the victims and other inmates of the Jhhaliamari Ashram School had been kept after the incident. In the hostels, the team of the Commission met the victims and others tribal girls and gathered information related to the case. The Team also met the District Collector, Superintendent of Police and Deputy Commissioner, Tribal Development Department of the North Bastar District, Kanker and obtained reports and other relevant documents.

#### Background of the case

2. News appeared in the leading dailies of the State and New Delhi on 07.01.2013 regarding alleged rape of 11 minor tribal girls in the Jhhaliamari Ashram School under Narharpur Block of the North Bastar District, Kanker in Chhattisgarh State. As per the reports, a teacher and a watchman posted in the Ashram School were reported to have been raping 11 minor tribal girls of the Ashram School for quite long time. The Commission took cognizance of these reports and called the factual report in the matter from Govt. of Chhattisgarh and District Administration through its Regional office at Raipur by return Fax. Keeping in view the seriousness of the matter, the Hon'ble Chairman, NCST directed Smt. K. Kamala Kumari, Hon'ble Member to visit the District and enquire into the case.

#### Inquiry from the victims by the Commission

3 The Commission's Team visited the Singar Bhat Residential Ashram School on 09-01-2013, where the 14 victims had been shifted from the Jhhaliamari Ashram School after the incident. The Team met the victims and gathered information related to the case. The victims were of the age group ranging from 07 years to 11 years who were studying from class II to Class V. Some of the victims informed the Commission that Mannu Ram Goti, Asstt. Teacher and Deenanath Nagesh, Watchman had been raping them since long time back. They were residing in three rooms of the Jhhaliamari Ashram School and the accused used to come in their rooms, mostly after consuming liquor in the night. There were no bolts in the doors of their rooms and the accused used to switch off the lights of their rooms. They used to remove the cloths of the

victims and forcefully rape them many times. Two victims presently studying in class V informed that they were being raped since class I. They also informed the Commission that their three seniors who had left the Ashram School later after class V (who are presently studying in class VI and VII elsewhere), had informed them many years ago about the misdeeds of the accused as they had also suffered similarly. All the victims further informed that they had suffered severe pain in their internal organs. They had informed about the incidents to Smt. Babita Markam, Hostel Superintendent and Shri Sagar Katlam Assistant Teacher, who did nothing. Some other girls informed that similar misdeeds were done by both the accused with them once or twice. The victims also informed that Sukalu Ram Netam, Deputy Sarpanch of the village knew about the misdeeds of both the accused. He used to go to the Ashram School after consuming liquor and often physically assaulted them. One Lachhu Ram of the village also used to abuse them after consuming liquor. They received no protection from anybody. On enquiry by the Team, they also informed that there was no bathroom and toilet in the Ashram School and the children used to go to nearby pond and the fields for taking bath and defecation. Smt. Babita Markam, Hostel Superintendent of the Ashram School had taken a room on rent adjoining the Ashram School but she didn't use to stay there usually.

4. The Commission's Team also visited Markatola Residential School where the remaining (27) children of the Jhhaliamari Ashram School had been accommodated after the incident. The children found this new Ashram School better than the earlier one as the basic amenities were available here. The Commission's team was also satisfied with the arrangements in this residential school.

#### **Meeting with the District Collector**

5. The Commission's Team met District Collector, North Bastar District, Kanker who informed that she came to know about the incident orally only on 04-01-2013. She immediately constituted a team of Ms. Shail Thakur, District Programme Officer, Women and Child Development Department, Kanker and Smt. Anju Nayak, Assistant Director, Public Relation, Kanker to enquire in to the matter. This Team went to the place of incident and found the complaint to be true. Ms. Shail Thakur, District Programme officer, Women and Child Development Department, Kanker filed a complaint in the Narharpur Police Station on 05-01-2013 which was registered as crime no 03/2013 u/s 376 (2-b), 34 IPC. The District Collector submitted following factual report to the Commission:

- i) The Police have arrested accused Mannu Ram Goti, Assistant Teacher, Deenanath Nagesh, Watchman and Smt. Babita Markam, Assistant Teacher –cum- Hostel Superintendent in the case. The case is being investigated by the Police. Janpad Panchayat, Narharpur has terminated the services of Mannu Ram Goti, Assistant Teacher and Smt. Babita Markam, Assistant Teacher cum Hostel Superintendent on 07-01-2013.
- ii) The Jhhaliamari village where the incident took place, comes under Gram Panchayat Manikpur. It was revealed in the inquiry that the villagers of the Gram Panchayat Manikpur had informed Shri S.S. Navarjee, Block



Education Officer, Narharpur Block about the incident but he didn't take the complaint seriously and also failed to enquire into it. He also didn't inform his senior officers about the incident. Shri Viru Sahu, Circle organizer and Shri Jitendra Nayak, Assistant Block Education Officer have also been suspended and departmental action is being taken against them.

- iii) Due to this incident, a proposal was sent by the District Collector office on 07-01-2013 to the Government of Chhattisgarh for harsh disciplinary action against Shri S.K. Wahne, Assitant Commissioner-in-Charge, Tribal Development, Kanker and Shri S.S. Navarjee, Block Education Officer, Narharpur Block. The Tribal and Scheduled Caste Development Department, Govt. of Chhattisgarh has suspended both the officers from service on the same day and posted Senior and experienced Deputy Commissioner level Officer Shri Jitendra Gupta in Tribal and SC Development Department in the District.
- iv) Accused Deenanath Nagesh, Watchman (on daily wages) posted in the Girls Ashram School, Jhhaliamari has been removed from Service. Shri Yashwant Kumar Jain, Cook (on daily wages) and Shri Ishwar Kumar Sinha, Waterman (on daily wages) posted in the Ashram School, Jhhaliamari have also been removed from services.
- v) There were 43 girls in the Ashram School, Jhhaliamari before the report of the incident. After conducting medical examination of the victim girls, 14 have been shifted to girls Ashram School, Singar Bhat due to security reasons and 27 of them have been accommodated in Joint Ashram, Markatola. They are continuing their studies in these new Ahsram Schools. One girl, who is niece of the Deputy Sarpanch, is residing in the house of Deputy Sarpanch in the village. Remaining one girl has not returned to the hostel after the holidays.
- vi) District Administration is in contact with the girls and their parents. There is no fear among them

### **Meeting with the District Superintendent of Police**

6. The Commission's Team also held a meeting with Superintendent of Police of the district to know about the action taken by the Police in the matter. The Commission was informed as under:

- i) On the complaint made by Ms. Shail Thakur, District Programme officer, Women and Child Development Department, Kanker a FIR in Narharpur Police Station has been registered on 05-01-2013 as crime no. 03/2013 u/s 376 (2-b), 34 IPC.
- ii) Medical examination of 15 minor girls was conducted after obtaining the permission from SDM and their parents by the Lady Doctor of K.D. Hospital Kanker. Positive reports have been received in case of 12 girls confirming the incident. In the remaining cases, the report is negative.
- iii) It has been revealed in the enquiry that the victims had informed Smt. Babita Markam, Hostel Superintendent and Shri Sagar Katlam, Assistant Teacher about the misdeeds of Mannu Ram Goti, Assistant

Teacher and Deenanath Nagesh, Watchman but they didn't inform their superior officers about the incident. Instead, they informed Sukalu Ram Netam, Deputy Sarpanch and Lachhu Ram Salam, a resident of the village who called a meeting in the village to advise the accused not to do so in future. They fined the two accused with Rs. 5000/- each and Smt. Babita Markam, Hostel Superintendent with Rs. 3000/-. Nobody had informed the police authorities about such a serious incident. Instead, they tried to suppress the case on the plea that the name of their village will be defamed due to the incident.

- iv) It has been further revealed in the enquiry that there is ample evidence of crime u/s 376 (2-b, f), 34, 450 IPC against Mannu Ram Goti, Assistant Teacher and Deenanath Nagesh, Watchman, the two main accused. Smt. Babita Markam, Hostel Superintendent and Shri Sagar Katlam, Assistant Teacher have been found to be hiding the matter despite being Govt. servant. Instead they informed the Deputy Sarpanch Sukalu Ram Netam and Lachhu Ram Salam, a resident of the village and tried to suppress the case and thus helped in destroying the evidences. They threatened the children not to inform their parents about the incident which is an offence u/s 119, 120(b), 207, 506(b) of IPC.
- v) The statements have been taken from the victims, the employees of the Ashram School, the Deputy Sarpanch and other villagers which have revealed the incident of rape with the minor tribal girls. On the basis of investigation, Mannu Ram Goti, Assistant Teacher and Deenanath Nagesh, Watchman, Smt. Babita Markam, Hostel Superintendent and Shri Sagar Katlam, Assistant Teacher Deputy Sarpanch Sukalu Ram Netam and Lachhu Ram Salam, a resident of the village have been arrested u/s 376 (2-b, f), 119,120(b), 207, 450, 506(b), 34 IPC and presented before the Court. They have been sent on judicial remand.

## 7. Commission's Observations

- i) After the discussion with the victims, District Collector, Superintendent of Police and Tribal Development Department officers, the news paper reports of the incident with the minor tribal girls residing in the Ashram School were found to be correct. The accused also belong to the Scheduled Tribe category.
- ii) The Commission has noted that the incident was first reported by the victims to the Govt. servants in the month of August 2012 but they failed to take necessary action as required. All steps should be taken by the state Government to punish erring officials and officers involved in the case directly or indirectly.
- iii) Many Ashram Schools and Hostels for Girls are being run in the State in the private rented houses which are not having basic amenities. In many cases, the sanction has been issued for construction of Ashram School/Hostel buildings but construction could not be started for one reason or the other. More efforts are required on the part of State Govt. to complete the construction of such building in a time bound manner so that the inmates residing in private rented Ashram Schools don't



have to face hardship in future.

- iv) To avoid reoccurrence of such incidents in future, women employees should be posted in the girls Ashram Schools /Hostels and frequent visits by the responsible female officers should be encouraged.

## 8. Recommendations

- i) The State Govt. should immediately review the safety and security of inmates of the girls Ashram Schools and Hostels throughout the State and take necessary steps to stop reoccurrence of such incidents in future. Regular visits of the District Programme officers and other female officials of Child & Women Development Department posted in the Districts to the Girls Ashram Schools/ Hostels should be made to ensure the safety & security of children. Surprise visits by the officers of Tribal Development Department of the State should be made to check the reoccurrence of such incidents. The Police officials should also adopt these schools for special supervision and should visit these on weekly basis.
- ii) The Tribal Development Department of the State should create an effective grievance redressal mechanism in the State to look into the complaints of students residing in the Ashram Schools/ Hostels. A Toll free number/helpline may be displayed in all the Ashram Schools/Hostels so that the students may lodge their complaint related to their grievances.
- iii) The officials working as Hostel Superintendents should be imparted training so that they can effectively deal with various circumstances related to running of Ashram Schools/Hostels and can contact the civil and police authorities at the time of need. Telephone number of senior officers of the district should be displayed prominently in the Ashram Schools/Hostels.
- iv) Availability of necessary facilities such as adequate number of bathrooms, toilets, safe drinking water, health, hygiene etc. and continuous supply of electricity should be ensured in the Government as well as private rented buildings being used as Ashram Schools/Hostels throughout the State. No private building should be taken on rent for establishment of Ashram Schools/ Hostels without these basic facilities. In many cases, the sanction has been issued by the Govt. for construction of Ashram School/Hostel buildings but construction could not be started for one reason or the other. More efforts are required on the part of State Govt. to complete the construction of such building in time bound manner so that the inmates residing in private rented Ashram Schools don't have to face hardship in future.
- v) Efforts should be made to post only female employees in the girls Ashram Schools as Hostel Superintendent, Teachers, Cooks, Waterman and Watchman.
- vi) The Commission has noticed that small girls studying in class I & II and residing in Ashram Schools have to wash their bed sheets, pillow covers, cloths etc. without any help. It is recommended that posts of female helpers should be created for each such Ashram Schools and Hostels.

- vii) The Commission noted that physical growth of the victims was not satisfactory. Most of them were suffering from cough and cold and needed medical assistance even at the time of their meeting with the Commission. Further, they were not well kept as far as cleanliness is concerned. It is recommended to ensure proper medical and hygienic care to the victims urgently. Regular visit of doctors to these Ashram Schools/ Hostels should be ensured to provide proper health care to the inmates. Their nutritional requirements should also be reviewed by the dietitians /specialists and fulfilled accordingly.
- viii) The victims and other children have been shifted from Jhhariamari Ashram School in haste and their belongings are yet to be shifted to their new Ashram Schools. Immediate steps should be taken to shift their belonging including the text books, copies etc. so that their studies are not adversely affected.
- ix) As the accused also belong to the tribal community, the case was not booked under SC & ST (POA) Act, 1989. However, it has been noted that the State Government and the District Administration has failed to protect the minor Tribal girls from rape and molestation, who were handed over to them by their parents to transform them into educated and responsible citizen of the country. In this case, the protectors have become the demon. In view of the above, the State Government should provide monetary compensation to the families of all the victims.
- x) The State Govt. should urgently complete the enquiry by the police and submit the charge sheet in the court. Services of experience Govt. Prosecutors should be taken for effective trial of the case so that the accused are severely punished for their acts.
- xi) The Departmental enquiry being conducted against all the erring officials for negligence of duties etc. should be completed in a time bound manner.
- xii) The Deputy Sarpanch involved in the case should be removed from the post for suppressing the incident and threatening the victims and also debarred from contesting election/ appointment to hold any Panchayat.