

Report of the Committee

**Investigating into allegations of large scale sexual
abuse, rape and murder of children in Nithari
village of NOIDA (UP)**

**Ministry of Women and Child Development
Government of India
Shastri Bhawan, New Delhi**

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Preface

The reports of alleged sexual abuse and murder of children and women in Nithari, Noida have shocked the citizens of this country. In the twenty first century, such barbaric acts deserve utmost condemnation. India is signatory to the UN Convention for the Rights of the Child and has been making efforts to have in place a protective environment to ensure the children of the country, the basic rights envisaged under this convention including that of their safety and survival. The Ministry of Women and Child Development has been highlighting the low level of allocation and expenditure on child protection in the Union Budgets and has been seeking larger allocations for this very important sector. Such incidents further emphasise the need to strengthen the protective environment in which children and women of the country not only feel safe and secure but are also able to contribute to the well being of society up to their maximum potential. These incidents also highlight the need for removing the bias against the poor and less powerful, especially people like migrant labour who have left their home land in search of a better livelihood but still are staying under the constant threat and fear of abuse and exploitation.

This Committee was set up by the Ministry of Women and Child Development to investigate into the incidents of sexual abuse and murder of children in Noida and suggest measures so their recurrence can be avoided. The Committee has made efforts to put together this document, with the hope that the suggested policy measures would lead to setting up of a mechanism by which parents whose children go missing do not have to run from pillar to post with no redressal. An effort has also been made through this document to suggest the need for a more proactive police response to complaints relating to missing children/persons. It is our sincere hope that it helps in paving a way for ensuring a more secure future for our children.

The Committee would like to thank the District Magistrate and SSP of Noida for their help. The Committee would also like to thank Dr. Vinod Kumar, District Medical Superintendent, Noida for sparing time and informing the Committee regarding the medical findings based upon the postmortem of bodies conducted under his supervision. A special thanks go out to Ms. Indira Jaising who helped the Committee in providing legal insights. The Committee expresses its heartfelt sympathies to the families of the deceased victims who in spite of their terrible loss were able to talk to the members of the Committee. The Committee also wishes to express special thanks to Shri C. K. Reejonia, Under Secretary (CW-I), MWCD who accompanied the Committee to Noida during its two visits and also helped in compiling of this Report

Sd/-

(Manjula Krishnan)

Ministry of Women and Child Development

Press Note

The Ministry of Women and Child Development has the mandate for the welfare, protection, safety, development and empowerment of women and children in the country. Accordingly, incidents involving child abuse, violence and trafficking and kidnapping of young children are a matter of concern and do need to be taken cognizance of on a priority basis. It is in this context that as per the directions of Hon'ble MOS(WCD), Smt. Renuka Chowdhury, the Ministry of Women and Child Development constituted a Committee to investigate into allegations of large scale sexual abuse, rape and murder of children in Nithari village of NOIDA (UP) and give suggestions/recommendations for ensuring that such cases do not recur. vide Order dated 3rd Jan., 2007.

The Committee made two visits to the Noida and held discussions with officials of the District Administration to understand the status and background of the crime. The Committee also met the families of the victims as well as Chief Medical Superintendent, NOIDA. The first visit was on 4th January 2007 while the second visit was made on 10th January, 2007.

The Committee has observed that since the modus operandi and the motive of the killings are not clear and therefore, the CBI should look into all angles including organ trade, sexual exploitation and other forms of crimes against women and children. In view of the fact that CBI investigation is discovering more new bodies spread over a larger area, involvement of other persons as well a larger geographical spread needs to be investigated.

The Committee has also observed that police apathy and indifference to the reports of missing children made by parents/guardians was evident. It is surprised from the fact that even though the reports of a number of children missing came from just one locality, the police were in the dark. The remedial measures suggested include, *issue of instructions by State Governments for registering all complaints of missing children as crimes and accordingly taking investigative action, regular monitoring of daily diary register maintained by the Police Stations by higher authorities, tracking of missing children through web-based and other intra and inter State networking linkages, training and sensitization programs for police personnel on child and gender issues, developing a Protocol which delineates the methodology and steps for registering complaints of missing children, investigation, recovery, reintegration and follow up action, IT enabled registration of cases of missing children and a centralized system of lodging complaints relating to missing children. The Committee has also suggested strengthening of communities, more effective performance of duties by civic authorities, and steps to curtail superstitious beliefs and action against people like tantriks found involved in misguiding people. It has also suggested trauma counseling for the victims' families.*

Report of the Committee

1. Constitution of the Committee and its mandate

The Ministry of Women and Child Development has the mandate for the welfare, protection, safety, development and empowerment of women and children in the country. One of the areas of concern in recent years is the growing incidence of child abuse, violence and trafficking and kidnapping of young children for various purposes ranging from prostitution, rape, ransom, sale of organs, child labour, servitude etc.

It is in this context that as per the directions of Hon'ble MOS(WCD), Smt. Renuka Chowdhury, the Ministry of Women and Child Development constituted a Committee to investigate into allegations of large scale sexual abuse, rape and murder of children in Nithari village of NOIDA (UP) vide Order no. F.19-25/2006-CW dated 3rd Jan., 2007. The constitution of the Committee was as follows:

1. Mrs. Manjula Krishnan, Economic Adviser, - Chairperson
Ministry of Women and Child Development
2. Shri Balvinder Kumar, Secretary, - Member
Department of Women and Child Development,
Government of Uttar Pradesh
3. Shri V. N. Gaur, Joint Secretary (Police), - Member
Ministry of Home Affairs
4. Shri J. S. Kochher, Director (Child Welfare), - Convener
Ministry of Women and Child Development

With Shri K. Skandan taking over as JS (CS), Ministry of Home Affairs, a partial modification of the above order was issued on 4.1.2007 inducting Shri Skandan in place of Shri V.N. Gaur as a member of the Committee. Subsequently, Shri Balvinder Kumar conveyed his inability to join the Committee.

The terms of reference of the Committee were as follows:

- The efforts made by local administration, especially police to locate all the missing children and reintegrate them with their families.
- The modus operandi and the motive of the accused persons into these activities.
- The level of cooperation/assistance provided by local administration, especially police to the affected parents/families and the community.

The Committee was also asked to give suggestions/recommendations for ensuring that such cases do not recur. The Committee was directed to submit its report within a period of 15 days.

The Committee made two visits to the Noida in order to have the first hand information and make preliminary inquiries as well as to understand the status and background of the crime from the District Administration. The first visit was on 4th January 2007. The second visit was made on 10th January, 2007.

The Committee held discussions with the District Magistrate (DM), Shri Ajay Chauhan and the SSP, Shri RKS Rathore. The Committee also met the Medical Superintendent of NOIDA Hospital, families of the victims and the other residents of the area. It visited the site where the crime had occurred.

2. First Visit of the Committee to Noida on 04.01.2007

2.1. Meeting with the district administration on 4th January, 2007

DM, Noida and the SSP, Noida briefed the team about the action taken by the district administration regarding reported cases of missing children in Nithari village and mentioned about the various steps taken by the Administration to trace and book the perpetrators of the crime.

(i) The DM stated that incidents of missing children have come to light in the specific area of Nithari village. As per the statistics provided by SSP, Noida, the number of reported cases of missing children in last two years* are as follows:

	2005	2006	Total
Cases reported for missing persons/children	9	20	29
Persons/children recovered/returned	3	8	11
Persons admitted as killed by the accused	2	9	11
Persons still missing	4	3	7

*As per the data given by SSP, Noida during the first visit of the Committee to Nithari on 04.01. 2007.

Note: The number of children/ persons identified as killed by the accused was 17 as reported by the authorities on 10.1.2007

As per the NOIDA Police, no call for ransom was received and he stated that about 70 percent of the missing persons returned on their own, which is, however, not reflected as per the data provided by him, reflected above. It was also informed that out of the 9 cases registered in 2005, 7 were below the age of 18 and 2 above the age of 18. Further, out of the 20 cases registered in 2006, 15 cases were below the age of 18 and 5 above the age of 18. The Committee asked several questions regarding timely posting and registration of cases by the Police Station personnel on the missing children and record in Daily Diary Register of the Police Station.

2.2. The details of the crime (modus operandi and motive)

(ii) One of the accused, Moninder Singh Pandher is a well to do businessman who reportedly owns a factory in Delhi and a farm-house in Chandigarh. However, as per the SSP, NOIDA they are examining the possibility of the accused having sought children for sexual abuse. As per the information made available, these children were allegedly lured by Surender, his servant by offering toffees and toys and then taking them inside the house and subsequently killing them. Some of the victims were reportedly called to work in the house of the accused and then

similarly brutalized and killed. Police have also reportedly recovered pornographic material, liquor from the house of Moninder Singh. Police are investigating into the role of Moninder Singh in the sexual abuse and killing. The SSP informed that the method of disposal was that Surender used to strangulate and chop off the head, place it in polythene sacks and dispose it in the nallah at the front of the house and rest of the body in a dry nallah at the back of the house.

(iii) Police have reportedly recovered 17 skulls and bones, on the basis of which, 11 victims had been identified till 4.1.2007, the first visit of the Committee. The other six victims were also identified as per the Police report made to the Committee on its second visit to NOIDA. The cause of death could not be ascertained by the doctors and this is being further investigated. According to the authorities, a team of doctors has reportedly ruled out organ transplant.

(iv) On enquiring whether there were any complaints against the accused received in the last two years, the authorities informed that there was no complaint specifically against the accused persons.

(v) The case has been transferred to CBI and in-depth investigation is progressing. More bodies have been unearthed as reported in the newspapers.

2.3. Sequence of events leading the police to the accused

(vi) The accused Moninder Singh was reported to be in the habit of getting prostitutes to his house. A girl Payal, aged about 20 years, was reportedly missing from May 2006 and a FIR was registered by Police at the instance of the Court case filed by the father of the girl. Proceeding on the Court Order, the Police started investigations which included tracing the details of the calls made by the mobile phone of Payal which led them to the accused. On interrogation, Surender, reportedly admitted to the killing of Payal. Subsequently, he also admitted to having killed several children. The police brought the parents of the missing

children and Surender and Moninder Singh, face to face, wherein the accused identified a number of photographs of children/women as their victims.

(viii) The district administration informed the Committee that both the present DM and the SSP were posted in NOIDA around May 2006. SSP informed that in the process of investigating the case of Payal, the cases of other missing children were also taken up, and the Police formed teams to investigate the matter and in certain cases dispatched teams to Bihar, Agra and Jaipur on the basis of whatever lead they had. As per the statement of SSP, they had made all efforts to trace the missing persons. Police were now reportedly interacting with the public and the parents of the missing persons and providing them with updates. The fact remains that all children apparently went missing from the same particular location in the locality i.e. in front of the House No. D-5 and the district police was not able to piece the available information together and reach the offenders.

2.4. Visit of the Committee to the site of the crime

(ix) Subsequently, the Committee visited the site of the crime at Sector 31 in NOIDA on 4th January, 2007. The house was sealed for investigation by the Police. However, the team inspected the nallah in front of the house which was reportedly covered with slabs but was open at one place from where Surender allegedly used to throw the sacks into the nallah. The road in front of the house is a busy road and leading to a market a few yards away. The team also visited the backside of the house where the accused allegedly used to throw the other parts of the body in the backyard of the house which adjoins the area where some of the victims' parents were staying. It was reported that the accused used to throw the sacks from a non-grilled window of the bathroom. However, the backyard in which the sacks used to be thrown is a nallah without much depth.

3. Second Visit of the Committee to Noida on 10.01.2007

3.1. Meeting with the victims' families

(x) The Committee had met some families on its first visit to the site on 04.01.2007. However, on 10.01.2007 on its second visit, the Committee met, individually the parents/guardians of 14 victims. The Committee found that the families of the victims were mostly in a state of shock and despair. A number of them complained that when their children were originally found to be missing, the police would not heed their complaints nor even register them. They bemoaned the fact that had the district authorities listened to their complaints and taken immediate action, their children could have been saved. They demanded severe punishment to the culprits and demolition of the house of Shri Moninder Singh. The sequence of events obtained individually from parents/guardians of 14 children by the Committee on 10.1.07 are described in the Box items.

3.2. Meeting with Medical Superintendent

(xi) The Committee met Dr. Vinod Kumar, MD, the Chief Medical Superintendent, NOIDA during its visit on 10.1.2007, under whose supervision the postmortem was conducted on bodies identified after assembling the bones/skull found at the site. He indicated that it was intriguing to observe that the middle part of all bodies (torsos) was missing. According to him, such missing torsos give rise to a suspicion that wrongful use of bodies for organ sale, etc could be possible. According to him, the surgical precision with which the bodies were cut also pointed to this fact. He stated that body organs of small children were also in demand as these were required for transplant for babies/ children. A body generally takes more than 3 months to start decomposing and the entire process continues for nearly 3 years. Since many of the reported cases related to children having been killed less than a year back, it is a matter for investigation as to why

only bare bones were discovered. He did not favour the theory of cannibalism as it could be a ruse to divert attention from the missing parts of the bodies.

4. Pertinent issues before the Committee and its Recommendations

4.1. *What is the procedure and practice for registering complaint of a missing child/ person and what efforts were made to recover them?*

The district authorities informed that as per the laid down practice, a complaint for a missing person is registered in their daily diary register and the Gumshudgi Report is given to the complainant. Action is then taken for investigation and efforts are made to track the missing persons. Investigation teams are sent to other States, if required.

4.1.1 *Committee's observations*

It does not appear that the Police diligently filed Gumshudhi reports. According to District Administration, the investigation of disappearance of Payal based on the Court Orders led to the cases of other missing children. The Committee's meeting with victim families revealed that the police were insensitive to their woes and rude in their approach and their behaviour was generally gender and child insensitive. One of the victims' mother mentioned that her daughter was taken by Maya, the maid servant of the accused, to work in his house on the fateful day and the girl never returned. It is possible that had the police investigated on this complaint, they would have got leads to the accused much earlier. Many media reports where parents were interviewed reflect total lack of police cooperation and support till very recently towards the victims. As many of the victims' families came from poorer sections of society, there was a general perception among these families that police did not care to listen to their problems. This is further supported by the fact that almost all the victims came from poor families.

It is surprising that even though the reports of a number of children missing came from just one locality, the police were in the dark. It was only when the Court ordered a probe in the case of Payal that the police swung into action. To conclude, there was no effort made by the Police to locate the missing children in Nithari till such a time it became imperative for them to do so in view of the Court Order and growing media criticism.

Thus, it is felt that reporting and investigating of cases of children missing are not given necessary priority especially from poor families. This is a general situation that prevails across the country. There is also apathy and a general lack of sensitivity about gender and child issues in the police system.

The reluctance of the Police to register cases of missing children is one reason for the abysmally low figures cited in their records, as well as in the figures reflected in the National Crime Records Bureau, which is in variance with the actual number of children who are estimated as missing every year. (The NHRC estimates the figure for missing children at about 45,000 per annum in the country, as per their report 'Trafficking in Women and Children'). In other words the number of children recorded as missing is likely to be far short of the actual number.

4.1.2 Suggestions of the Committee:

The police apathy and indifference to the reports of missing children has come out sharply in the Nithari case. The following remedial measures are, therefore, suggested:

- *All complaints of missing children need to be registered and treated as a cognizable crime and investigation conducted on priority basis, accordingly. All State governments including Uttar Pradesh would need to issue appropriate instructions in this regard*

- *Wherever police negligence or inaction has been reported when missing children complaints are received, State governments should take serious cognizance of this and investigate the complaints and on the basis of the same, exemplary punishment meted out to the guilty police officials.*
- *The data and record base of missing children needs to be maintained, updated and monitored regularly by States and NCRB.*
- *The Ministry of Women and Child Development has raised the issue of treating missing children as trafficked children in a number of forums including the Central Advisory Committee for Combating Child Trafficking. The Ministry has written to all Chief Secretaries to issue instructions for registering all complaints of missing children as crimes and accordingly take investigative action. The need to maintain data records has also been stressed.*
- *The daily diary register maintained by the Police should be regularly monitored to ensure that all missing children reports entered therein have been duly taken cognizance of and FIR filed.*
- *Tracking of missing children needs to be made more effective through web-based and other intra and inter State networking linkages so that the police in any one particular State /district of the country will have access to data of missing children in other parts of the country.*
- *There is urgent need for training and sensitization programs in gender and child related issues, laws and programs for police at all levels especially cutting edge level. There is need for carrying out regional/State consultations to educate the Police functionaries for becoming more serious in handling cases of missing children.*
- *One of the major constraints, which are faced in cases of missing children, is that complaints are handled at different levels of police hierarchy and therefore there is no strict accountability of action taken by the officials. It would be desirable that a police officer at the rank of an Inspector be designated as Special Police Investigating Officer so that investigations are carried out in a much more serious manner. It may be mentioned here, that*

under the Immoral Traffic (Prevention) Act 1956, similar provision is made for investigating trafficking related offences.

- *A nodal officer at the rank of DIG should need to be designated as the nodal officer in charge of missing children for each State. This officer will have the overall responsibility of monitoring and reviewing the missing children data and accordingly take action. At the district level SP should review the item as a separate subject.*
- *The present methods and procedures for investigating missing children are piece meal and depend on the commitment and dedication of the concerned police officer handling the investigation. It would be necessary for MHA & MWCD to develop a Protocol after reviewing the present status which delineates the methodology and steps for registering complaints of missing children, investigation, recovery, reintegration and follow up action etc*
- *In order to make the investigative procedures more transparent and user friendly, it would be preferable that the police investigating team should involve the community such as NGOs, representatives of PRIs/ municipal committees, RWAs so that there will also be community involvement and the affected families will have recourse to civil society representatives, in addition to police officers.*
- *Another issue that emerges as a shortcoming in the recent crimes at Nithari is that victims' families are left in the dark about the developments in the investigation concerning their children. This lack of information has resulted in many of them becoming highly traumatized and desperate. Therefore, it is very essential that regular updates are provided to the families. The investigating team recommended, can help in providing updates to the families and also counseling them.*
- *States should take steps for IT enabled Registration of cases of missing children. There must a centralized system of lodging complaints relating to missing children which gets registered by following certain instructions and*

dialing specific code of numbers as is done in case of lodging telephone complaints.

- *All police stations should have a designated official for attending to all complaints relating to children & women. All police stations should necessarily have a Women & Children Help Desk (Mahila Shishu desk) similar to those set up in Orissa.*
- *In metro cities and its suburbs where vulnerable groups are found in large numbers (such as migrant population, slum dwellers, construction workers etc) the need for exclusive Women's Thanas is imperative. It is suggested that category wise population survey be done of metro cities and also smaller cities based on parameters such as the extent of migrant population, slum dwellers etc so that a special initiative for protection of women and children are taken up.*
- *In the wake of globalization, liberalization and growing job opportunities in metro cities and its suburbs, migrant labour flowing into these areas has increased. These persons have no residency status or identity in their place of work and are therefore highly vulnerable to social crimes, especially their women and children. The Committee suggests that a tracking system of migrant labour would need to be developed.*

4.2. The level and extent of cooperation /assistance provided to the families by the local administration/community

During interaction with the victims' families, it was observed that the present district authorities (the DM and the SSP) were reported to be responsive and helpful. But this was not the situation earlier when the police were highly uncooperative and even abusive to the victims' families. The victims' families stated that till as recently as November 2006, they received no support from the Nithari village residents or the NOIDA residents. On the other hand, they were chided for drawing unfavourable police attention to the village. It was also

mentioned that victims' families had borrowed heavily to fund their search for their loved ones and some of them had also lost their jobs in this process.

4.2.1 Committee's observations

While acknowledging that the present administration does have a rapport with the victims' families and the other residents, it has to be mentioned that this bond has emerged because of publicity the incident has evoked in all forums.

The Committee also interacted with the residents of the concerned sector in NOIDA who confessed that prior to the media reports on the crime, neither they nor the police and district administration took any special interest in the problems of the affected families. However, the Resident's Welfare Association has now been stated to be revived.

The victims' families are in a state of shock, especially when they have found after months and sometimes after years of searching, their children were buried in sacks just a few feet away from their houses; also the gruesome manner in which their innocent children faced death is another trauma they live with. As the investigation is likely to continue for some time (the case has now been handed over to the CBI) most families will be forced to relive their experiences repeatedly and grapple with new evidence that may emerge. As a result, many of them are unable to handle their grief or achieve closure. The victim's families have confessed that they (especially the mothers) are suffering from insomnia, health problems, emotional distress etc.

4.2.2 Suggestions of the Committee

- *The State Government has been requested to provide trauma counseling for the victims. In this context, the Ministry of Women and Child Development (MWCD) has also written to the State Government offering to provide such services. For this purpose, the MWCD will bring in trained counselors from*

reputed agencies like VIMHANS and NIMHANS to offer long term trauma counseling and emotional rehabilitation to the families.

- *The best safeguards for any society come from within the society to prevent such criminal activities against children. Therefore measures to strengthen the community bond and families must be taken up on a priority basis. Some suggestions include:*
- *The police station should set up neighborhood watch system;*
- *Adolescent groups of both boys and girls are very vulnerable to many social evils. Therefore adolescent groups, such as, the Ballika Sanghas in Andhra Pradesh, should be organized to provide peer support to one another.*
- *Schools need to be alerted to keep vigil on their children, especially on their way to and from school.*
- *Local bodies, such as, the PRI and Municipal Corporations need to become more proactive and ensure that the children are protected.*
- *More number of anganwadis and crèches need to be set up so that the children are kept in a safe place when the parents are working.*
- *With the progress of the case, there is also need to provide adequate protection to prime witnesses (eg. Payal's family) in terms of safe and secure shelter and financial expenses*
- *It is understood that the State Government is providing a financial rehabilitation / compensation package to the families of the victims. A number of these families have lost their life savings, jobs and are also in debt. Many of the families are uneducated or poorly educated. Some of them are also illiterate. It would be useful if the families are provided guidance so that the ex-gratia payment of Rs. 5 lakhs is invested in such a way that some regular income flows to the families concerned. Otherwise, unscrupulous persons can cheat them out their compensation.*
- *There is need for all civic authorities to perform their tasks assiduously as these provide an element of monitoring and checking untoward activities or situations. For example, in the Nithari case, if the administration had cleaned*

the sewerage system on a regular basis, the bodies would have been discovered much earlier and probably some deaths could have been prevented.

- *Training and sensitization on child and gender issues is very important for all stake holders such as police, prosecutors, judiciary, parliamentarians, medical profession, civil society, adolescent youth, school children etc.*
- *The PRIs have the capability of providing effective safeguards to the women and children in their society. The role of the PRIs needs to be strengthened in this direction. Similarly there is need to develop and strengthen self help groups of women/ mothers so that they can form support systems in the community.*
- *Superstitious beliefs especially regarding human sacrifices need to be tackled through spreading of awareness on myths and facts and inculcating a scientific temperament. The people like tantriks found involved in misguiding people to perform activities, which can be harmful for other citizens, should be strictly dealt with.*

4.3. Modus operandi and motive of the crime

After going through the details of the investigation as reported by the district authorities the Committee felt that the modus operandi and the motive of the killings are not clear. The original assumption on which the police are proceeding is that it is primarily a sexual crime of a serial crime category, committed by very psychologically disturbed persons.

4.3.1. Committee's Observations:

1. There was no type or pattern in the choice of the victims which is generally the hallmark of a serial killer. The victims were both male and female and their ages ranged from a 3 year old boy to young women. As such, the premise of it being the work of a serial killer is unclear at present.

2. The nallah in front and the back of the house are not very deep and have stagnant water. It was also not cleaned for a long period by civic authorities. Therefore, the sacks would not have flown away but remained wherever they were dropped. It is curious that no decomposition of the body took place nor was there any report of foul smells.
3. The method of disposal of the body also needs further investigation. According to what has been reported, the accused tied the skull and the bodies in sacks and dropped them in the nallah at the front and back of the house. Considering that these sacks had to be dropped from terraces in the daylight hours, it is very strange that there were no witnesses inspite of adjoining neighbouring terraces.
4. As per some medical reports, the body normally takes at least three years to decompose; as many of the deaths were as recent as 2006, the body should not have been completely decomposed. Yet, only skull and bones were found which gives rise to a lot of suspicion. Such a careless disposal of bodies where it was certain that they would be discovered in due course is strange.
5. It is also strange that the flesh of the torsos was disposed off separately from the rest of the body. In fact, this portion of the bodies has only been discovered after the thorough search carried out under CBI's supervision. What was the motive behind action by the accused needs to be investigated.

4.3.2. Suggestions of the Committee

There are certain aspects that need to be further investigated:

- *The CBI should look into all angles including organ trade, sexual exploitation and other forms of crimes against women and children.*
- *There is need to study the organ transplant records of all hospitals in NOIDA over the last few years to study the pattern and trend of these operations and tracing the donors and recipients.*

- *As the motive, modus operandi and method of disposal of bodies are not clear, the involvement of other persons as well a larger geographical spread needs to be investigated. This is all the more important as the CBI investigation is discovering more new bodies spread over a larger area.*
- *The identification of the victims is based solely on the confessions of the accused and that too from their photographs. There is no other strong evidence to prove that these children definitely met their deaths at the hands of the accused or if there is a possibility that they could be trafficked elsewhere. The fact that some of their clothes were found in the accused's premises cannot automatically prove that they are dead.*
- *The interrogation made by Police of the maid servant of the house, Maya Sarcar, needs also to be looked into for revelations into the activities of the accused.*
- *The discovery of more and more bodies in the area is a cause of grave suspicion whether these crimes are the work of just two individuals or whether a larger gang is involved. The original motive as on being sexual crimes needs to be reinvestigated.*
- *The CBI may also examine the violations of legal provisions attracted under Indian Penal Code, such as, Section 300 pertaining to murder, Section 359 pertaining to kidnapping, Section 362 pertaining to abduction, Section 375 pertaining to rape, etc; select provisions of Criminal Procedure Code which invest Police Officers to investigate cognizable cases; provisions of special legislations, like Immoral Traffic (Prevention) Act, 1956 such as Section 9 pertaining to seduction of person in custody, etc.*
- *The National Commission for Women may be requested to give a report on the investigation they had earlier conducted on receiving of complaints of missing children in Nithari and also their recommendations for prevention of such crimes and rehabilitation of victim's families.*

4.4. Other Observations and suggestions of the Committee

The incidents at Nithari reflect the general national apathy and malaise in the administrative system, especially the police in tackling the problems of children and ensuring their safety and protection- one reason for the growing incidence of crimes against children. This is more so in the case of poor and downtrodden whose voice is not heard. There is urgent need to put in place measures for a safe protective environment, which will provide our children the safety, and protection they need to grow into productive and happy individuals. These safety measures are all the more required in view of the fact that on account of liberalization and globalization, inter state migration is on the increase, most families have both parents working and the children are left to fend for themselves. It is this extreme vulnerable situation of the children that encourages predators like the accused to harm and destroy innocent lives.

The Committee strongly recommends that priority must be laid in all the States to formulate a safe and protective environment for children. In this context, M/WCD is already taking a number of steps to ensure the protection of children. These initiatives include schemes like “Integrated Child Protection Scheme”, and ‘Comprehensive scheme for Prevention of Trafficking of Women and Children and their Rescue and Rehabilitation’; legislations like Offences Against Children (Prevention) Bill, and Immoral Traffic (Prevention) Act 1956; Constitution of a National Commission for Protection of Child Rights; setting up of child line and women help lines; preparing missing children data base and tracking systems. Some of the major initiatives of the MWCD are described below:

4.4.1. Integrated Child Protection Scheme (ICPS)

In view of the gaps identified in the existing child protection mechanism available in the country, the Ministry of Women and Child Development has initiated a move to combine the existing child protection schemes under one

integrated scheme titled “Integrated Child Protection Scheme” Besides, the issues/areas of protection so far left uncovered are also sought to be covered under the new comprehensive scheme. The proposed scheme aims to provide for care and protection of all the children in conflict with law and children in need of care and protection by setting up State and District Child Protection Units which will in turn, work for effective implementation of child protection programmes and policies in their areas of jurisdiction. It would also involve steps to strengthen families and prevent them from breaking up by providing for an effective support mechanism. This will prevent children from becoming homeless or without care and protection. At the same time, children already outside the mainstream will be provided necessary support beginning from emergency outreach services to final rehabilitation with their families/society.

4.4.2. Offences Against Children (Prevention) Bill

After wide consultations with concerned Ministries/Departments, State Governments, Government as well as Non-Government organisations, legal experts and social workers, an Offences Against Children (Prevention) Bill has been prepared. This Bill provides for dealing with offences against children and punishments for offenders along with procedures to be followed. The offences for which suitable punishments are recommended include sexual assault, unlawful sexual contact, non-contact based sexual offences with a child, offences relating to trafficking, selling and buying of a child, using child under the age of 14 for employment/labour and domestic help, using child for begging, cruelty to child, corporal punishment, ragging, intimidation, intoxicating child, kidnapping, abducting and wrongful detention, using of child for pornography, abetting and involving children in armed conflict. There are other provisions for reporting obligations and monitoring also.

4.4.3. The Commissions for Protection of the Child Rights Act 2005

The Government notified the Commissions for Protection of Child Rights Act 2005 in the Gazette of India on 20th Jan., 2006 as Act No.4 of 2006. The Act envisages setting up a National Commission at the National level and the State Commissions at the State level. The Commissions would be working for proper enforcement of children's rights and effective implementation of laws and programmes relating to children. The National Commission is likely to be set up shortly.

4.4.4. Implementation of the Juvenile Justice (Care and Protection of Children) Act 2000:

One of the most important provisions under the JJ Act is the setting up of Juvenile Police Units by the States to take up crimes against children. Unfortunately the absence of such units leads to slack and indifference in attending to children's issues. In Uttar Pradesh, for example no special Juvenile Police Unit had been set up. The Child Welfare Committees set up by the State Governments should be functional and take proactive measures to prevent harm to children apart from working for rehabilitation of children in need of care and protection.

4.4.5. Measures to combat trafficking

The Ministry is processing amendments to the Immoral Traffic (Prevention) Act 1956 wherein the definition of trafficking has been considerably widened to include all acts of kidnapping, duping, luring, abducting etc of children or women as crimes. The Bill proposes much more stringent punishment for traffickers. Realizing that this bill primarily focuses on sexual exploitation and abuse of women and children, while trafficking per se can include acts of slavery, organ sale, child labour etc, the MWCD in collaboration with Ministry of Home Affairs, National Human Rights Commission and National Commission for Women is undertaking regional and national consultations to

formulate a holistic Plan of Action for trafficking in human beings. A Comprehensive scheme is also being formulated for tackling the problem of trafficking with effective preventive inputs.

4.4.6. *Missing Children Website*

The Ministry of Women and Child Development in collaboration with UNICEF is in the process of setting up of a nationwide missing children website which will help provide information regarding missing children across the country by matching suitable characteristics of the missing child with those provided by the parents/guardians looking for him/her. The website is first proposed to be launched shortly on pilot basis in the State of West Bengal from where it will be extended to other States.

4.4.7. *Awareness and Advocacy*

State Governments should make adequate efforts to have a Media Plan for the State which covers issues relating to women and children welfare and protection. This is essential in order to educate the public regarding the need for proactive and alert action against trafficking, kidnapping, etc.

The Committee suggests that all these above initiatives are absolutely essential for putting in place important programmatic inputs and mechanisms for protection of children. This will require adequate funds to be provided for Child Protection in the Eleventh Plan not only at the Centre but also in the State budgets, as at present the quantum of funds for child protection is extremely low (on an average about 0.034% of the annual Union budget). The State Governments should give adequate priority to the Social Welfare and Women and Child Development Departments. The officers like the District Social Welfare Officers should also be monitoring the missing children cases in the district in consultation with the Child Welfare Committees.

The Committee also suggests that a rating system for States/districts may be put in place according to which States/districts are rated for child safety on the basis of certain agreed to parameters.

5. Conclusion

Child abuse and violence against children have emerged as one of the most crucial and alarming problems in this country. Factors such as growing industrialization, liberalization, urban bias, inter state and rural-urban migration, economic poverty, breakdown of family and community values and support systems etc, have resulted in children being the most marginalized and vulnerable victims. Unless the subject of 'Child Protection' is accorded the highest priority in both, the Center's and State's policies, programmes, and schemes, the violence against these innocent children is likely to continue unabated.

The strength of this country lies in the physical, emotional and psychosocial well being of our children. It is our sacred duty and responsibility to ensure that they are given the correct opportunities to blossom into vibrant productive youth of this country.

Sd/-

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Sd/-

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Sd/-

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New Delhi

Dated: 17.1.2007

“Missing Children -Victims of Crime”

Harsh

The father of Harsh, Shri Ram Kishen resides behind the House D-5 for last 14 years with his family. Harsh, 3 ½ years old, went missing on 23.2.2006 in the evening when his father went to nearby market in Nithari village to purchase a bulb. Ram Kishen complained to the Police about his missing child. He was given a copy of Gumshudgi. Though he repeatedly visited the Police, he received no cooperation from them. During May, 2006, after the current SSP had taken charge, some efforts were made to trace the missing child. Surender, the accused, after his arrest, confirmed that he had killed Harsh by identifying his photograph. The father also identified the clothes and slippers of the child found in the premises. Ram Kishen has received a compensation of Rs. 5 lakhs and a plot of land from the UP Government. His wife, however, is deeply traumatized and is suffering from health problems.

“Missing Children - Victims of Crime”

Deepali

Shri Amar, maternal uncle of Deepali, a 12 year old girl informed the Police that the girl was missing on 18.7.2006 as she did not return from work on that day. The family hails from Hastinapur and is presently residing in Nithari, just 50 yards away from the site i.e. house no.D-5. The family searched for her and eventually lodged a complaint with the Police.They were given the Gumshudgee on 19.7.2006. According to the near ones of Deepali, the police were very uncooperative and cast slurs on the character of the girl. The accused, Surender confirmed the death of Deepali from a photograph produced before him and some belongings have been recovered from D-5. The family has received compensation from the State Government.

“Missing Children - Victims of Crime”

Max

Max, a 5 ½ years old son of Shri Ashok Kumar was missing on 27.4.2006. Ashok Kumar, a neighbour of Shri Ram Kishen., complained to the police about the missing child, but received no cooperation from them. He also met the accused, Surender, who accepted that he killed the child, based again on a photograph. However, no clothes or personal belonging of Max were recovered. The evidence is, therefore, based on the confession of the culprit. Ashok Kumar, who has lost toes of his right leg in an accident sometimes ago, is presently unemployed. He has received compensation from the State Government.

“Missing Children- Victims of Crime”

Aarti

Aarti, 7 years old, was residing with her parents in Sector 30 of NOIDA, residents of NOIDA for 8 years. She went missing on 25.9.2006 at about 12.30 P.M. when she was apparently purchasing some sweets from the nearby shop and never returned. Mrs. Durga Prasad, her father came from duty at 11.30 pm and learnt that Aarti was missing. After extensively searching for her, he finally went to Police for registering a complaint. The Police registered his complaint on a simple paper and assured him for necessary action. The death of Aarti was confirmed by Surender, from photographic evidence and some clothes have been recovered from the premises. The family has received compensation from the State Government. The wife of Shri Durga Prasad, however, is in very poor health condition and requires immediate medical attention.

“Missing Children- Victims of Crime”

Jyoti

Shri Jhabulal, father of Jyoti, reported that his daughter was missing from 21.2.2005. He works as a dhobi near the house of the accused. He had sent his 10 years old daughter to a nearby shop for embroidery of a cloth, but she never returned. Jhabulal registered his complaint and was given a copy of the Gumshudjee. He did not receive any cooperation from the Police; on the other hand they ridiculed him by casting aspersions on his daughter's character. However, after the current SSP joined, an additional effort was made to trace the girl. The death of Jyoti was confirmed by the accused on the basis of a photograph and some clothing was recovered from the premises. He has also received the compensation from the State.

“Missing Children- Victims of Crime”

Rachna

Rachna, 8 years old, a student of DPS went missing from Nithari village on 10.7.2006 while playing with other children. Her father Papulal, a neighbour of Shri Jhabulal attempted to trace his daughter without success. He hails from Uttar Pradesh and is residing in the servant quarter of D-2. The villagers did not support Shri Papu Lal in his search for his daughter. Shri Papu Lal received no cooperation from the Police till after the current SSP joined. As per his information, a number of Police officials over a period of time used to visit the house of Shri Moninder Singh.

“Missing Children - Victims of Crime”

Rimpa

Shri Anil Haldar, father of Rimpa Haldar, 14 years, reported that his daughter went missing from Nithari where they were residing on 8.2.2005. Shri Anil Haldar is a Rickshaw Puller whose daughter was visiting him from West Bengal during her school holidays. Rimpa accompanied her mother on the fateful day to work in nearby houses and reportedly returned at 11 am but did not reach home. The complaint for the disappearance was made on the same date but was not registered by the Police. He apparently did not get the necessary cooperation from the Police and the FIR was registered only after six months had elapsed. The accused Surender, confessed to having killed Rimpa and her clothes were recovered from the premises. The family has received compensation from the State Government. However, Rimpa’s mother is suffering from acute emotional breakdown.

“Missing Children- Victims of Crime”

Nisha

Nisha, the 11 year old daughter of Mr. James, who runs a hotel in Sector 30, went missing on 24.7.2006. Mr. James hails from Darjeeling and was residing the servant quarter of D-61. The young girl used to go to the hotel with her father in the morning but on that fateful day she was reportedly went alone to hotel at 9.15 am but never reached her father. He complained about the missing of his daughter with Police on the same date and was given a copy of the Gumshadgee but no cooperation was extended by the police. However, present SSP was commended for the support extended. The accused Surender confessed that he had killed Nisha, whose clothes were also identified by her father. His wife has since been very sick and is in need of emotional counseling. Mr. James has also received the compensation from the State Government.

“Missing Women - Victims of Crime”

Nanda Devi

Nanda Devi a 34 year old mother of six children, the youngest being 4 months old was residing in Nithari with her family. She worked as house maid in the nearby colony. On 31.10.2006 she left for work as usual at 7 am and was supposed to return by 11.30 am but when she did not reach home till late evening, her husband Dilbahadur working as security guard in the area searched for her whereabouts without any success. He also reported the matter to Police in Sector 20 and met the SSP who provided necessary cooperation and registered the FIR. The killing of Nanda Devi was confirmed by Surrender from her photograph and her clothes were also identified. The family has received compensation from the State Government.

“Missing Women - Victims of Crime”

Pinki

Pinki Sarkar, 20 years, is the daughter of Shri Jaitun Sarkar, a rickshaw puller. She had a one and half year old child. She reportedly went to work in Sector 30 as a house maid and completed her job at 1.30 pm but did not reach her home. The father went to the Police Chowki but was very badly treated by the Police. No report was filed by the police as they believed she would return in a couple of days. The father also searched for his daughter in the home town of Murshidabad, West Bengal and Mumbai. His FIR was registered only when the accused identified that he had killed her. It is also important to note that Pinki's mother had informed the police that Maya, the maid of Shri Moninder Singh, had taken her daughter to work in the accused's house on that fateful day but was not heeded to. The family has been given compensation by the State Government.

“Missing Children - Victims of Crime”

Bina

Bina Haldar, 13 years old daughter of Gopal Haldar, (a migrant from Murshidabad) was missing in March 2005 from Nithari where her father runs a tea shop. The girl worked alongside her mother as house maid and on the day she disappeared, she was reportedly sent back by her mother in the forenoon but she did not arrive home. A complaint was made in the Police Station but the behaviour and cooperation of the police left much to be desired. On the basis of a photograph, Surender the accused admitted to having killed Bina and her clothes were identified. The State Government has given compensation to Gopal Haldar. However, his wife is in severe trauma and requires counseling.

“Missing Children- Victims of Crime”

Sheku Raja

Nine year old Shekhu Raja went missing from his house while playing on 1.7.2005. His father, Sheikh Aslam does welding job in a nearby shop in Nithari where they are living since last 15 years. He started searching for his son at 1.30 pm and finally went to Police Station with the complaint. No report was registered by the Police. The Police took the photograph of the child and sent him to Daryaganj Police Station for giving information of missing persons on TV. His FIR was also registered only after the accused Surender was picked up by the Police and he confessed to having killed the boy. Clothes worn by the boy were also identified by the family. The State Government has given compensation to the family.

“Missing Children- Victims of Crime”

Pushpa

Ten year old Pushpa daughter of Shri Sunil Biswas, a Rickshaw Puller went missing from 19.4.2006 from Nithari for last one year since 19.4.2006. The family originally belongs to Malda, West Bengal. The mother of the child was working in a crèche and went for her duties at 7.00 A.M. At 9.00 A.M. the child happened to be close to House no. D-5. Sunil Biswas discovered that she went missing at 11.00 A.M. and thereafter searched her for the entire day before lodging a report at the chowki late night. After two days, the chowki incharge asked for photograph of the deceased and it was only on 27.4.06 that the Gumshudagi report was filed. He alleged that the Police Officials were not supportive. However, the present SSP was more supportive and after his joining, police teams went along with him to search for the missing child to various places.

“Missing Women - Victims of Crime”

Anjali

Anjali, who is 25 years old, was missing from 12.11.2006. Her family are residents of Nithari but originally belong to Murshidabad in West Bengal. Her uncle, Shri Arun Sarkar reported that Anjali went missing from 12.11.2006. According to him, Anjali was working in Sector 30 as a maid. She performed her duties in the morning on the fateful day and went back home at 9.00 A.M. She returned between 10.00 to 11.00 A.M. and was passing in front of D-5 House location when she went missing. Arun Sarkar reported that he searched for her a whole day and then went to police chowki at Sector 20 who according to him were supportive in looking for missing girl. According to him, he identified the clothes of the deceased after the accused was nabbed and also that she was killed by the accused.