



National Commission for Protection of Child Rights

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Panipat Visit Report An Inquiry into Child Right Violation



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Table of Contents

<i>1. Background.....</i>	<i>2</i>
<i>2. Visit to the Family.....</i>	<i>2</i>
<i>3. Visit to Government Primary School, Agarwal Mandi, 8-Marla, Jatal Road, Panipat:.....</i>	<i>4</i>
<i>4. Visit to Anganwadi Centre No.26, Gaon-Kabir Panthi, Block- Panipat Urban, Dist-Panipat.....</i>	<i>8</i>
<i>5. Visit to Bal Anathalaya, Children Home, Jatal Road, Sondapur Gaon ..</i>	<i>12</i>
<i>6. Missionary of Charities (Nirmal Hriday), Sec-12 Huda Panipat.....</i>	<i>14</i>

Panipat Visit Report

1. Background

Taking cognizance of a complaint received by NCPCR regarding gang rape of a 12 year old girl of Valmiki Basti of Panipat District on 31-10-2012. It was alleged in the complaint, that there is a possibility of her being subjected to further traumatic situations by invoking the honour of the family. At the Commission, the member in-charge planned a visit to Panipat on 29.01.2013 accompanied Ms.Deeba Naseem, Consultant, NCPCR, and Ms. Mohini, an activist of NGO, National Campaign for Dalit Human Rights.

2. Visit to the Family

On 29-01-2013, the Team visited the house of victim at 8-Marla, Jatal Road, Panipat to make a social and psychological assessment of the current status of the victim vis-à-vis the family and the community. Superintendent of Police, CDPO-ICDS, PO-ICPS, Chairperson/Member of the CWC were also requested to be present on the spot to facilitate the inquiry. D C had deputed City Magistrate, CDPO-ICDS, PO-ICPS and DCP Trainee-the Lady Officer who had headed the Special Investigation Team to conduct the inquiry on 31-10-12 into the gangrape case of the minor dalit girl to accompany the team. The team was informed by the Lady Officer that on 31-10-12, while the girl was in the Hospital to attend her ailing mother, when two assailants abducted her and carried her to a distant village on their bike. The girl was raped by the two assailants in the fields near a roadside eatery (Dhaba) in Village Sufeda, Jind, and was later joined by a third assailant who again raped the girl. The two assailants have since been apprehended by the police on identification by the girl and the third is reported to have gone to Malaysia and the process to get him repatriated is underway. Medico Legal Report initially ruled out rape and the FIR was accordingly made out only u/s 363 IPC for abduction, however upon receipt of FSL Report, Rape has been confirmed and charges u/s 376 IPC have been added to the FIR.

Team visited the victim at her house, it was a one room tenement in Valmiki Basti, 8-Marla, Jatal Road, Panipat. While the team was waiting for the victim girl to return from the school, following issues emerged during an interaction with the community elders :-

- (a) The primary school is about less than a Km from the locality.
- (b) The locality has many children who are out of school and many of them go to work to earn some money for the families.
- (c) After the incident many girls have either stopped going to the school or have been withdrawn by the parents on account of fear.

- (d) After class V, only a few girls continue their studies as the school is more than three Kms away.
- (e) If the same school is upgraded to class X, girls will be too willing to attend the school and the parents also will allow the girls to continue their studies.

The Pradhan, some elder ladies and the volunteer from NGO, National Campaign for Dalit Human Rights agreed to do a mapping of the out of school children in the Valmiki Basti Locality and share the same with DC, Panipat and the Commission in about two months' time.

On return of the victim girl from the school in the school uniform, the lady member and the female volunteer from NGO, National Campaign for Dalit Human Rights interacted with her. The family of the girl comprises Mother a home maker, Father Lilu Ram aged about 45 yrs who works as a sewer pipe cleaner- not a regular job, victim's eldest brother who works as a daily wagger and on many occasions does not find a job, and elder brother aged about 17 yrs – a school dropout and apparently not in a fit state of mental health.

While interacting with the child, she narrated the unfortunate incident that took place about two months ago.

She informed that she went with her father to look after her mother, who was admitted in hospital. While her father went away to fetch tea, 2 boys approached her saying that her father was summoning her, when she went out to look for her father they gagged her and carried her on the bike. They took her first to some house, but the lady in the house who was perhaps their mother asked them to drop her back home. Then they took her again on their bike roamed around until took her to bushes and started using foul language, before taking off her off her clothes and abused her sexually. For most part of the time she was in some sort of semi conscious state of mind. When she regained consciousness, she shouted. An uncle from a nearby dhaba, heard her shouts, and about 6-7 man picked her up and also gave food. An aunt made her to wear clothes. They called the police and she was taken to Panipat and admitted to hospital, where she stayed for ten days for recovery. On further enquiry about her parents and her brothers, she informed that she was happy to be with her parents and she can't live without her mother. She seemed to have good rapport with her second brother, 17 year old, who was present outside the room, at the time of visit. She informed that her 17 year old brother also wanted to study but due to lack of monetary resources, he at times goes out to work as a daily wage worker. All along the interaction, the girl seemed to be relating the incidents in not too coherent manner as the after effects of the incidence seemed to be weighing down her psyche. Otherwise she talked of dreams, cinema, good things of life just like a normal young girl of her age.

As per the complaint, during his visit the girl looked severely traumatized, and the complainant expressed concern regarding her safety in her house. However, the NCPCR team while interacting with the child observed that girl was quite happy with her parents and also expressed concern towards her brother who was out of school. Her bonding with her mother and the 17 yr old brother was too evident, however the lack of resources in the family was

probably weighing her down. She was a regular at the school and even enjoyed playing with her friends.

As per the police record, the culprits numbering three, *(it was informed that there was a third culprit involved in the crime in Sufeda village Jind, where the girl was carried on the Motobike)*, are booked under section 363/366A/376 (2) IPC & SC/ST Act at City Police Station, Panipat. Two of the culprits have already been arrested. Initial Medico Legal report of the victim showed no external injury over any part of body, and ruled out any sexual abuse or penetration. However, FSL report confirmed rape as semen sample was found over the clothes of the girl. The charges covering rape u/s 376(2) are reported to have been added additionally, subsequent to the receipt of FSL report. And the third accused reportedly out of India is being arranged to be repatriated.

The victim girl has not been provided with any counseling or psychosocial support. On an enquiry about the Child Welfare Committee, it was informed that the Chairperson continues to be the DC, and the members as other district officials.

Recommendation:

- i. The victim girl needs regular counseling to overcome the trauma. A certified counselor be provided by DCPU under ICPS.
- ii. Free legal aid to be provided to the victim by the DLSA as and when required.
- iii. Adequate compensation be paid to the victim girl under the provision of ***Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act 1989*** and ***sub section (2) of section 357-A of the Code of Criminal Procedure Amendment Act, 2008*** for economic and social rehabilitation of the victim.
- iv. Scholarship under '***Centrally-Sponsored Scheme of Pre Matric Scholarship to the Scheduled Caste Students***' shall be provided to the girl for her uninterrupted education.
- v. The family should be linked to appropriate economic activity for rehabilitation.

In order to look into the issues raised by the Community Pradhan and other elders to ensure uninterrupted education of the children of the marginalised and vulnerable children, especially the girl child, a visit was made to the Government Primary School, Agarwal Mandi, 8-Marla, Jatal Road, Panipat.

3. Visit to Government Primary School, Agarwal Mandi, 8-Marla, Jatal Road, Panipat:

While interacting with the family of the victim it came to light that after the incident in question, few girl children of the community stopped going to school being concerned about their safety. Secondary school is also far from the locality so all those girls who

passed their primary classes are not continuing their study as their family was too reluctant to send them to schools far from their locality. To understand the issue further, the team decided to visit Government Primary School at 8 Marla, Panipat.

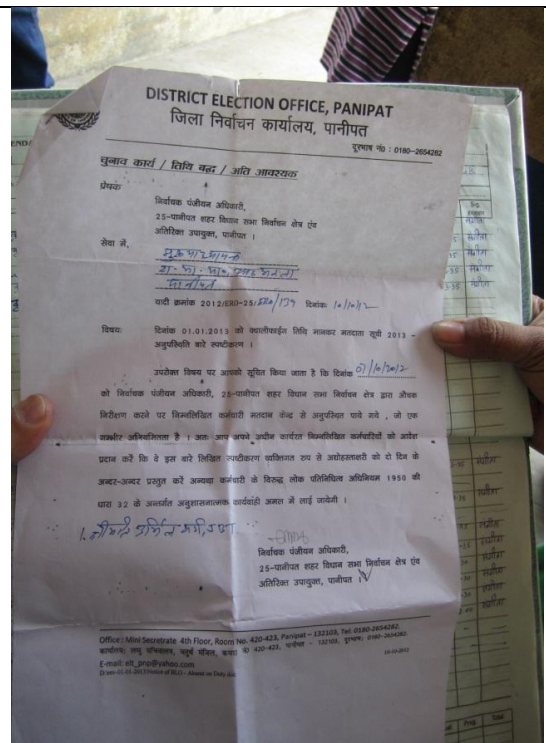
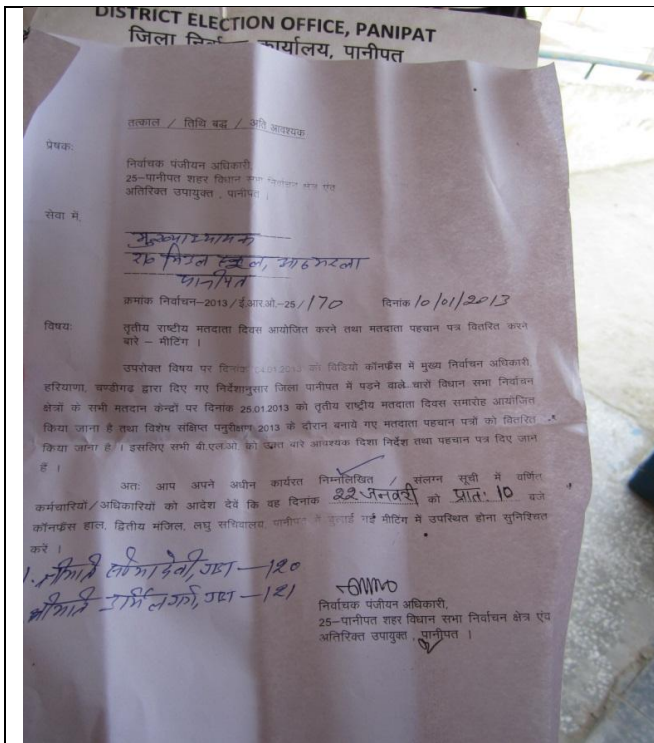


Govt Primary School, AgarwalMandi, 8-Marla, Jatal Road, Panipat



Class III of the Govt Primary School, in progress

School has Five classes, class I to V. There were in all 7 teachers on the rolls, which include Five permanent and Two Guest (contractual) teachers to man the five classes. School does not have any administrative staff on its rolls. The overall strength includes Head Mistress, who was on an official visit to the Edu. Department, as was recorded in the Staff Movement Register. During the visit, two teachers were officially directed to be on election duty and were busy in distributing voter ID cards to the electorate visiting the school.



Orders from Dist Election Office, detailing two teachers of the school to be engaged in the electoral roll duty vide order dated 10th Jan, 2013

Similar orders dated 10th October, 2012



Members of Public waiting for the electoral ID cards to be delivered to them by the teachers, while a class can be seen unattended in the background. While the RTE Act provides for "All other duties relating to electoral roll revisions will be undertaken on holidays and during non-teaching hours and non-teaching days"

Teachers informed that despite the court orders not to press any other work by the administration, they were assigned election duty, but could not produce any such orders. (The Act bans all non-academic work by teachers, except elections, decennial census and disaster related tasks. Where as census involves work once in ten years, and disasters are rare, increasingly frequent elections do keep teachers away from schools for long periods of time, particularly the preparation of electoral rolls, and can violate the child's right to quality education. Where as disallowing election duties for teachers would therefore be very desirable, the constitution however mandates that all central and state employees could be drafted for election work, which the Supreme Court has upheld). However, the provisions under the Children's

Right to Free and Compulsory Educational Rights Act 2009, such non teaching activities relating to revision of rolls etc should be undertaken only after the school duties /on holidays, which reads as ***“All other duties relating to electoral roll revisions will be undertaken on holidays and during non-teaching hours and non-teaching days”***

Three teachers were observed busy in the classes. School has a *pucca* single storey building, with proper boundary walls, separate toilet blocks for boys and girls, which were not maintained in a clean & hygienic condition. Clean drinking water was available for students. Freshly cooked mid day meal provided to the children was being recorded in a Tasting Register by a Committee (with latest entry on 23rd Jan, 2013). School building also comprised a proper playground. School Management Committee constituted was evidenced by regular meeting recorded in the register maintained. However the Pupil Teacher Ratio as required u/s 25 of the RTE Act 2009, and Rule 21 there under has not been maintained. In an interaction with the teachers, it was confirmed that some girls from the Balmiki Basti had stopped coming to the school after the incident involving the girl in question. Nevertheless, two of the teachers informed that the continued persistence and enquiries ensured that many girls were brought back to the school.

Considering the space available and a vertical enhancement of the building can ensure upgradation of the school upto Upper Primary / Middle School. A detailed proposal can be worked out by SSA and the Department of Education in collaboration with the Public Works Department for a serious consideration of upgradation of the school. It may also entail a survey / mapping of the out of school children (especially girl child) in the vicinity.

Recommendation:

- (I) Mapping of out-of-school children, be conducted within a time span of two months. Locality elders have shown willingness in associating themselves in the exercise.
- (ii) More Teaching Staff needs to be inducted in the school to maintain the Pupil Teacher Ratio as required u/s 25 of the RTE Act 2009 and Rules thereunder notified by the State of Haryana.
- (iii) To ensure uninterrupted and continued education to the children especially the girls of marginalised families of the Balmiki Basti, conforming to the section 6 of the RTE Act 2009 and the Rules notified by the State of Haryana, the upgradation of the school from class V to Class VIII level be considered. The additional classrooms can be considered by vertical enhancement in the school building.

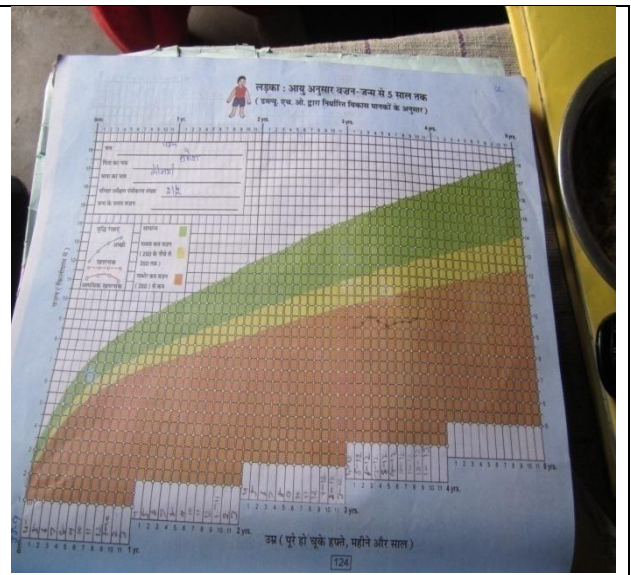
- (iv) An awareness campaign / orientation on proper constitution of School Management Committee under the RTE Rules be conducted . More Parents as is mandatory, need to be inducted into the SMC.
- (v) Education department needs to take cognizance of the fact that the cleanliness in the toilet blocks need to be maintained. For this either a *Safai Karamchari* on a regular basis or on an outsourced basis need to be provided, for which the school may be provided with adequate resources.

4. Visit to Anganwadi Centre No.26, Gaon-Kabir Panthi, Block- Panipat Urban, Dist-Panipat

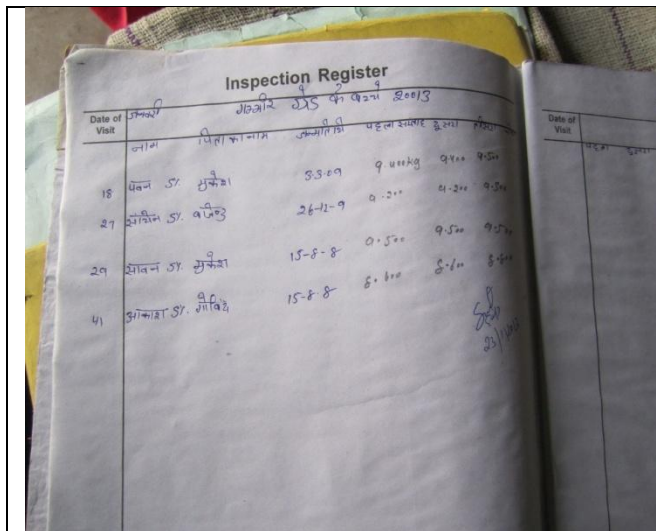
The Anganwadi centre with a total registered 92 children in 0-6 yrs, about 20 children in the age range 3-6 could be seen at the time of the visit. At the centre, besides the Anganwadi Worker and the Anganwadi Helper, the CDPO (ICDS) and the PO (ICPS), whose presence was solicited, were found present at the time of visit. The AWC was well maintained, however the CDPO was not aware



Anganwadi Centre No.26, Gaon-Kabir Panthi, Block-Panipat Urban, Dist-Panipat



Growth chart for one of the mal-nourished Child at the AWC showing no improvement in the health status in past 9 months



Name	Father's Name	DOB	Jan'13 First Week	Jan'13 Second Week	Jan'13 Third Week
Pavan	Mukesh	3/3/'09	9.4	9.4	9.5
Sachin	Brajendra	26/12/'09	9.2	9.2	9.3
Savan	Mukesh	15/8/'08	9.5	9.5	9.5
Aakash	Govind	15/8/'08	8.6	8.6	8.8

A group of Four mal-nourished children is taken up for focussed intervention for a period of three months reportedly as per the orders of Commissioner. However, surprisingly, the so called Focussed intervention does not go beyond checking and maintaining the weight of the child. Meantime No attention is given to the children taken out of this focussed group after the period.

Group of Four mal-nourished children taken up for the focussed intervention for the Quarter Jan-March 2013, as recorded in the "Adoption Register" meant for them, even though there were other 11 such mal-nourished children in the centre as per the Growth Chart maintained.

of the dietary, the calorific value and the medical requirements of the severely malnourished children in the centre. The children were not referred to any paediatrician or even general physician. The centre does not have any referral cards/slips provided. No medical records were maintained at the centre. When asked for the details on the medical intervention as & when deemed necessary, it was informed that only the mother of the child is informed that she should take the child to a doctor.

Observation & Findings:

- At the time of visit Anganwadi Centre was having around 20 children aged between 3-6 years.
- One AWW and one helper were present at the centre.
- The records & registers were maintained by the AWW.
- Listed children were as below table

S. No.	Registrations in AWC	Numbers
1	Pregnant Mothers	13
2	0-6 year Children with Mother	18
3	6 month -1 year	7
4	1-1.5 years	17
5	1.5-3 Year	18

6	3-6 Year	32
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- Weighing scale was available at the centre.
- CDPO was not aware about the calorific intake per child as per ICDS norm.
- The rationale of distribution of ration to the Anganwadi was not clearly defined.
- There is no system of any doctor ever visiting the AWC.
- The growth chart register showed many children in the severely malnourished category in a span of 9 months continuously but no action apparently seems to have been taken by the Supervisor, who should have referred the child for a prompt medical intervention to a Doctor or CHC/ PHC. Even AWW was not informed of extra calorific intake of malnourished child, though it is clearly mentioned in the ICDS that severely malnourished children should be given special supplementary feeding and referred to medical services.
- There was no listing of all such cases in a special register and referral to the medical officer of the Primary Health Centre/ Sub-centre. On further enquiry AWW showed a register named as 'Adoption register' where AWC adopts 4 malnourished children for 3 months and only take their weights every week and does nothing extra for that child. CDPO informs that it is an innovative project where 4 children are adopted every quarter and given extra care and their weight is monitored. Though the project is innovative one and in good spirit but the rationale of keeping focus only on 4 children and not others could not be explained. It was also not clear as to how mere recording the weight every week without due dietary or medical interventions, was going to curb the menace of malnutrition. It was observed that in past as per the record many children in adoption register had further slipped in their severity and no medical interventions were adopted.

List of severely malnourished children as per the Growth Chart maintained by the Centre.

S. N	Name	Father's Name	DOB	May	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	Ideal weight in KGs
1	ANKUSH	GAJENDER	15/9/11	6	6.3	6.2	6.3	6.5	6.7	7	7.3	7.5	9.34-14.06
2	SUMIT	SANDEEP	26/5/11	7	7	7.3	7.2	7	7.3	7.5	7.8	8	9.94-14.93
3	AAKASH	GOVIND	7/9/11	8	8.4	8.5	8.8	8.3	8	8.3	8.4	8.3	9.3-14
4	PAVAN	MUKESH	3/3/09	9	9.3	9.5	9.7	10	10	10.5	11	10.8	13.03-20.47
5	LAKSHMI	JAIBHAG WAN	9/9/11	10.5	10	10.3	10	10	9.4	9.5	9.7	9.5	8.8-13.1
6	PREET	SANDEEP	17/6/12		2.8	3.3	4	4.3	4.5	4.6	5	5	6.98-10.74

7	JAIVIK	RAJKUMAR	2/7/12			2.8	2.5	3	3.5	4	4.3	4.5	6.56-10.16
8	ABHISHEK	ANIL	21/7/12			3	3.5	3.8	4.3	4.5	4.8	4.9	6.56-10.16
9	ANSHU	SANDEEP	27/10/12						2.5	3.5	4	4	4.99-7.99
10	DEV	DEEPAK	3/10/10	8.5	8.7	8.4	8.5	8.7	8.5	8.5	8.7	9	10.78-16.23
11	NAITIK	RAJESH	25/12/09	10.8	11	11.3	10.3	10	10	10.3	10	10.4	11.93-18.26
12	PAYAL	SANJAY	2/2/09	9.5	9.7	9.8	9.5	9.4	9.4	9.5	9.8	10	12.65-20.99
13	KOMAL	SANDEEP	4/1/10	9.4	9.5	9.8	9.7	9.8	10	9.7	9.8	10.2	11.38-17.99
14	KHUSHI	PRAVEEN	24/4/10	8.3	8	7.5	7.3	7.5	7.5	7.5	8	8	11.06-17.24
15	SAKSHI	MANOJ	12/12/10	8	8	8.3	8.5	8.8	8.9	8.9	9	9	10.17-15.35

Recommendation:

For Immediate action:

- i. Immediate attention and focus be maintained on all the children falling in severely malnourished category at the centre, and not just four children in a quarter as found out from the record.
- ii. The mal-nourished children be provided with additional supplementary dietary requirements,
- iii. The severely malnourished children in the Centre in question to be referred on an urgent basis to medical services.
- iv. Convergence meeting of health department & ICDS staff be organized with CDPO & Medical Incharge at PHC level on Village Health Nutrition Day to assess the condition of severely malnourished children and develop individual care plan.

Long Term Measures :

- v. Two fold nutritional strategy of the Haryana government is in good spirit but not understood at the service delivery level by AWW, special training of AWW on two fold nutritional strategy to build interpersonal communication and counseling capacity of AWW for follow up support to mothers and families.
- vi. System of referral slips/cards to be introduced in all the AWCs in the State, if the same is not in practice. And AWWs be oriented to maintain the medical records of each malnourished child in the AWCs.
- vii. In most of the cases the severely malnourished children are born low birth weight babies, there should be prioritize intervention for reduction in low birth weight babies by monitoring all expectant mothers enrolled at AWC. Expectant mothers shall be given nutrition support along with counseling.

- viii. CDPO should review monthly progress report and provide feedback and assist in problem solving at each AWC.
- ix. In case of Low Birth Weight (LBW) babies & severely malnourished children both parents of the child shall be given counseling. One such meeting shall be called with men of household preferably on Village Health Nutrition Day (VHND) at AWC considering the decision making role of men in household affair. A register of such meeting involving men shall be maintained at AWC.

5. Visit to Bal Anathalaya, Children Home, Jatal Road, Sondapur Gaon

Panipat does not have a Government run Children/Shelter Home or Observation Home. The NCPCR team was informed that a private **NGO-Jan Kalyan Samiti** run children home in the name of “ **Bal Anathlaya**”



Observation & Findings:

Team of NCPCR along with ICPS PO Ms. Usha Khanna, Legal cum Probation Officer under DCPS, Mr. Sunil visited Bal Anathalaya a Children Home at Jatal Road, in Sondapur Gaon. The Child Care institution is running under Jan Kalyan Samiti a Registered Society under Society Registration Act, 1886. There are 22 resident children aged between 1.5 yrs to 18 years (list attached), both boys and girls residing in the same compound. On an enquiry, it was conveyed that the home was not registered either under Women’s and Children’s Institutions (Licensing) Act, 1956 or the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960. It was informed by the caretaker Mr. Amarjeet Narwal (Mob: 9255181080) that the due papers have been submitted to get it registered under the Juvenile Justice (Care & Protection), Act2000. The home was

established in the year 1999 to cater to the abandoned and destitute children, or those who belong to poor family.

There was no staff in the home available except Mr. Narwal & his wife. **DC being the Chairperson-CWC (Position *has still not changed in the State?*)**, has reportedly recognised the Home as a fit institution in Panipat and children were sent to the home by orders of DC & GRP and through Police directly. Childline has also started sending children to this home. Though Children are sent to this home by the authority, but no technical or financial support or training is provided by the available ICPS staff. Children were found to be sent to nearby schools whereas the Birth Certificate of all the children is created by the Caretaker by giving an affidavit and on assumption. The Home has 4 children belonging to special category one of which goes to special school but three other children were only living in the home without any extra care or support. Number of girl child is more than boys residing in the institute. Two of the girl children were not going to school, as it was informed by the caretaker that one of the two girls once ran away from the school and hence for her own safety she was not allowed to go to school but studies at the Home itself. The other informed to be 16 year old ***was too big girl for class 1 and is being provided with the life skills training at the Home***. List of emergency phone numbers have been placed on wall by ICPS team which helps in calling ambulance in case of emergency as informed by Mr. Narwal.

No child has been restored to his/her family till date, Pooja who once reportedly ran away was contacted by a woman claiming to be her mother, and even the girl has reportedly recognised her as mother, but no Home Investigation has been ordered by the CWC so far. ICPS staff was not fully aware about the recent developments.

Another girl aged 16 years was brought to the home by orders of DC, she was trafficked from Assam on the pretext of marriage. Her restoration to her native place is in process with the help of ICPS staff.

Individual case file of each child has been maintained by Mr. Narwal but the same has not been kept in order. Neither has any proper Master Register for the Admission /Restoration been maintained. The owner-cum-manager needs to be provided with an orientation programme in this regard by the ICPS staff. In one of the files of a special child - a prescription was seen prescribing psychiatric intervention as advised by a doctor on 22/4/2010, however, no such help was reportedly provided.

It was observed by the team that Child care institution like this is only running on charitable basis with little or no support from the Administration. Despite ICPS being in place for more than 2 years no strengthening of services or hand-holding of the service providers in the Home has been done so far. The home is running without any support from the district Authority even though district authority keep sending children to this home without monitoring their well being or ensuring their entitlements.

Recommendation:

- State Government to ensure proper constitution of CWC and JJBs as provided for in the Juvenile Justice (Care & Protection), Act 2000 and Rules there under.
- Ensure registration of all Child Care Institutions under the JJ (Care & Protection of Children) Act 2000, in a time bound programme.
- Since no government run home is available in Panipat, support from District administration be provided to NGO run home under ICPS.
- Training and capacity building of all personnel involved in institutional care in Non-government Organization on implementation of ICPS & the JJ (Care & Protection of Children) Act 2000.
- Ensure that all the children receive uninterrupted education in the neighbourhood school. District authority shall take responsibility of out of school children residing in children home, Bridge Courses/ Alternative Schooling shall be introduced for girls who are not sent to school by the caretaker at **Bal Anathalaya** assuming school education is only for smaller children.
- Individual care plan of all the children in the Home to be prepared by ICPS staff.

6. **Missionary of Charities (Nirmal Hriday), Sec-12 Huda Panipat**

Observation & Finding:

Team of NCPCR visited Missionary of Charities home for destitute, wherein some of the inmates of “Apna Ghar”, Rohtak, were shifted. This institution is running for past 28 years in Panipat. Sister Joseph is in charge of this home. Only 1 year ago the home was registered under Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960. The Home is running in its own building. The funds are managed by the Headquarter of Missionry of Charity, Kolkata. Resources in the form of some raw foods, clothes, etc are provided by the society.

The Administration, as a security measures after shifting of 11 residents from “Apna Ghar”, Rohtak, have constructed a seven feet boundary wall as two residents were reported to have jumped the wall earlier to escape from the Home.

- Presently 24 Children are residing in the home which includes 16 boys and 8 girls.
- 4 children with special needs attend school i.e. Savera School for special children, they charge 1000/- per child which is a subsidized rate (Rs.3000/- is charged from general students with special needs).
- All residents are living in the same campus with no segregation based on their level of maturity.

- Few inmates were seen busy in feeding other with severe impairments.
- Total staff includes 7 sisters & 20 paid helpers.
- No special educator available.
- From “Apna Ghar” Rohtak, 11 residents (all adults) with special needs were shifted to this home of which 3 have since been shifted to Nari-Niketan, Karnal. Three Police guards are also placed by the Administration, for the security of the residents as per the directions of High Court, Haryana.

Recommendation:

- Children with borderline and mild conditions ought to be separated from moderate, severe & profound categories with immediate effect.
- No government run home is available in Panipat District, financial support by the administration to NGO run home under ICPS may be considered.
- Individual care plan of all the residents to be prepared by ICPS staff.
- Special need assessment of the residents be got undertaken by the ICPS Staff in the home.
- Occupational therapists must be involved by the District authority to assess on the basis of modern IQ and aptitude tests about the way in which such children can be taken forward to mainstream living by offering vocational guidance.