

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA
PIN-799006

Complaint No. 56 of 2023

FINAL ORDER DATE 11.10.2023

1. This is a complaint reported case filed by Smt. Gopa Gope of Durjoynagar Bazar, C/O Sagar Banarjee, Agartala West Tripura, Mobile No. 8272991506 wherein it is alleged that she got introduced with one Ranjan Gope of Khowai and had marriage at Laxminarayan Bari, Agartala about two years ago and because of their matrimonial tie, she gave birth of a female child at I.G.M. Hospital, Agartala, but her husband abandoned her. Her child was taken to Abhoynagar Children Home from I.G.M. Hospital and she is claiming her child but Home Authority refused to hand over her child without DNA test. She prayed for directing Home Authority to give her child back to her. Cognizance is taken on the basis of the allegations made in the complaint.

2. The Commission on being satisfied about the alleged facts, issued notice to the Officer In-Charge / Superintendent of Abhoynagar Children Home and District Child Protection

Officer, West Tripura, Agartala to submit report on the complaint.

3. Further the Director Social Welfare and Social Education, Agartala, Tripura West was also directed to inquire into the matter and to submit the report.

4. In compliance, the Superintendent, Deepjyoti Specialized Adoption Agency, Abhoynagar, Agartala, Tripura (W) has submitted his report stating that one abandoned girl child namely Dhriti was admitted in the Deepjyoti Specialized Adoption Agency, Abhoynagar, Agartala, Tripura (W) Vide Order No.F.3(24-2)/CWC/Restoration/2020 130(9) dated, the 24th June, 2023 of the Child Welfare Committee, Agartala, Tripura (W). The Child Welfare Committee, Agartala, Tripura (W) asked Smt. Gopa Gope the complainant to conduct DNA test of the girl child Dhriti to establish genuineness of her claim as biological mother as she could not produce any documentary evidence before the Child Welfare Committee, Agartala, Tripura (W).

5. The Director Social Welfare & Social Education, Agartala, Tripura (W) also in compliance to the order of the Commission has submitted a detailed report stating that as per record of (Care and Protection of Children) Model

Amendment Rule, Child Welfare Committee (CWC), West, Tripura has to follow the guide line of (Care and Protection of Children) Model Amendment Rules, 2022 and on being dissatisfied about the claim of the complaint of biological mother of the girl child Dhriti, the CWC, Agartala, West Tripura passed an order for DNA test of the baby and the complainant and till receipt of SFSL report, the baby shall not be handed over to complainant.

6. Perused the report of Superintendent, Deepjyoti Specialized Adoption Agency, Abhoynagar, Agartala, Tripura (W), Director Social Welfare & Social Education, Tripura (W) and also the copy of the order of CWC, West Tripura, Agartala.

7. It appears from the report and document that the complainant (Smt. Gopa Gope) suddenly went to hospital after the baby was abandoned by Smt. Swaraswati Sarkar and put her claim to get the baby as her biological daughter. The Hospital authority on being dissatisfied informed the matter to Director Social Welfare & Social Education, Tripura (W) and accordingly the baby was handed over to the CWC, West Tripura, Agartala. The complainant also failed to show any documents of her claim as biological mother of the girl

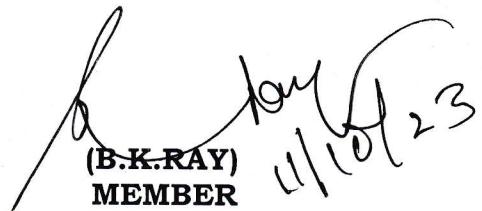
child Dhriti and accordingly the order of DNA test of the baby and the complainant was passed by the CWC West Tripura, Agartala.

8. Considering all the facts/ evidences discussed above, the Commission is of considered opinion that no Human Rights of the complainant was violated in the order of CWC, West Tripura for DNA test and consequently not handing over the child to the complainant without getting a report from SFSL.

In the result, the case stands disposed of.


(S.C.SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K.RAY)
MEMBER