

क्र.प्री-२००७/प्र.क्र.६०/का-३
महिला व बाल विकास विभाग,
नवीन प्रशासन भवन, ३ रा माळ
मंत्रालय, मुंबई-४०००३२
दिनांक : २३ मार्च, २००७

प्रति,
श्रीमती अंजली काटे,
अध्यक्षा,
सखी,
फ्लॅट नं.६, सर्वे नं.३५/११/२,
सत्यसाईनगर, मोहन नगर जवळ,
धनकवडी, पुणे-४११०४३.

विषय : माहितीच्या अधिकारांतर्गत माहिती देणेबाबत.

महोदया,

उपरोक्त विषयासंदर्भात आपण दिनांक १४.२.२००७ च्या अर्जन्यवे मागितलेल्या प्रीत मंदिर पुणे या संस्थेबाबत महिला व बाल विकास विभाग, मंत्रालय, मुंबई यांनी कारा, नवी दिल्ली यांना लिहीलेल्या व कारा, नवी दिल्ली यांनी महिला व बाल विकास विभाग, मंत्रालय, मुंबई यांना लिहीलेल्या ज्ञानेवारी, २००६ ते ३१ डिसेंबर, २००६ या कालावधीतील पत्राच्या प्रती सोबत जोडल्या आहेत याबाबतचा तपशील खालीलप्रमाणे आहे :-

१. कारा, नवी दिल्ली यांनी लिहीलेली दिनांक २०.६.२००६, २९.६.२००६, ७.७.२००६, २८.९.२००६, २०.९.२००६, १०.१०.२००६, २.११.२००६ व १५.१२.२००६ ची पत्रे.
२. महिला व बाल विकास विभागाचे कारा, नवी दिल्ली यांना लिहीलेली दिनांक २१.६.२००६, ४.७.२००६, ५.१०.२००६, २१.१२.२००६ व २२.१२.२००६ ची पत्रे.
३. प्रीत मंदिर, पुणे या संस्थेबाबत CNN-IBN या खाजगी वृत्त वाहिनीने केलेल्या स्टिंग ऑपरेशन संदर्भात महिला व बाल विकास विभाग मंत्रालय, मुंबई व कारा, नवी दिल्ली यांची भूमिका जाणून घेणे हे अधिकार अधिनियम २००० च्या प्रमाण २ च्या अन्वये विहित केलेल्या माहिती या संदर्भात आपण सल्ल्यामुळे आपणांस देणे शक्य नाही.

आपली विश्वासू,



(वा.दे.चौधरी)
कक्ष अधिकारी

YESHPAL DABAS
SECRETARY(CARA)
Ph.011-26180194

CARA

Central Adoption Resource Agency

केन्द्रीय दत्तक-ग्रहण संसाधन एजेंसी

(An autonomous body under the Ministry of Women & Child Development, Government of India)

(भारत सरकार के महिला एवं बाल विकास मंत्रालय के अधीन स्वायत्त निकाय)

DO No.17-4/2004-CARA(Pl.I)/

Dated:20-6-2006.

Date

No.

Dear Madam,

On 19-6-2006, CNN-IBN News Channel repeatedly telecast the news that M/s. Preet Mandir, Pune is selling babies to foreigners for a price of 12000 US \$. The copies of report down loaded from Website of CNN-IBN News initially posted on 19-6-2006 and subsequently updated on 20-6-2006 are enclosed.

2. As per the report, Six CNN-IBN reporters conducted a special investigation over 6 months in Pune, Maharashtra, Rourkela, Cochin and London. The CNN-IBN investigation found that Shri J.S. Bhasin, Trustee Secretary of Preet Mandir runs a countrywide network to source unwanted babies. Further, the babies come from hapless unwed mothers and he always makes sure that he gets the babies cheap. He then sells them to uninformed foreigners often for as much Rs.5.5 lakhs per baby. The price per baby is 12000 US \$ now.

3. I shall be grateful if you make an in-depth investigation and furnish a detailed report for further necessary action at this end.

With regards.

Yours sincerely,

(YESHPAL DABAS)

Smt. Vandna Krishna,
Secretary,
Department of Women & Child Deptt.,
Govt. of Maharashtra,
Mumbai.

Copy Pune
to send report

26/6

MRS. S.K. MISHRA
JT. DIRECTOR

[CARA]

Central Adoption Resource Agency

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No. DO No. 17-4/2004/CARA(Pl.I)/2006/

Date 29-6-2006.

Dear Madam,

Please refer to this office DO letter of even No. Dated 20-06-2006 and your letter No. ADP/2006/C.R.221/D-3 dated 21-06-2006 regarding suspension of inter-country recognition certificate of Preet Mandir, Pune.

The detailed inspection report of the said Organisation has not yet been received in this office. I shall be grateful if you furnish the same at the earliest to enable us to take further action.

With regards,

Yours sincerely,

S. K. Mishra

(MRS. S.K. MISHRA)

Mrs. Vandana Krishna, IAS,
Secretary,
Women & Child Development Dept.,
Govt. of Maharashtra,
New Administrative Bldg., 3rd floor,
Mantralaya,
Mumbai-32.

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No. No.17-4/2004-CARA(Pt.I/

Date 07-7-2006

ORDER

Whereas it has been repeatedly telecast on 19th and 20th June, 2006 by CNN-IBN News channel that Preet Mandir, Pune is selling babies to foreigners for a price of USD 12000,

Whereas a Show Cause Notice of even No. dt. 20-6-06 was issued to Preet Mandir to explain their conduct in this regard,

Whereas Preet Mandir in their reply dt. 26-6-06 to the Show Cause Notice has denied all the charges levelled against them,

Whereas the State Govt. of Maharashtra, Deptt. of Women & Child Dev. has recommended the suspension of Recognition for dealing with Inter-country Adoption by M/s. Preet Mandir at the earliest,

And. Whereas an enquiry is pending against Preet Mandir in the matter. Therefore, the recognition of Preet Mandir for dealing with Inter-country Adoption is hereby suspended with immediate effect.

However, in the best interest of the children where Preet Mandir has already matched Prospective Adoptive Parents for inter-country adoptions, such cases will be processed as per the Guidelines irrespective of suspension of their recognition under this order.

(YESHPAL DABAS)
SECRETARY(CARA)
Tel:011-26180194

M/s. Preet Mandir,
Balwant Kartar Anand Foundation,
Anand Corner, Dr. Coya Ji Road,
Pune-411001.

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CC: ✓ Mrs. Vandana Krishna, IAS,
Secretary,
Women & Child Development Deptt.,
Govt. of Maharashtra,
New Administrative Bldg., 3rd floor,
Madam Cama Road,
Mumbai-32 – with reference to their Letter No.ADP-2006/C.R.221/D-3,
dt. 21-6-06.

2. Commissioner.
Commissionerate,
Women & Child Development Deptt.,
State Govt. of Maharashtra,
Pune.
3. Adoption Coordinating Agencies(ACA),
Shahane Consultants Pvt. Ltd.,
1117/5/A, Ganesh Khind Road,
Shivajinagar, Pune-16.
4. Adoption Scrutiny Agencies(ASA),
Shishuadhar for the Child,
Anand Nagar Park,
Bldg. No.13. Flat No.27 & 28, Paud Road,
Kothrud. Pune-29.
5. ~~NIC~~ for Website of CARA and MoWCD.

(YESHPAL DABAS)
SECRETARY(CARA)

(CARA)

Central Adoption Resource Agency

केन्द्रीय दत्तक-ग्रहण संसाधन एजेंसी

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No. 17-4/2004-CARA (pt. II)

Date 28th Sep. 2006

Smt. Vandna Krishna
Secretary
Women & Child Development Dept.,
Govt. of Maharashtra
New Administrative Building
3rd Floor, Opp. Mantralaya
Madam Cama Road, Mumbai - 400 032,
Maharashtra.

Ref. Your letter dt: 4th July 2006 and 10th August 2006 on M/s
Preet Mandir

Madam,

I am directed to inform you that the Ministry of Women & Child Development, Govt. of India, has desired to have a complete status report on the activities of the adoption agency i.e. Preet Mandir, functioning in the State of Maharashtra.

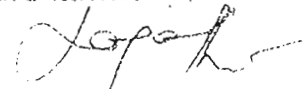
You are, therefore, requested to send a complete report on the issue. Your report may include inter alia the following:-

- (i) The allegations levelled against Preet Mandir. A copy of each complaint received by the State Govt. may be enclosed.
- (ii) The findings of the State Govt. on the allegations levelled against the agency in case enquires have been completed. Copy of each report may be made available.
- (iii) Action taken against the Preet Mandir based on the findings vide (ii) above.
- (iv) The findings of the State Govt. especially on the allegation of selling children by Preet Mandir.

- (v) Any irregularities noticed by the State Govt. in the course of investigations in adoption cases finalized by Preet Mandir during last two years.
- (vi) Action taken or being contemplated for irregularities vide (v)
- (vii) Any other aspects, having a bearing on the activities of Preet Mandir, which the State Govt. desires to bring to the notice of CARA/Ministry of Women and Child Development.

An early report will be highly appreciated.

Yours faithfully,



(J. Parag)

Deputy Director (CARA)

Tel. No. 26105318

YESHPAL DABAS
SECRETARY (CARA)
Ph.011-26180194

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D.O.No.17-4/2004-CARA (Pt.1)

15.9.2006

Date

Dear Madam,

In connection with investigations into complaints received against Preet Mandir, Pune, a list of children transferred to the Agency from other Agencies/Places within and outside the State of Maharashtra during the period from March'2003 to August'2006 is required by CARA

I shall be grateful if you could obtain this information from concerned Officers and furnish the same to CARA immediately.

With regards,

Yours sincerely,

(Yeshpal Dabas)

Mrs. Vandana Krishnan
Secretary to Govt. of Maharashtra
Deptt. of Women & Child Development
New Administrative Building
3rd Floor, Opp. Mantralaya
Madam Cama Road
Mumbai - 400032

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Central Adoption Resource Agency

केन्द्रीय दत्तक-ग्रहण संसाधन एजेंसी

(An autonomous body under the Ministry of Women & Child Development, Government of India)
(भारत सरकार के महिला एवं बाल विकास मंत्रालय के अधीन स्वायत्त निकाय)

D.O.No.1-1/2001/Mah/CARA

Date 10.10.2006

Dear

Madam,

A copy of the Letter No.PM/649/06, dtd.02.9.2006 from Preet Mandir, Pune addressed to the undersigned regarding the pipeline cases of adoption awaiting court orders is enclosed.

In this regard, Secretary(WCD), Govt. of India, has observed that a close monitoring is needed in the matter. It is therefore, desirable that necessary action may be taken by the State Government to ensure timely disposal of all cases pending in the Family Court and District Court. Further the State Government may also consider transfer of special needs children, who are likely to go in foreign adoption but acceptance has not been conveyed by 7.7.2006, to some other agencies.

I shall be grateful if CARA is informed of the action taken in the matter. A status report on the progress of pipeline cases may also be sent to us regularly in every fortnight.

With regards,

Yours sincerely,

(Yeshpal Dabas)

Smt. Vandna Krishna.
Secretary,
Women & Child Development Dept.,
Government of Maharashtra.
New Administrative Building,
3rd Floor, Opp. Mantralaya.
M.C. Road, Mumbai - 400032

D. D. Sakar Road, Mumbai.

YESHPAL DABAS
SECRETARY
011-26180194

[CARA]

Central Adoption Resource Agency

केन्द्रीय दत्तक-ग्रहण संसाधन एजेंसी

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No. D.O.No.17-4/2004-CARA (Pt.I)

Date 01.11.2006

Dear Madam,

Kindly refer to my D.O. Letter of even No. dtd.10.10.2006 regarding the pipeline cases of adoption from Preet Mandir, Pune awaiting Court Orders (copy enclosed).

I shall be grateful if you could inform us the developments in the matter and also send a status report on pipeline cases.

With regards,

Yours sincerely,

(Yeshpal Dabas)

Smt. Vandna Krishna
Secretary
Women & Child Development Dept.
Government of Maharashtra
New Administrative Building
3rd Floor, Opp. Mantralaya
M.C. Road, Mumbai - 400032

of Your Group for CARA, etc.

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Central Adoption Resource Agency

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No. 18-2/2006-CARA

Date 15.12.2006

The Secretary
Women & Child Development Dept., Government of Maharashtra
New Administrative Building
3rd Floor, Opp. Mantralaya
Madam Cama Road
Mumbai - 400032, Maharashtra

**Sub: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1945 OF 2006**

Madam,

Please find enclosed herewith a copy of the petition received from Mr. Vidya N. Manjrekar, Advocate, High Court of Mumbai, dt: September 8, 2006 on the above mentioned subject. I am directed to inform you that your comments on the said petition will be helpful in preparing para-wise comments on the above petition.

You are requested to send your comments on the above. This may please be treated as urgent.

Yours faithfully,

(J. Pati)

Deputy Director (CARA)

Encl. as above

GOVERNMENT OF MAHARASHTRA

Confidential
URGENT

No.ADP-2006 (3221) S
Women and Child Dev. Dep
New Administrative Bldg. 3rd floor
Mantralaya, Mumbai - 400032
Date: 21 June, 2006.

To,
Smt. Renuka Chidambaram,
Secretary, CARA,
Govt. of India,
Ministry of Women & Child Development,
West Block-8, Wing-II, 2nd floor,
R.K.Puram, New Delhi-110066.

Sub : Suspension of intercountry recognition certificate of
Preet Mandir, Pune.

Dear Madam,

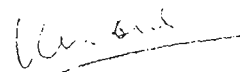
CNN/ IBN television news channel is telecasting a series regarding the intercountry adoption process in India from 19th June, 2006. In the news telecast on 19.6.2006. The channel has alleged that Preet Mandir, an adoption agency in Pune, demands amount S 12000 from foreign adoption parents, and children are being trafficked and sold to foreigners.

Considering the serious nature of the above allegations, the State Govt recommends the suspension of recognition certificate for the intercountry adoption of Preet Mandir at the earliest.

A detailed inspection in this regard is being carried out.

Yours Sincerely,

15/21/61/226
निर्गमित


(Vandana Krishna)

Secretary,
Women & Child Development

Speed post



Vandana Krishna

Secretary

D.O.No.ADP-2006/C.R.221/D-3
Women & Child Development Department
New Administrative Building, 3rd floor,
Mantralaya, Mumbai-400032.

Date : 4 July, 2006.

Sub.: News telecast on CNN / IBN

Ref.: Secretary CARA's D.O.letter No.17-4/2004-CARA(Pt.I), dated
20.6.2006.

Dear Shri. Datta s ,

I would like to invite your attention to this department's letter of even no. ADP-2006/C.R.221/D-3, dated 21.6.2006 in connection with your letter under reference.

The in-depth investigation of Preet Mandir, Pune is being carried out, but it may take some time. However, the allegations of CNN-IBN News Channel that Preet Mandir, Pune is "selling" babies to foreigners and that Shri. J.S.Bhasin, Trustee Secretary runs a countrywide network to source unwanted babies are itself of serious nature and deserve stringent action. We suggest that the above media reports are sufficient to warrant an immediate suspension of Preet Mandir's inter country license without waiting for any further enquiry. From our experience of earlier inspection of Preet Mandir, we can say that it is very difficult to get documentary evidence about this institute claiming higher charges for foreign adoption. Extra donations taken from foreign adoptive parents are not documented in the records of Preet Mandir ; it is understood that these donations are accepted from agencies other than the parents, and in the name of some other trusts. Therefore, it is requested to treat the sting operation conducted by CNN-IBN channel itself as ^{or} evidence.

This channel's investigation reveals that Preet Mandir forged documents of some children to show that they were not getting Indian parents. The chairperson A.C.A., Pune admits that the non-acceptance letters of Indian parents produced by this institute are bogus, and that some placement agencies have a tie-up with adoption agencies abroad. The explanation of A.C.A., Pune should also be called by CARA for accepting bogus non-acceptance letters. The role of A.C.A. is very crucial during the process of foreign adoption. Had they refused to give NOC's where they found bogus or manipulated non-acceptance letters, Preet Mandir would not have been able to give babies in foreign adoption so easily.

The Government of Maharashtra has earlier sent the inspection report of this organization in connection with the complaint against Preet Mandir to Col. Sukhadev Singh vide letter dated 4.7.2003 (Copy enclosed herewith). In this report, it was highlighted that there are so many grey areas in the intercountry adoption process of Preet Mandir which can be questioned. However, the complaint was set aside by CARA.

The State Government has already recommended the suspension of intercountry recognition of this institute. A quick action in this regard is expected. I therefore, would be obliged if you consider this recommendation. It is further recommended to conduct a separate high level inspection by CARA.

Meanwhile, we have already taken action along the following lines :-

- (1) Govt. of Maharashtra has decided to increase the allowed ratio of inter-country V/s ~~inter~~-country adoptions to 40:60. We have also decided to count all NRI adoptions as foreign adoptions.
- (2) We have decided to make it mandatory for adoption agencies to submit a list of parents who give non-acceptance letters to the commissioner's office.

(3) We have directed Child Welfare Committees not to send any more children to Preet Mandir till further orders.

We would also suggest that CARA should verify cases of non-acceptance letters of Indian Parents more stringently before issuing NOCs since this is the main way by which agencies like Preet Mandir manage to give a majority of babies in foreign adoption.

With regards,

Yours Sincerely,

speed post

an

4/11/06

Vandana Krishna

(Vandana Krishna)

Shri. Yeshpal Dabas,
Secretary, (CARA),
Ministry of Women & Child Development,
Govt. of India,
West Block-VIII, Wing-II, 2nd floor,
R.K.Puram, New Delhi-110066.

GOVERNMENT OF MAHARASHTRA

No.ADP 2006/C.R.२३१/D-3

Women & Child Development Department.

Mantralaya, Mumbai- 400 032.

Date – 5th October 2006.

To

Mr. Yeshpal Dabas,
Secretary,
Govt. of India,
Central Adoption Resource Agency,
R. K. Puram, New Delhi – 110 066.

Sub : Investigation report regarding Preet Mandir, Pune.

Ref : Your D.O. letter No.17-4/2004-CARA(Pl.I),
Dated 20th June 2006.

Dear Sir,

With reference to your above D.O. letter this is to inform you that the Commissioner, W&CD, Pune has now completed his Investigation Report into the alleged mal-practices of Preet Mandir, Pune and has submitted his report (Marathi) vide letter dated 10.8.2006. The main findings of the report are as follows –

A squad was formed under Dy. Commissioner, Child Welfare which conducted inquiry with 18 officers and other staff from 21.1.2006 onwards for about 2 months. The following institutions were inspected –

- 1) Preet Mandir, Pune Unit 1 & 2.
- 2) Govt. Shishu Sadan, Aurangabad.
- 3) Women's Shelter Home at Kanhe phata,
Taluka Mawal, District Pune run by Preet
Mandir.
- 4) Primary Children Home at Hignekhurd, Pune run by Mata
Vaishnavidevi Trust.

- 1) It was found that in Unit No.1 & 2 in Preet Mandir Pune, necessary facilities for the care of children are available. However,

in the Primary Children Home run by Mata Vaishnavdevi Charitable Trust, the building and facilities are inadequate, necessary registers and financial affairs records have not been updated. Hence show cause notice was issued by the Commissioner Office to this organisation on 3.8.2006, and their In-Country Adoption license has not been renewed.

- 2) Trafficking of children in the sense of sale & purchase of babies outside the adoption process was not found. All adoptions have been done through the prescribed legal process involving ACA, CWC and Courts.
- 3) It was found that Preet Mandir did not follow CARA guidelines of 2006 regarding prescribed fees in the case of two Inter-country adoptions, where they charged more than the prescribed fees of \$ 3,500. These fees have been charged openly as donations and receipts have been issued, i.e. a joint receipt for adoption fees + donation in the name of Mata Vaishnavdevi Trust. Therefore it is not possible to say how much out of that amount is adoption fees and how much is donation, nor have separate accounts been kept regarding this.
- 4) Adoption proceedings have been followed as per CARA guidelines and as per adoption rules.
- 5) Medical and other facilities are provided as per CARA guidelines. However, inadequate facilities were found in the Primary Children Home run by Mata Vaishnavdevi Charitable Trust.
- 6) Preet Mandir has brought about substantial improvement in the Govt. Shishu Sadan, Aurangabad which was transferred to Preet Mandir. Facilities have been considerably improved. However, in the last 3 years no adoptions have directly taken place from this home, and children are transferred from this home to Preet Mandir's main institution in Pune for adoption. This is probably because all their adoption work is done from Pune, and their other branches are linked to this Head Office. All children transferred from Aurangabad Home to Preet Mandir Pune have been properly rehabilitated and given in adoption. Nevertheless, Government of Maharashtra has decided to issue instructions to Preet Mandir not to transfer children from Aurangabad to Pune, but to give them in In-country Adoption directly from the Aurangabad Home.

- 7) Unwed mothers or pregnant women in need are admitted to Women's Shelter Home run by Preet Mandir. These women give up their children for adoption to Preet Mandir after delivery by following the necessary procedure i.e. signing the document of surrender. However, these women do not seem to have been counseled by Preet Mandir not to give up their child as per CARA's guidelines. There seems to be a difference of opinion as to whether running a Women's Shelter Home on the above lines constitutes an unethical practice. On the one hand it can be said that this shelter is run only for the purpose of procuring babies from unwed mothers. On the other hand it is also true that this home provides services of a Nursing Home, Medical facilities and a safe shelter for such women where they can come and deliver legally without resorting to under hand practices or abandoning their babies.
- 8) It was found that Preet Mandir has not done a long term follow up of inter-country adoption cases as prescribed by CARA. After getting one or two progress reports, no further efforts are taken for further follow up reports. However, it is possible that all adoption agencies may be similarly failing in proper follow up.
- 9) In case of 34 children given in inter-country adoption it was found that proper rejection letters were not obtained from Indian parents, and Preet Mandir as well as ACA Pune have not made any special efforts in this regard. As per CARA guidelines the role of ACA Pune is crucial for clearing inter-country adoption cases since such cases can not be processed without obtaining ACA's clearance regarding efforts made to find Indian adoptive parents for the child. However, ACA Pune has given NOCs for inter-country adoption in these cases. Commissioner Pune has recommended that the role of ACA Pune in this regard needs to be further investigated by CARA.
- 10) In fact the role of the state government is negligible in the entire adoption procedure as per prescribed CARA guidelines. Therefore if the state government is required to supervise and control the adoption process, investigate cases of malpractice or carry out inspections, then a separate state level Adoption Cell is absolutely necessary along with necessary staff and facilities. In this particular case of investigation almost 18 officers + staff had to work for at least 2 months to inspect all children's records on a case by case basis in order to complete this investigation. This kind of man power is simply not available on a regular basis.
- 11) More and more Indian adoptive parents are now coming forward openly for adoption. Hence it is important to change the ratio of

in-country to intercountry adoptions from 50:50 to 60:40 or 70:30. Govt. of Maharashtra has already issued orders to this effect by changing the ratio to 60:40 and counting NRI adoptions as foreign (inter-country) adoptions.

12) Since the state government has no role to play in inter-country adoptions, CARA itself should conduct inspections and check records of agencies in cases of inter-country adoptions. It is also suggested that CARA should develop a system of imposing hefty fines in cases of malpractices. E.g. fines can be levied if any child is found to be given in inter-country adoption for a fees higher than the fees prescribed, or if it is found that Indian parents were deliberately discouraged from adopting a child, or were not shown appropriate children etc.

13) It is also suggested that at least 60 days' period should be given to ACA/adoption agency to find Indian parents before they are considered clear for inter-country adoption. The present period of 30 days is simply inadequate to find Indian parents, because of lack of computerisation and exchange of records between agencies. By the time letters are issued to different agencies to check whether willing Indian parents are available to adopt a particular child or not, and by the time the agencies can inspect their records, contact parents and find out whether any willing Indian parents are available or not, the one month period would be already over.

The detailed report of the Commissioner Pune also includes the following points -

- It was found that 160 children were give in in-country adoption and 357 in inter-country adoption in the last 3 years. 357 records of children given in inter-country adoption were inspected it was found that the prescribed % (50:50) has been followed by Preet Mandir.

Year	Foreign	N.R.I.	Siblings	Special care	Above six Years	Total
2003-04	43	44	38	5	5	135
2004-05	64	13	19	5	10	111
2005-06	44	35	11	8	13	111
Total	151	92	68	18	28	357

- It was found that during 2003-2006 125 children were transferred to Preet Mandir, Pune from Aurangabad, 59 from Jalgaon, 45 from Solapur, 42 from Satara, 28 from Wardha, 19 from Akola, 14 from Bhandara, 14

from Parbhani, 10 from Sindhudurg, 10 from Ahmednagar, 8 from Yeotmal, 8 from Nanded, 5 from Mumbai, 4 from Dhule, 4 from Osmanabad, 3 from Jalna, 3 from Nashik, 2 from Kolhapur, 2 from Beed, 1 from Buldhana, 1 from Amravati as per the orders of the concerned Child Welfare Committees. While it is true that Preet Mandir has been receiving children from other districts through its alleged "network" and "contacts", this has been done legally with the orders of the CWCs within the boundaries of the law.

- No cases were found of forced procurement of babies or payment to mothers for procuring babies. It is found that Preet Mandir accepts children which are often rejected by other adoption agencies such as children who are seriously ill, HIV positive, under-weight or in need of medical care and mentally retarded. It was found that Preet Mandir had admitted 103 siblings, 67 children in the older age group of 6 to 12 years, 20 under-weight children, 10 children needing special care, 69 children with medical complications, 1 mentally deficient child and 15 HIV children.
- Out of total 767 children admitted between 2003-2006, 314 were abandoned cases, 453 were admitted through CWCs.
- The agency provides good medical and child care such as incubator, saline, oxygen facilities. It employs pediatrician, physiotherapists, 3 MBBS doctors, 17 nurses, 172 caretakers and 24 social workers. 82 children attend English medium schools & 14 attend Marathi medium schools.
- Records of Receipt Books were inspected from 2003 to 2006 regarding donations received from foreign parents. Entries of these amounts were made in the Ledger Book. It was found that amounts ranging from \$ 20 to \$ 6,500 were accepted as donations. There was no documentary proof of taking \$ 12,000 as reported by CNN/IBN. As per the CARA guidelines 1995 (5.4)(e), no limit was prescribed for obtaining donations from foreign parents. A limit of \$ 3500 as donation fees was prescribed in only May 2006. Preet Mandir accepted \$ 5000 and E 11,500 (euros) from 2 parents on 12.6.2006 and 30.6.2006. The agency reported that this excess amount is in the process of being returned to the parents. Records show that correspondence exists for returning this amount only in one case. Hence CARA guidelines have been violated in 2 cases. Appropriate action may be taken in this regard. However, as a broad policy decision, it is recommended that in such cases a fine should be levied on adoption agencies to the extent of double the excess amount charged (difference between fees charged and \$ 3500) and this fine should be deposited into an "Adoption Fund" maintained by CARA.
- Regarding the issue of burning of papers on 24.6.2006 as reported by CNN/IBN, Commissioner Pune has reported that some old waste papers

were burnt. However, the agency has provided the investigating officer with all the records regarding inter-country adoption etc. as asked for. Hence prima facie there does not seem to be any validity in the allegations of deliberate burning of important documents.

- Other facilities were found to be adequate. Children live in different rooms depending on their age group and are given good food. The building is adequate with bath-rooms & toilets, drinking water, kitchens, coolers, fridge, heaters, aquaguards etc. Entertainment facilities include soft toys, cycles, sea-saw, T.V., tape recorder, C.D. player, garden, small play ground, educational toys etc.
- All records & registers were found to be updated.
- Regarding Women's Shelter Home at Mawal, the facilities include T.V., cradles, incubator, baby clothes, training hall, sewing machine, tape recorder, carrom boards etc.

At the time of inspection, 8 women were present and 1 woman had been admitted to KEM Hospital, Pune for delivery. The admitted girls were from Amravati, Beed, Satara & Solapur. Most girls were admitted through their parents. All girls were unmarried and had become pregnant either through affairs or through sexual exploitation. There is a Govt. Shelter Home for women at Pune, however it is found that these women do not come to the Govt. Shelter Home but go to Preet Mandir Home. Its social workers directly contact such cases of pregnant girls and get them admitted into Preet Mandir Home. The agency also has direct contacts with various CWCs & JJBs and gynecologists. It is possible that they also have contacts with doctors and maternity clinics.

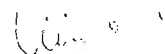
While such a practice may be considered unethical or done with malafide motives, it can not be said to be illegal, as there is no clear law which they are violating. Regarding the allegation of not counseling such mothers to retain their child, it must be kept in mind that in the Indian social context where unwed mothers are looked down upon and would face social ostracism, it would be highly impractical to expect unwed mothers to take this bold decision to keep their illegitimate child.

To sum up, it has been found that there is no direct trafficking of children taking place in Preet Mandir as all necessary legal procedures have been followed. However, there seem to be some grey areas about unethical practices such as directly approaching unwed mothers and getting them admitted in its shelter home for procuring these babies (albeit with legal consent) for adoption, giving priority to foreign parents over Indian parents (though within the prescribed 50:50 limit), and taking donations from foreign parents (prior to the fresh guidelines of May 2006 except in two cases) though with receipt. Technically and legally there seem to be some procedural errors and failure to follow guidelines, but no clear violations of

law. It may be equally true that other adoption agencies also follow similar practices such as giving preference to foreign adoptive parents and trying to maximise earnings from foreign adoptions. Only detailed inspections of other agencies can verify these facts. If Preet Mandir is making financial profits through foreign adoptions, at least these profits seem to be ploughed back into their adoption agency and shelter homes to improve facilities and provide proper care. A separate investigation would be needed into the affairs of Mata Vaishavidevi Trust to check whether donations which it receives are actually fully used for charitable purposes or not.

Preet Mandir has been accused of operating a "business net work" of adoption. Adoption is not an illegal activity but something which the government actively promotes. Hence CARA will have to define what is an illegal network or racket. E.g. it may declare it illegal for an adoption agency to directly approach unwed mothers, clinics, doctors etc. to procure babies. CARA should also clarify what kind of evidence can be collected in such cases. In these circumstances, CARA may decide a suitable course of action in case Preet Mandir is found guilty of following unethical practices.

Yours sincerely,



(Vandana Krishna)
Secretary.

— Copy to Secretary, Govt. of India, Ministry of Women & Child Development, Shastri Bhawan, New Delhi, for information.

— 2. Commissioner, W & C D, M.H. Pune.

15/11/06
निर्गमित

GOVERNMENT OF MAHARASHTRA

No.ADP 2006/CR 221/D-3
Women & Child Development Deptt.,
New Administrative Building,
Mantralaya, Mumbai 400 042
Date :-21st December, 2006

To

Secretary,
CARA,
R.K.Puram,
Ministry of Women & Child Development,
Sansad Marg,
New Delhi.

Subject :- Preet Mandir Case ----
Suspension of inter country adoption license.

Dear Sir.

We have received a request from Preet Mandir, Pune for withdrawal of suspension order for inter country adoption. A copy of the letter is attached herewith.

As per the latest situation, the courts have started clearing the in-country adoption cases and the pending inter country adoption cases which were in the pipe-line.

No complaints have been received from any inter country adoptive parents regarding charging excessive fees. We are not aware whether CARA might have directly received such complaints.

Our investigation through Commissioner, Women & Child Development, Pune has also revealed that there are no cases of trafficking/sale of babies through Preet Mandir, i.e. there are no complaints/evidence of sale of babies to parents illegally or outside the legal adoption process.

12 Preet Mandir has pointed out that older children and special needs children are suffering because of the suspension of inter country

Preetmandir.suspension

license. Since the welfare of the child is the primary concern of the adoption policy, action may be taken accordingly.

In view of the above, CARA may kindly take a decision regarding withdrawal of suspension order of inter country adoption license, specially for older children and children with special needs.

Yours sincerely

(Vandana Krishna)

(Vandana Krishna)
Secretary to Government.

Encl : As above.

Copy to the Commissioner, Women & Child Development, Pune.

✓ 2.2.12.06

GOVERNMENT OF MAHARASHTRA

No. CWP 2006 / C.R. 440 - A / D-3

Women & Child Development Department,
Mantralaya, Mumbai- 400 032.

Dated - 22nd December 2006.

To

Secretary
CARA,
Govt. of India,
New Delhi.

Sub: Comments in Writ Petition No.1945 of 2006.

Ref: Shri J.Pati, Dy. Director(CARA)'s letter
No.18.2/2006-CARA, dated 15.12.2006.

Sir,

Our broad comments on the above case related to Preet Mandir are as follows :

The petition seems to have been filed with the primary concern not regarding the welfare of the child, but the motives of the adoption agency. The government is less concerned with the motives of running an adoption agency and more concerned whether the primary objective of the welfare of the child to be given in adoption is being achieved. Even if an adoption agency is run with a selfish or business motive to make money, that itself does not become a crime or illegal. Many schools, colleges, educational institutions, hospitals are run as a business today. Social services have become commercialised. E.g. many medical and engineering colleges or hospitals charge hefty amounts. But this does not mean that they should be closed down because their motives are suspect. It is not the government's duty to ensure that NGOs operate out of charitable purposes only, nor is it necessary that adoption agencies should operate on loss. It is the welfare of the children which is of primary concern. CNN has not focussed on this aspect. CNN seems to be obsessed with the business motives of Mr. Bhasin, the greedy language which has used and how he communicates with

clients. No doubt the language used by Mr. Bhasin is not very sophisticated, or cleverly articulated to give an impression of noble and selfless social work. No doubt he speaks in a down-to-earth, direct or even crude manner while dealing with clients. (Sardarjies are known for their rough earthy language). Perhaps some other more sophisticated agencies would have used other words to deal with clients which would not have been found so objectionable. For example, instead of directly asking what is the income of clients or saying things like "double price for 2 children", he should have used words in such a manner as "we are expected to inquire about the clients financial position" or "yes it is allowed to legally adopt two children, but of course the fees and expenses will have to be paid accordingly". Perhaps such words would have been more acceptable to CNN or other clients, but the sum and substance would have been the same.

The report repeatedly, uses words such as "sale", "trafficking" etc. What is the definition of trafficking? These terms have been used very irresponsibly, since all cases have gone through the court's legal process. We have not received any complaints of forcible procurement of children from parents through extortion black mail or threat. Nor do we have any cases where Preet Mandir purchased babies from poor parents. The only cases are of obtaining babies from unwed mothers voluntarily. Even if poor parents are relinquishing their children to Preet Mandir voluntarily, our main concern should be - what is the best interest of the child? It should be kept in mind that government does not give any grants to adoption agencies and they are expected to raise their own resources. In these circumstances, agencies can not be expected to give babies free for adoption, they have to recover their cost. Let there be an inquiry to reveal whether Preet Mandir has recovered more than the cost, or made any undue profits, which are not ploughed back into the organisation.

Market rates of 10,000 \$ to 15,000 \$ etc. have been quoted in the petition. The issue is that if there is a demand supply gap, or bottlenecks which slow down the adoption process or lengthy paper work and court cases, this automatically increases the market price. Only about 4000 children get successfully adopted per year on average, leaving a large unmet demand gap. Unfortunately, the market has a logic of its own, based on demand and supply, and does not consider moral or ethical considerations. If the government imposes a ceiling on official rates, or closes down adoption agencies, this only creates a larger demand supply gap which leads to further malpractices. The government should seriously consider increasing the fees or charges allowed for adoption, specially in cases where expenses are higher, such as seriously ill infants, those with heart ailments or disabilities etc. If fees are kept too low, agencies will have to recover expenses through donations

It can be no one's case that the medical and child care facilities provided by Preet Mandir are poor or unsatisfactory. In fact, among all adoption agencies Preet Mandir probably provides the best facilities which have been recorded through various inspections over the years. They are also to be lauded for accepting seriously ailing babies, HIV positive babies, babies with serious disabilities etc. Such children are not easily accepted by most other agencies. Therefore it is not surprising if some children are found in Preet Mandir to be suffering from scabies etc. Neglected babies found in dustbins and the like will obviously be severely traumatized, injured or sick.

In fact the government would welcome CNN or any other NGOs to come forward and set up ideal adoption agencies which do not charge high fees etc. But unfortunately there do not seem to be any such agencies. All of them seek to receive babies from C.W.Cs., because all of them have to deal with adoption as a competitive business. This may offend the sensibilities of many people, but these are the hard facts of our society.

At the same time, we can not deny that there needs to be better monitoring and supervision of agencies to ensure that mal practices do not happen. This will require much larger staff and budget. It is understood that Govt. of India is now proposing providing for this.

It has been alleged in para 5 (6) that Preet Mandir keep many children above 6 years of age and also that they are not sent for schooling. If some children do not find adoptive parents obviously they can not be thrown out and have to continue to live in the agency. The state government inspections have shown that most of their children do receive schooling.

Another allegation is that Preet Mandir runs a home for unwed mothers as a commercial enterprise to procure babies cheaply. Once again, the government should only be concerned about the welfare activity and not about the motives of the NGO. Should these unwed mothers be ignored by society or left to their own devices, or is it better that they are provided with a secure place for delivery?

Another allegation is that Preet Mandir refuses adoption to Indian parents, so that they can sell their babies to foreign parents. Reports submitted from time to time by Preet Mandir have shown that they do fulfill the minimum legal requirements. Many of the children given in foreign adoption or to NRIs are special needs children, or siblings. Nevertheless if the government wants to ensure that Indian parents should be given priority,

let the rule be changed and the government can lay down a condition that as long as there is a waiting list of Indian parents (any where in the country), foreign parents should not be considered, even if the agency has fulfilled the necessary 50% quota.

We would also recommend that some reforms be made in the adoption process to reduce the scope for commercialization. For example, the entire process is shrouded in secrecy. No agency reveals who are the adoptive parents on its waiting list. The courts can not verify whether a child whose case is being heard for foreign adoption would be acceptable to any other Indian parents. Information about all waiting parents or waiting children are never exchanged among agencies or never placed on any centralised web site. This makes it practically impossible for the government to monitor whether Indian parents are available who are willing to adopt a child before the said child is given in foreign adoption.

The petitioners have objected to Preet Mandir's handling of cases such as showing the children to parents, giving them options for choice of sex giving them assurances etc. However, we do not agree with the existing policy of keeping everything hidden from parents. There is no reason why parents should not be allowed to visit an agency or see several children. Selection of children should not be viewed as "commodification" but as a natural process. A child is a life long commitment. Making the whole process more transparent and open would in fact encourage and promote adoptions.

It has been alleged that Preet Mandir pays a very small amount to unwed mothers and sells the babies at high profit. Is it the petitioner's case that unwed mothers should be paid more, or poor parents should be paid much more? If so would it not lead to further greed of parents and commercialization? Or is it their case that NGOs should not run homes for unwed mothers? Or is it their case that babies born out of wed-lock should not be given in adoption but should grow up in an institution? What should be done about such babies, born out of wed lock? The petitioner's intention is not very clear. Society has to some how deal with this aspect. If the welfare of the child is our primary concern then adoption is the best option even if it involves a profit for the adoption agency.

CNN has neglected the real issues - Why are there are so few adoptions happening in the country? Why are hundreds of children living in institutions? Are the babies in Preet Mandir genuinely abandoned/ relinquished or not? Will the child receive full legal rights after adoption or

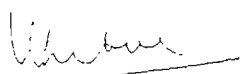
The motive of Mr. Bhasin does not matter. What matters is the end result i.e. adoption. There is no doubt that Mr. Bhasin is blatant about his demands, which the petitioner finds "shameless". Perhaps other agencies are more circumspect or indirect in their demands or expectations. But it definitely can not be a crime to ask for donations openly rather than indirectly, or to use shameless language rather than posing as a selfless social worker. It should be kept in mind that Preet Mandir has given receipts for donations. Further investigations may be carried out to verify this fact.

Govt. of Maharashtra had recently invited adoptive parents to come forward and register their complaints with the government in case they have been cheated by Preet Mandir, or charged/asked for excessive fees, or refused adoption unfairly. This exercise was carried out to verify the extent to which Preet Mandir or other agencies indulge in such practices. So far no such complaints have been registered by adoptive parents or those parents on the waiting list. We are not aware whether CARA has received such complaints directly.

Mr. Bhasin's main fault seems to lie in that he quantifies the hidden truth and places a price on adoption which society would much rather not know about. The legal adoption process allows adoption fees. Mr. Bhasin just puts it in crude words. For example, he has been accused of "offering discount on HIV positive children". This is found shocking, but it is a fact that no parent want to adopt HIV + babies. What should Preet Mandir do with HIV babies? Should it refuse to accept them at all? Once accepted, should they be destined to live in the institution for several years is not better to try to give them in adoption in any way possible, even if it involves "offering a discount" on "HIV positive children"?

In conclusion we would like to say that doing a good deed out of selfish motives is still better than not doing the good deed at all.

Yours sincerely.


(Vandana Krishna)
Secretary.