

## **National Commission for Scheduled Tribes**

Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 06/08/2012 at 12:30 PM to discuss the case of gang rape of a ST woman by the owner of a placement agency in New Delhi, reported in the newspaper 'Navbharat Times', New Delhi dated 23/06/2011.

The following were present:-

### **National Commission for Scheduled Tribes**

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Smt. K. D. Bhansor, Dy. Director
3. Shri S. C. Tamta, Under Secretary
4. Shri N. Balasubramanian, Research Officer

### **Delhi Police**

1. Shri Rajeev Ranjan, Addl. DCP, North West District
2. Shri Dheeraj Narang, SHO/ Rani Bagh, Delhi
3. Smt Poonam Tyagi, W/ ASI Vigilance, North West

### **Background**

2. The National Commission for Scheduled Tribes, taking cognizance on Press Clipping which appeared in 'Navbharat Times' that a domestic servant in Rani Bagh, Delhi has been gang raped by the owners of a Placement Agency, had called the Sitting. The girl was reported to be lured from Jharkhand by Shri Shivram & Shri Vamdev to get a job in Delhi.

3. The Commission, vide its letter dated 29/06/2011, invited attention of the Commissioner of Police, Delhi and called for the factual position about the incident. The Office of the Deputy Commissioner of Police, North-West District, vide letter dated 25/07/2011, informed the Commission that FIR in case No. 175 dated 20.06.2011 u/s 376 (ii)(g)/506 IPC PS Rani Bagh had been registered on the complaint of the victim Sunita (D/o Vinod Munda, aged 23 years and R/o

Village Kumohari, Post Office Kumohari, District Gumla, Jharkhand) against three accused persons, namely, Baba Vamdev, Shiva Ram and Baldev who were running a NGO. Shiv Ram was arrested on 20.06.2011 and was presently in judicial custody. Two other accused persons namely Baba Vamdev R/o H. No. 3089, Mahindra Park, Rani Bagh, New Delhi and Baldev were absconding, Baba Vamdev was also wanted in a case FIR No. 138 dated 04.06.2011 u/s 376/506 IPC PS Moti Nagar. A joint team from PS Moti Nagar and PS Rani Bagh conducted raids at the possible hide outs of Baba Vamdev at his native place, but he was not found there. Efforts were continuing to find out the whereabouts of absconding persons. ACP/ Saraswati Vihar/ North West District has been directed to monitor the case personally.

4. Subsequently, the Commission sought further details vide letter dated 28/02/2012. The Office of the Deputy Commissioner, North West District, Delhi vide letter dated 03/04/2012 informed that two remaining accused persons namely Baldev and Baba Vamdev of case FIR No. 175 u/s 376 (ii) (g)/ 506 IPC, P.S. Rani Bagh got anticipatory bail and were formally arrested on 08.08.2011 & 30.08.2011 respectively. Now the investigation of the above case has been completed in all aspects and a charge sheet has been filed in the Court on 08.11.2011 for taking cognizance against the accused. The charge sheet is pending in the Court of M.M. Sh. Dhiraj Mor, Rohini Court, Delhi and the next date of hearing was 23.04.2012.

5. The National Commission for Scheduled Tribes vide letter dated 03/05/2012 requisitioned the following documents/ reports of the case for further investigation:-

- (i) A copy of the FIR
- (ii) Details of the anticipatory Bail granted in the case.
- (iii) Steps taken for providing relief to the victim of atrocity under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. The Office of the Deputy Commissioner, North West vide letter dated 13/06/2012 furnished a copy of FIR and intimated "There were three accused persons in the case and details about their bail is as follows:-

- (a) Shiva Ram S/o Jandu R/o H. No. 8, Swagam Sawidha, Punjabi Bagh, Delhi. He was arrested on 20.06.2011 and was granted bail by Sh. S. K. Sarvaria, ASJ, Rohini Court vide order dated 18.07.2011
- (b) Baldev S/o Ram Sunder R/o M-52, Vishnu Garden, Shyam Nagar, Delhi. He was granted anticipatory bail by Sh. S. K. Sarvaria, ASJ, Rohini Court vide order dated 26.07.2011. He was later formally arrested in the case on 08.08.2011
- (c) Baba Vamdev S/o Rajender Prasad R/o H. No. 3181, Mahendra Park, Rani Bagh, Delhi. He was granted anticipatory bail by Sh. S. K. Sarvaria, ASJ, Rohini Court vide order dated 27.07.2011. He was later formally arrested in the case on 30.08.2011. The charge sheet has been filed in the court on 08.11.2011.

7. The Commission noticed from the reply of Delhi Police that during investigation of the case, Police had not invoked the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the ground that "Investigation of the case did not reveal that the victim was gang raped due to her caste. There was no evidence regarding commission of rape offence due to the caste of the victim." The Commission called the Deputy Commissioner of Police, North West District on 06/08/2012 to discuss the matter and as to how the Police arrived at the above decision and ignored the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8. On behalf of the DCP, North West, Shri Rajiv Ranjan, Additional DCP, North-West, Delhi alongwith SHO, Rani Bagh appeared before the Commission to discuss the case. The Commission observed as under:

(a) In the instant case, the sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have not been invoked though the victim was belonging to the ST community.


(b) The relevant sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be added to the FIR.

(c) The Additional DCP should look into the matter with reference to the observations of the Commission at (a) and (b) above and send a supplementary

report to the Commission after invoking the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the case. Consequent to the above action, the bail granted to the accused also needs to be cancelled.

9. The Commission further observed that the handling of the case by the Police Authorities, highlighted lack of sensitivity among them about the matters concerning Scheduled Tribes, in general, and, in particular to the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Commission advised the Delhi Police to organize orientation programmes/ workshop/ training to educate/ sensitize the police personnels about various provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and its implementation.

10. The Commission also advised that Delhi Police should submit the action taken report on the observations of the Commission in para 8 and 9 above, at the earliest, positively by 10 September, 2012

  
Dr. RAMESHWAR ORAON  
Chairman  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi