

PRESS RELEASE

The National Commission for Women in exercise of its powers conferred under section 8(1) read with sections 10(1) and 10 (4) of the National Commission for Women Act 1990 constituted an enquiry committee to inquire into the recent incidents of crime against women in West Bengal. The three member committee visited the state of West Bengal during 2-3 April, 2012. The committee Included Ms Wansuk Syeim, Member NCW as chairperson and Ms. Anita Agnihotri I.A.S. Member Secretary, NCW and Nirmala Samant Prabhavalkar, Member NCW as members. The committee also met the CM of West Bengal.

The following recommendations have been made by NCW to the Government of West Bengal:-

1. The National Commission for Women is assured by the observations of the Govt. of West Bengal, in course of the Commission team's meeting with them that neutral investigation will be ensured in all cases of crimes against women and the detailed discussion with Chief Secretary and his team. However, NCW would like to draw the kind attention of the Govt. of West Bengal to the high incidents of crimes in particular of rapes and gang rapes against women over a short span of time in the recent months. An analysis of recent cases by a NGO network called Maitree, has brought out inter-alia the following points which are in page 6-7 of the report :-
 - (i) That West Bengal has recorded the 2nd highest number of rape cases in the country and the rate of increase in reported cases is twice the national average. Moreover, this state has the second lowest conviction rate in the country;
 - (ii) That little girls from the age of 7 to women of 72 were subjected to rape which includes housewives, working women, mentally and physically disable women, tribal women and these incidents occurred at all times of the day and night in public places, govt. hospitals, homes field everywhere. The rapists ranged from students to tutors, teachers, family members, robbers, political party workers/elders and government workers amongst others.

This clearly indicates that no woman is safe anywhere at anytime;

- (iii) That 44% of cases of gang rape; 39% victims were minor girls; 17% of victims were mentally/physically disabled; 8% rapes happened in hospitals/trains; in 44% of cases, accused is still absconding; in 17% of cases, women's character, or the veracity of cases were publically questioned; about 39% of rapists were known to women; in about 25% of the cases, FIRs were not filed at all, or filed later due to public pressure or court orders to this effect;
- (iv) That majority of the case took place in the districts and small towns and villages;

NCW would like to observe that : -

- (a) The high incidences of such crimes coupled with a set of unpreparedness among the officers at the level of public contact may actually make the crime nearly risk free business for criminals. NCW would like to request that investigation into the cases under reference should be conducted neutrally so as to ensure conviction and maximum punishment to the accused in each case.
- (b) Further the Commission notes with dismay, for reasons best known to the State Government, two key officers involved in the Park Street gangrape case and the Bankura case of sexual assault on a deaf and mute girl, Ms. Damyanti Sen, DCP, Kolkata and Mr. Pranab Kumar, SP, Bankura, both have been transferred before the investigation could be completed. Both of them have reportedly played a critical role in bringing the alleged perpetrators of the offences to book which had given courage and strength to the targets of attack and their families. The Commission would recommend that the successors of such officers, should be given clear instructions about prompt handling of the cases and taking all necessary steps for ensuring conviction of the accused.

2. The women who have been targets of attack should be offered financial compensation under provisions of the law (Section 357- A Cr. PC) by preparation of an appropriate scheme, as has been done by other States. Hand-holding of the women should be done by designated field functionaries of the WCD Department so as to ensure that they do not suffer trauma and disruption of livelihood. If required, special assistance of Psychologists and Social Workers should be provided.
3. The Commission also recommends review of the convention presently adopted by the Commissionerate of Police, Kolkata, which requires an order of a Court before a victim of rape is subjected to a medical examination. The Commission would like to point out that this convention is not present in other police organisations including the DGP, West Bengal, and is against the spirit of law and recent judgements of Hon'ble Supreme Court and High Courts which clearly indicate that neither the medical officers nor the accused should get any advantage in the process and valuable medical evidence against the accused is lost in any matter.

Section 164-A of Cr.P.C. 1973, deals with medical examination of the victims of rape and where the offence is under investigation. The registered medical practitioner to whom such woman is sent shall without any delay examine her by recording her consent shall do the same in prescribed manner as per Section 164-A (2 to 7). The Commission would like to point out that the present convention regarding medical examination of victim is against the spirit of law and should be reviewed forthwith.

4. The Investigating Officer is expected to act without any delay. In the course of sexual assault on women and when the offence is disclosed, the Investigating Officer has to conduct an investigation with gender sensitivity keeping in mind the traumatic condition of the victim. If he finds that there is a delay in lodging the FIR from the victim side then keeping in mind the stage of trauma, the cogent circumstances explaining the delay should be reflected in the course of investigation through the statements of witnesses which explains the circumstances which has caused delay in reporting the offence in police station.

The Investigating Officer should not be less than the level of an Inspector of Police with experience as expressed in various judgments of Hon'ble Supreme Court and the investigation should not suffer from delay in sending the cases for trial at the earliest possible.

5. In the cases of sexual assault it has always been the view of judiciary that such investigation should take ample care to complete the entire investigation in time bound manner. The routine procedural delays should be avoided. Before the transfer of Investigating Officer to another posting, it is necessary that same Investigating Officer should help the judicial proceedings in presenting the case of the victim of sexual assault on behalf of prosecution.
6. The investigating agency should see that charge sheet is immediately submitted preferably even before the time recommended in Cr.P.C. The speedy trial helps the witnesses to depose testimony before the Hon'ble Court as the incidence is fresh in minds of witnesses & helps judiciary to take the case to conclusive end to secure conviction.
7. The Commission would like to request the Hon'ble Minister for Home, Government of West Bengal that an advisory covering cases of crimes against women incorporating the aforesaid operational aspects, is issued to all police officers in the line of the advisory issued by Ministry of Home Affairs, Govt. of India. This can be drafted with inputs from WCD Department, Govt. of West Bengal.
8. **The Commission is deeply concerned about the reported case of assault committed reportedly by a medical professional on a deaf and mute minor girl at Bankura Medical College.** The case is extremely distressing considering that the victim is a person of special needs and she was under the care of a doctor, who not only alleged to have committed the crime but also breached the trust of patient as the patient was under the custody of doctor. The Commission notes with dismay that the young SP who took prompt action in the matter and ensured timely

investigation in the case has been transferred before charge sheet has been filed. The NCW would like to recommend that the succeeding officer may be directed by the Home Department for filling of charge sheet and follow up of the case in the Court, considering its sensitivity.

The Commission would like to recommend that the requirements of persons with special needs have to be kept in mind by all police stations and medical establishments so that they are provided with handholding support including services of interpreters, readers, professionals, psychologists and NGOs depending on the nature of the case. A panel of experts for this purpose can be prepared for each district in consultation with the Disabilities Commissioner and the WCD Department.

The Commission also recommends that an advisory to all medical institutions including medical colleges and hospitals issued by the Department of Health in order to orient and sensitize the medical professionals to the issues involved in crimes against women and also build their capacity, in case, such a case is being reported.

9. The Commission recommends setting up of a 24X7 Helpline for women across West Bengal and intensifying preventive action in vulnerable areas i.e. areas with illicit liquor dens, ill-lighted places, adjoining slums / remote habitats by removing unauthorized liquor shops, introducing police patrol at late / early hours.
10. There is a need to study the institutional mechanism and outcome of such serious cases from the stage of reporting / non-reporting till conviction/court judgments in order to know instances where findings of lapses in investigation of offence by the judiciary if the links are weak. The National Commission for Women would like to entrust a study on a certain percentage of such cases that happened in course of last 3 years up to the present time and get the detailed report prepared with the help of a professional team which will comment on :-
 - a. The circumstances / delay in reporting;

- b. The status of arrest of the culprits / charge-sheet and lapses in investigation, if any.
- c. Whether the case resulted in conviction & the nature of punishment awarded to the accused.
- d. Present status / livelihood of the target, the nature of support and rehabilitation of victim as per state policy she received from the community and the State etc. Recommend to the State Govt. for accommodating such victims in govt. jobs / vocational training to enable her to stand on her own feet.

Such a factual study along with an exercise in vulnerability mapping in Crime Against Women will give insight into the mechanism of taking a reported case to the last stage and throw light on measures to be adopted for strengthening the system.

11. NCW would be keen to collaborate with Government of West Bengal in conducting orientation training for police & judicial officers; medical professionals in understanding and handling Crime Against Women in the State and in developing guidelines for capacity building. The nodal departments viz., Department of Health, Department of WCD, Department of Home can, if required, get in touch with NCW in this regard.
12. The National Commission for Women would like to review the progress of investigations made in the above said cases after three months from the date of the issue of the report.