

**Press Release on Enquiry made by the National Commission for
Women in the case of alleged rape case of a girl in
Pipili, Odisha**

16/Feb/2012

The National Commission for Women (NCW) has taken suo moto cognizance of the matter of an alleged rape of a 19-Yr old girl of Pipili, Odisha. The Commission took note of media reports that the girl was allegedly raped by some persons in Pipili area on November 28, 2011. The report also pointed to an earlier case of 2008 where the aforesaid victim was to appear as a witness in a case of molestation. On the directive of the Commission, Ms. Anita Agnihotri, IAS, Member Secretary, NCW visited Odisha on 2 & 3rd February 2012.

On the basis of the visit of the Member Secretary, NCW and assessment of the facts of the case by the Commission, the following recommendations are made by the NCW to the Government of Odisha:-

- (i) The Commission has noted that in the reported matter of alleged rape on a girl in Pipili, the CID Cuttack has registered the case under Sections 341/307/376 /506/341 of IPC and Section 3 (i) of SC/ST (PA) Act on 10.1.2012. The investigation of the matter in progress and it is being monitored by Hon'ble High Court, Odisha. A judicial inquiry has been ordered in the matter by Government of Odisha. The National Commission for Scheduled Castes has also enquired into the matter. Government of Odisha has arranged treatment free of cost at SCB Medical College which includes multi speciality intervention and dialogue with AIIMS when required. An initial compensation has also been released to the family of the girl.
- (ii) The most important factor which determined the course of legal action in the case and the nature of medical treatment received by the girl is the failure of local Police Station to register the case on the date of incident and even on 30.11.2011 when the family lodged a written complaint. If

the FIR was in place, then all the medical institutions involved could have been alerted and the girl would have a continuity of medical attention. Action has already been taken against the Inspector Incharge of Police responsible for the lapse and he has been dismissed from service. While this should serve as a deterrent action it is recommended that a directive may be issued by the Department of Home, Government of Odisha, to the senior most police officers advising them to ensure that all cases of violence against women if reported are registered immediately and taken as FIR. Medical evidence should be collected without any delay so that the case registered leads to conviction. Any delay/inaction should be followed with immediate disciplinary action. In particular, witnesses of cases which relate to violence against women, should get protection and their safety monitored by local Police Station. It is felt that if police does not use any discretion at their level and register a case promptly, they will automatically secure a steady goodwill and public support. Putting the onus on the family when they are already distressed, for a delay in lodging an FIR/inadequate drafting of written complaint should be replaced by sympathetic handholding and counselling. There is also an increasing tendency to refer cases relating to violence against women to Mahila Police Stations. This is against the spirit of law and should be stopped forthwith. The directive may specifically mention that women have their inherent right to get a case registered in the jurisdictional police station and they cannot be sent anywhere else. *As a partner of this initiative Department of WCD may consider identifying legal professionals and women's groups in every district down to the block level and place their address, telephone number and details in the public domain so that in case of a crisis a family can get solace and support from professional at the same time.*

- (iii) Interaction by Member Secretary (NCW) with DG (P), Addl. DG and other senior police officials suggest that there is a need to sensitise senior most police officials to the dimension and complexity of violence against women. Such orientation can be conducted under the initiative of

Department of Home and WCD and services of professionals of national repute can be used. NCW would like to support such initiatives from its resources, if required.

(iv) The Commission has observed that there was complete lack of coordination among different medical institutions beginning from Pipili Primary Health Centre, Capital Hospital to SCB Medical College, Cuttack and the victim of a serious alleged crime had to move several times back and forth for her treatment. There was no system of monitoring of data relating to transfer of a critical patient from one hospital to another leading to complete disconnect where family had to make several journeys for same reason. It is, therefore, requested that:-

- (a) A system should be developed for sharing of data among different medical institutions in referral cases so that whether medico legal cases have been appropriately registered by the police can be checked by treating doctors at all stages.
 - (b) All important state and district hospitals could set up a facility, if required, using NGOs / groups who provide pro-bono services for guiding patients. This I understand has already been done by SCB Medical College with the help of the Indian Red Cross Society and this should be replicated.
- (v) Mahila-Sishu desk, which was initiated about a decade back with WCD's support, should be strengthened and equipped better with adequate budgetary support. It is much more useful to have Mahila and Sishu desks in as many police stations as possible rather than having Mahila Thanas, which do not provide wide access to women.
- (vi) In this particular and in similar cases, where it is not clear when the girl will be able to resume a normal life, and when the family members have suffered considerable expenses in initial treatment and also because of dislocation in

livelihood, counselling and rehabilitation to the earning family members should be made available by the State Government/District administration. A flexible scheme for this purpose can be prepared by WCD, Government of Odisha.

National Commission for Women has requested the Government of Odisha to take appropriate action in the matter and intimate the Commission about action taken expeditiously