

National Commission for Women, New Delhi.

File No. 08/4(23/26/31) PM- 2014-NCW

Dated :05.06.2014

Report of the Inquiry Committee to inquire into the following incidents reported in Delhi-

1. Report titled "woman kills rapist father"- a case in which the woman has eliminated the abuser who was her father in order to escape continuous sexual abuse.
2. Report relating to a woman, who was compelled to marry a man much older than her and later falling in love with a juvenile.
3. Reported titled "stalked by her neighbors young women ends life", wherein it has been reported that the girl was stalked by her neighbors who used to ogle and pass obscene comments and had even beaten up her family on 15 August 2013 when they objected to misbehavior.

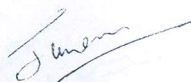
In exercise of the powers conferred under Sections 8 (1), read with Sections 10 (1) and 10 (4) of the National Commission for Women Act, 1990, approval of the competent authority is hereby conveyed to the constitution of an Inquiry Committee.

The Commission constituted an Inquiry Committee comprising the following:-

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| (i) Dr. Charu WaliKhanna
(Member, NCW) | Chairperson of Inquiry Committee |
| (ii) Ms. Husna Subhani,
(Social Activist) | Member of Inquiry Committee |
| (iii) Ms. Suman
(Suo- Motu Coordinator, NCW) | to assist Inquiry Committee |

A) The terms and reference of the Inquiry Committee are as follows:

- (i) The Inquiry Committee shall investigate into the case in accordance with the procedure laid down under Section 10(1) read with Section 10(4) of the National Commission for Women Act, 1990 and submit its recommendations to the Commission for taking such action as deemed fit against those involved in the case referred to above.
- (ii) The Inquiry Committee shall inquire into the circumstances, leading to the incident and the action taken by the authorities. The Committee shall meet the concerned police officials & other such persons as it deems proper to ascertain the facts and circumstances.
- (iii) The Inquiry Committee should investigate the entire matter in a thorough manner so as to understand the reasons behind crimes resorted to by women in the background of criminal jurisprudence.
- (vi) The Inquiry Committee shall recommend remedial measures and strategies to punish and prevent recurrence of such incidents.


(v) The Inquiry Committee shall meet at such time and place, as it deems proper.

(vi) The Inquiry Committee shall regulate its own procedure.

The preliminary report should be submitted within a period of 10 days.

B) Background:

"My father wanted to have physical relations with me"- Case No. 1

"My husband was very frustrating and uncaring" – Case No. 2

"My father was not in favour of my marrying the man of my choice"- Case No. 3 (Imaginary) CS

All the above three cases in which cognizance has been taken by the Commission relate to cases of '**Domestic violence**', and while these statements may not be valid generalizations of all female offenders, but they highlight typical responses of female offenders when asked about their life experiences (as seen in the cases under inquiry).

'Domestic violence' comprises physical, sexual, verbal, emotional and economic abuse that takes place within an intimate "shared household" i.e. domestic relationship and usually follows a pattern of coercive and controlling behaviour. This includes sexual violence, forced marriage, natal family violence or so-called 'honour crime', and may include a range of other abusive behaviour. It is important to point out that domestic and sexual violence rarely occurs as an isolated incident, and no other type of crime has such a high rate of repeat victimization. Helpful interventions rarely arise in the victim's childhood (as the grand mother and sister of Ms.X ignored her plea), when the option for help is not available due to the family structure in India and the needs of the victim often misunderstood or ignored.

Sexual violence and abuse includes a range of different acts of sexual nature, which are unwanted and take place without consent or understanding. For example, husband or family members (father / brother) may use force, threats or intimidation to engage in unwanted sexual activity; they may taunt or indulge in humiliating/ degrading treatment; or force the victim to engage in sexual activities with them or with other persons. The present cases under inquiry are illustrative of such sexual violence. It is significant that a **woman / victim placed in such a situation may indulge in self-harm or attempt/commit suicide or possibly to escape the violence eliminate the abuser, as has occurred in case No. 1 and 2.** Reiterating this the Suptd. Tihar Jail expressed an opinion to the Inquiry Committee that a large number of women in custody may not have committed the offence intentionally but are themselves victims of abuse.

Hence it is important to -

- highlight the motives of female offenders and to develop gender oriented criminal jurisprudence;
- ensure that female offenders receive interventions that are consistent with their individual rehabilitative needs, while, at the same time, correcting errant behaviour to meet the collective safety needs of the community; and

C) The Inquiry Committee met following Officials/persons:-

1. Ms. Anju Mangla, Superintendent of Police, Central Jail No. 6, Tihar Jail

2. Sh. V D Pushkarna Dy. Superintendent of Police (Deodhy). Jail No. 6, Tihar Jail
3. Ms. Rekha Bhardwaj, Welfare Officer, Tihar Jail
4. Ms. X. accused in Case No.-1
5. Ms. Y. accused in Case No.-2

D) CASE NO. 1-

a) Summary of the incident-

Occurrence of offence: unknown date and time (according to FIR).

Relation of deceased victim to accused woman: **Father**

FIR NO 329/2014 U/s 302 IPC

Date of FIR- 30/05/2014

PS – Khayala, Delhi

The National Commission for Women has taken suo- motu cognizance of the media report titled, 'Woman kills rapist father in his sleep', wherein it has been reported that a 23 year-old woman took brutal revenge on her father who was allegedly sexually abusing and molesting her for the past 3 years (**Annexure-A**). A letter dated 07.05.2014 seeking ATR within 07 days was issued to the Commissioner of Police, Delhi in the matter (**Annexure- B**).

According to the media report a dead body of a middle aged man was found and after few days of investigation the police came to the conclusion that it was the daughter of the deceased, who had committed this violent act. It has been reported that the act was committed with the help of her two male friends. Seizure of weapon of crime have been made by the police i.e. wicket, knife, cable wire, mobile phone and the Innova car used for dumping the dead body was also seized from Mohan Garden area. Since, the media reports were inconsistent with the statement given by Ms.X to the Inquiry Committee, hence notice was sent to SHO, PS. Khyala (Sh. Tanvir Ashrat) dated 04.06.2014 to appear before the Commission on 05.06.2014 and submit ATR alongwith the FIR (**Annexure-C & D** respectively).

b) Inquiry

1. On 30.05.2014 the Inquiry Committee went to Tihar Jail No.6. to meet the accused girl (hereinafter referred to as Ms.X). The girl appeared highly traumatized and in emotional shock, slightly incoherent besides suffering from other psychological problems. Her condition has been corroborated by the Welfare Officer, Tihar Jail who is counseling her.

Inquiry Committee inquired from Ms. X about her background. She informed that she is 23 years old and has studied only upto class 8th, and due to the continuous illness of her mother she was compelled to abandon her education. After the death of her mother in 2011 she went to Punjab to live with her grandmother for two years. **The Inquiry Committee asked her the specific question as to whether her father had been sexually abusing her since her childhood?** To which she replied in the negative. She stated that the problem started during the marriage ceremony of her sister in 2013 when she was working in the kitchen and her father held her tightly from behind in a 'galat tarika' touching her breast. On her resisting he tried to justify his act by saying that he was only displaying his love as her father. Being terrified she informed her elder sisters

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and her grand-mother of the incident. but they chose to ignore it. When her father came to know that she had complained about him he got annoyed, and started beating her frequently, specially on her breast, due to which she has developed a permanent lump on her breast.

2. **The Inquiry Committee questioned Ms. X as to what happened on the day of the incident?** She informed the Inquiry Committee that her father was suffering from a heart ailment and was admitted in hospital to have a pacemaker fitted. On his return from hospital he again tried to molest her and started forcing her to have physical relations with him, sleep on the same bed with him, indulge in sexual play with his organ, request for anal sex etc. When she denied and resisted, he started abusing her, demeaning her, questioning her character and beating her, due to which she had become depressive and highly disturbed. On the day of incidence she was sleeping in another room when her father, who had been drinking the whole day, came near her and tried to force her to have anal sex. She resisted and being terrified, in self-defense picked up the first object that came in her hand, a hammer stick, and hit him with it.
3. **On the Inquiry committee questioning her on the presence of the boy, her friend?** She replied that when she hit her father and he fell to the ground unconscious, she was in a state of anxiety and petrified that he may get up and beat her, so she rung up her friend. Both of them were scared that her father may get up. **She clearly said that whatever happened was sudden and not pre-meditated or planned. She further informed that being in a state of shock she did not called police.** She further stated that she does not clearly remember what happened after that and has hazy memories of her sister coming to her house, the neighbor coming and informing the police etc. She keeps repeating the sentence 'I feel my hands are full of blood and I want to keep washing them'.

The ATR submitted by the police corroborates her statement that after the death of her mother "her own father used to commit sexual assault. She was not in position to express the said act of her father as no one will believe." The IO showed the disclosure statement of the girl wherein she has clearly stated her father did not like her having relationship with other boys and wanted her to establish physical intimacy with him exclusively. In the disclosure statement she has stated that when her father started doing 'galat kaam' (wrong acts) with her around 10 pm she rung up her friend and the fact that the father died at around 3 am in the morning. **After this point whatever Ms.X informed the Inquiry Committee is contrary to the police investigation.** She had stated before the Inquiry Committee that being terrified, in self-defense she picked up the first object that came in her hand, a hammer stick, and hit her father. Subsequently, she called her friends and being scared that he will get up, they broke his pacemaker. Then she sat next to the body the whole night in a state of shock. Whereas, the IO stated that Ms. X intentionally misguided the police investigation, concealed the weapons of crime, removed the blood stains at the place of crime and this violent act was pre-planned and the police has sufficient evidence and scientific proof to establish a case of murder and conspiracy beyond reasonable doubt.

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E) CASE No 2:

a) Summary of the incident-

Date of Occurrence of Incident: 10.04 2014
Relation of deceased victim to accused woman: **Husband**
Case FIR No.- 264/2014us302 IPC
Date of FIR- 11/05/2014 PS – Delhi Cantt

The National Commission for Women has taken suo- motu cognizance of the media report titled, 'Air force sergeant murdered by wife, her teenage companion', (**Annexure-E**). A letter dated 15.05.2014 seeking ATR within 15 days has been sought from the Commissioner of Police, Delhi in the matter and ATR has been received on 06.06.2014 (**Annexure- F & G respectively**). The accused woman has a girl child of three years. It has also been reported that she was not satisfied with her married life as her needs were not fulfilled by her husband and there was age gap between both of them.

b) Inquiry

On 30.05.2014 the Inquiry Committee met with the accused woman hereinafter referred to Ms.Y, who is a well educated 28 year old graduate pursuing her master's degree. She informed the Inquiry Committee that she used to give private tuitions and also took coaching classes at the air force coaching center. Ms. Y shared details of her marital life with the Inquiry Committee -her trauma, her not being satisfied with her married life, her dissatisfaction with her husband's attitude, their incompatibility due to the age difference etc. She also stated that her husband constantly put pressure on her to perform well in competitive examinations and used to persistently compare her with his colleague's wives, who also were taking examinations and pursuing their studies, which hurt her self esteem and demoralized her. She also stated that he harassed her physically, mentally and sexually, beat her and never shared his income with her. She wanted to leave her husband but he did not want to give her a divorce and her natal family did not support her.

The Inquiry Committee asked Ms. Y where and how she met the juvenile? She replied that he used to attend her coaching classes but dropped out. She continued to meet him and a relationship developed between the two of them, since she found him caring and protective, unlike her husband.

The Inquiry Committee questioned Ms. X as to what happened on the day of the incident? She replied that on the night of 09.04. 2014 her husband reached home late at night. He was under the influence of alcohol and tried to force her to have physical relations. On her resisting he got violent, so being scared she rung up the juvenile and shared the incident with him. The juvenile on hearing this became enraged and immediately rushed to her house. She said that she is not aware of what exactly transpired between her husband and the juvenile since he latched the door of the room where she and her daughter were sitting, and went to confront her husband. The juvenile later told her that in the quarrel, under sudden provocation he pressed the throat of her husband (the deceased victim). She took her husband to the air force hospital where doctors declared him brought dead.

Ms Y also stated that after the death of husband she did not want to live in that house therefore she shifted to a rented accommodation. It was only few days that when the postmortem report opined cause of death as "death is due to asphyxia as a result of anti mortem throttling", that the police registered the FIR and arrested her.

Harvinder Singh

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F) CASE NO. 3:

a) Summary of the incident-

Date of Occurrence of Incident: 14.05.2014
Deceased Victim: Late Ms. Z
Case FIR No- 326/14 u/s 306/34
Date of FIR- 17/05/2014 PS – Krishna Nagar

The National Commission for Women has taken suo- motu cognizance of the media report titled, “stalked by her neighbors young women ends life”, wherein it has been reported that the girl was stalked by her neighbors who used to ogle and pass obscene comments and had even beaten up her family when they objected to misbehavior (Annexure-G). A letter dated 22.05.2014 seeking ATR within 15 days was issued to the Commissioner of Police, Delhi in the matter (Annexure- H).

It has also been reported that Ms. Z was depressed allegedly due to harassment by two neighbors and the fact that her marriage had been allegedly called off following dowry demands by groom's family.

GOING BY MEDIA REPORTS IT APPEARED TO BE A CASE OF STALKING AND DOWRY DEMAND BUT ON DEEPER INQUIRY IT IS TURNING OUT TO BE CASE OF NATAL FAMILY VIOLENCE AND INTER CASTE MARRIAGE.

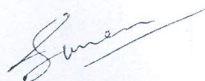
b) Inquiry

On 30.05.2014 the Inquiry Committee reached Police Station Krishna Nagar and the facts that emerged are shocking and totally contrary to what has been reported. The Inspecting Officer of the said case, ASI Mr. Surendra Pal Singh informed the Inquiry Committee that Ms. Z a Brahmin, was already married to a man of another caste (Gupta) and the marriage had been performed at the Arya Samaj Mandir. Prior to her death Ms Z was living apart from her husband, even though it was a love marriage and she was pursuing her B.COM degree through correspondence. Notable is the fact that their marriage certificate bears the signature of the mother of the deceased Ms Z and one another lady. The IO informed the inquiry Committee that her father had not signed the marriage certificate and investigation is undergoing as to whether her father was aware of the marriage or not. The police are also investigating the angle of natal family violence, popularly known as ‘honour killing’.

The IO also informed the Inquiry Committee that during investigation he found a suicide note of the deceased victim wherein she mentioned that she had made a video recording in her mobile phone wherein she had mentioned the reason of her suicide, in which she said that due to harassment by her neighbours, she had committed suicide (Annexure I colly). Investigation is still going on.

G) ENCLOSURES

1. Newspaper clipping dated 06.05.2014, titled “Woman killed rapist father in his sleep”(Annexure-‘A’)
2. Letter dated 07.05.2014 seeking Action Taken Report from The Commissioner of Police, Delhi- (Annexure- ‘B’)



Harina S. Khan

3. Notice sent to SHO, PS, Khyala dated 04.06.2014 and ATR submitted alongwith the FIR (Annexure-C & D colly).
4. Newspaper clipping dated 11.05.2014, titled, 'Air force sergeant murdered by wife, her teenage companion', (Annexure-E).
5. Letter dated 15.05.2014 seeking Action Taken Report from the Commissioner of Police, Delhi and ATR received from police dated 06.06.2014(Annexure- F & G respectively).
6. Newspaper clipping dated 18.05.2014 titled, "stalked by her neighbors young women ends life" (Annexure-H).
7. Letter dated 22.05.2014 seeking Action Taken Report from the Commissioner of Police, Delhi in the matter (Annexure- I).
8. Copies of Marriage certificate of Arya Samaj Mandir, suicide note and FIR. (Annexure-J colly).

H) OBSERVATIONS

a. **Sexual abuse is one of the least discussed, but most common, forms of domestic violence.** According to the National Crimes Record Bureau Report 2013 the offenders were known to the victims in 94.2% cases, **parents/ close family members involved in 1.2% and relatives involved in 6.9%** cases. This appears to be just the tip of the ice burg since most cases do not get reported, as reflected in case No. 1 the family members have a tendency to ignore the complaint of the girl and when the abuse becomes intolerable something snaps, and she may eliminate the abuser to escape the violence. **Farther Delhi city accounts for 17.6% of Rape cases, 31.8% of Kidnapping & Abduction cases, 14.0% of Dowry Deaths and 10.1% of Molestation cases among 53 cities. It has been seen that women remain in abusive environments due to lack of alternates and lack of state/family support as observed in the present cases under inquiry.**

b. **Domestic violence and sexual violence causes the victims, as well as witnesses to suffer incalculable pain and trauma and its consequences range from shock, distress, anguish, grief to aggression, hostility and self assertion among others.**

- Ms. X appears to be suffering from post-traumatic stress disorder including guilt, shame and blame (she told the Inquiry Committee that she continuously wants to wash her hands). She shared her emotions with the Inquiry Committee stating that memories of the incident trigger of intense anxiety and fear, in addition to being racked with nightmares and flashbacks as her mind cannot rid itself of unwanted and intrusive thoughts. She also falls in the **'at risk' category** - girls who grow up in an environment of dysfunctional families, permanent illness of parent/mother, low educational aspirations and expectations, and low ties of affection in the family. She suffers from sense of alienation (Ms X. expressed desire to meet her sister since after this incidence her sister has not spoken to her nor has any other family member expressed interest in meeting her.)

Unofficially it has come to the knowledge of the Inquiry Committee that Ms.X appears to have a distorted personality and severe psychological problems due to being abused. According to the police, she was highly dramatic in the beginning of the investigation and constantly tried to mislead them. Despite being in custody

Huara Suleka

expressed desire to meet her male friend, and the meeting was facilitated by the police. Call records and local inquiries reflect the possibility of her having multiple partners and indulging in group sex (yet to be fully established). This is a typical symptom suffered by victims of sexual abuse. Having been violated, often repeatedly against their will, teaches a child that sex is not about love; it is about being used and often treated as an object. Studies indicate that the after-effects of abuse include limited ability to feel sexual pleasure or sexual promiscuity and an increased likelihood of engaging in unsafe sex, and risky sexual behaviors.

- Each individual victim of sexual assault has her own personal and private experience. The way she responds to the assault is determined by a multitude of factors. In the case of **Ms. Y she is experiencing feelings of hostility**. Hostility towards her parents who knowingly or unknowingly got her married to a man much older to her, hostility towards her husband (the deceased) whom she feels should have protected her and been more supportive, rather than treating her like an object just for sex. It also indicates that the victim is not placing the entire blame for the incident on herself but perceives that the abuser/husband as being responsible. She is also feeling a sense of alienation, isolation and despair since her parents have refused to meet her nor do they want to take the responsibility of caring for her daughter (who is presently living with her in jail). The only person she trusts and has feeling for is the juvenile whom she still loves and wants to meet and confront him as to why he has falsely implicated her. There is a strange calm about Ms.Y to the point of being emotionless. Showing remarkable resilience she told the Inquiry Committee she wants to move on in life and is capable of living alone on her own and earning a living through tuitions.
- **Whether the daughter of Ms. Y** is witness to the incident or not cannot be conclusively said, however she has been witness to the repeatedly violence faced by her mother, which appears to have deformed her personality. Studies have revealed that the list of physical, emotional, psychological and behavioral responses experienced by children witnessing domestic violence was strikingly similar to responses found in children who were physically abused and neglected, as well as children who had experienced sexual abuse. While some children may model violent behavior, others may withdraw and become passive, adopting the victim role in their interactions with others. The small girl child initially trapped in an abusive environment (father's house), is now faced with the formidable task of adapting to the new environment (Tihar jail). She is yet to find a way to preserve a sense of trust in people, safety in the strange and menacing environment of the jail, being surrounded by totally unknown persons who may be terrifyingly unpredictable. She has become withdrawn and clings to her mother, the only recognizable face. So despite the Jail having very good child care and educational facilities she is unable to access them since she is not willing to be separated from her mother for even a minute.
- Domestic violence comprises brutal methods of controlling and subordinating women by the natal family within male dominated "honour and shame societies". **The case of Ms.Z** is turning out to be a lucid example of natal family violence, the underlying purpose of which is to maintain men's power in families and communities by denying women basic rights to make autonomous decisions about issues such as marriage and choice of partner. **It is pertinent to stress here that what is at stake is NOT**

