



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6<sup>th</sup> floor, 'B' Wing, Loknaya Bhawan  
Khan Market, New Delhi-110 003.

File No. JB/6/2019/STGDH/ATOTH/RU-I

Dated: 07/11/2019

To,

1. The Commissioner of Police,  
Police Headquarters,  
IP Estate,  
New Delhi- 110002
2. The Principal,  
Kendriya Vidyalaya,  
Khichdipur,  
New Delhi- 110091
3. The Deputy Commissioner of Police,  
East District, Delhi,  
Delhi- 110092
4. The Station House Officer,  
Police Station, Kalyanpuri,  
Delhi- 110091

Sub: Representation dated 26.08.2019 of Smt. Jonali Biswas, R/o B-75 First Floor, Near Shiv Mandir Road, Gharoli Dairy Farm Mayur Vihar Phase- 3 New Delhi for inclusion of POA Act, 1989 in FIR No. 0193/19 u/s 354 AIPC and POSCO Act in Police Station Kalayanpuri, Delhi.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of minutes of Sitting held in the National Commission for Scheduled Tribes on 30/10/2019 at 12:30 P.M. under the Chairmanship of Shri H.C Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)

Assistant Director

Tel: 011-24641640.

Copy to:

Smt. Jonali Biswas,  
R/o B-75 First Floor,  
Near Shiv Mandir Road,  
Gharoli Dairy Farm Mayur Vihar Phase- 3  
New Delhi  
(Mob: 7982946488)

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (please upload on the Commission's website and also send the e-mail to concerned)

Government of India  
National Commission for Scheduled Tribes

MINUTES OF SITTING HELD IN THE NCST'S HEADQUARTERS ON 30/10/2019 AT 12:30 PM UNDER THE CHAIRMANSHIP OF SHRI H.C. VASAVA, HON'BLE MEMBER, NCST IN THE CASE OF SMT. JONALI BISWAS R/O B-75 FIRST FLOOR, NEAR SHIV MANDIR ROAD, GHAROLI DAIRY FARM MAYUR VIHAR PHASE- 3 NEW DELHI FOR INCLUSION OF POA ACT, 1989 IN FIR NO. 0193/19 U/S 354A IPC IN POLICE STATION KALAYANPURI, DELHI.

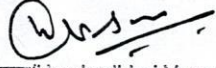
(F. No. JB/6/2019/STGDH/ATOTH/RU-I)

List of participants is annexed.

Smt. Jonali Biswas R/o B-75 First Floor, Near Shiv Mandir Road, Gharoli Dairy Farm, Mayur Vihar, Phase- 3, New Delhi vide representation dated 26.8.2019 has requested for issue of direction to Police Station, Kalyanpuri for inclusion of POA Act, 1989 in FIR No. 0193/19 u/s 354A IPC. In the representation, it had been mentioned that she belongs to SC category married with ST person, which is the inter-caste marriage. After repeated request, the Police personal of PS, Kalyanpuri has not included the POA Act, 1989 in the case filed against accused Mahendra Kumar, Driver. The case was referred to Commissioner of Police, Delhi, Principal, Kendriya Vidyalaya, Khichdipur, Dy. Commissioner of Police, East District, Delhi and SHO Police Station, Kalyanpuri for facts and comments on 30.8.2019.

The Principal, Kendriya Vidyalaya, Khichdipur vide letter No. F. 2211050/2019-20/KV-Khich/363 dated 09.09.2019 had furnished the facts and inform that Vidyalaya does not have any control over the bus facility. However, the Administration cooperate with the investigation of the incident with the Police Department. The response was not received from Delhi Police. The petitioner vide reminder dated 15.10.2019 had requested for justice. Accordingly, the Hon'ble Member fixed the sitting for 30.10.2019 to discuss the issue with the officers of Police Department, Principal Kendriya Vidyalaya, Khichdipur and the petitioner to assess the facts and resolved the issue. The sitting notice issued on 16.10.2019 to Commissioner of Police, Delhi, Principal, Kendriya Vidyalaya, Khichdipur, Dy. Commissioner of Police, East District, Delhi, SHO Police Station, Kalyanpuri and petitioner.

The Commissioner of Police, Delhi vide letter No. 2600/IP.Sec./CP/Delhi informed that owing to urgent official occupations, he may be exempted from personal appearance and stated that Dy. Commissioner of Police, East District, Delhi will appear before the Commission in the sitting. The ACP East District, Delhi and SHO, Kalyanpuri were present in the sitting. The representative of Kendriya Vidyalaya, Khichdipur and the petitioner was also present.

  
हर्षदभाई वसावा/Harshadbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

The Hon'ble Member asked the petitioner to explain the grievance and problems. The petitioner informed that, after repeated request the Officials of Police Station, Kalyanpuri had not included the POA Act, 1989 in the above case. Hence, Police Department may be asked to include the POA Act, 1989 and provide compensation for daughter student of class-II of the Kendriya Vidyalaya Khichdipur.

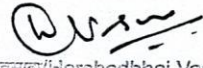
The Hon'ble Member asked the DCP, East District to explain about the action taken by their Department in the case. The DCP East District informed that at the time of complaint, petitioner has not mentioned about her community as daughter belong to ST community and also not mentioned her community in the statement recorded under section 164 Cr PC in the Court. The charge sheet was filed against accused Mahendra Kumar under section 354A IPC and 10 POCSO Act. The bail of accused is dismissed by Hon'ble High Court Delhi on 22.10.2019. The next date of hearing is fixed for 02.11.2019. At this juncture, the POA Act, 1989 could not be included in the case by the Delhi Police as the matter with the Hon'ble Ld. Court.

Commission observed that the officials of Police Station, Kalyanpuri has not taken care of the information provided by the Kendriya Vidyalaya, Khichdipur about the community status of petitioner's daughter. Due to that POA Act, 1989 has not been included in the FIR in the case. As explained by DCP, East District, the Police Department not able to add the POA Act, 1989 in the case, at this juncture, since the charge sheet was filed against accused under section 354A IPC and 10 POCSO Act.

After detailed discussions with the DCP, East District and other Officers of Delhi Police and the petitioner, the Hon'ble Member recommends that the Hon'ble Court may kindly consider the request of petitioner for incorporating the respective section of POA Act, 1989 in this case. The following points may be considered by the Delhi Police and submit the action taken report within a month to the Commission. The petitioner is advised to request the Hon'ble Court for incorporating the respective clause of POA Act, 1989 in the case, as suggested by DCP East District Delhi.

1. The petitioner (Mother of victim) may bring the status of her community before the Hon'ble Court and request to include the respective section of POA Act, 1989 in the case.
2. Delhi Police should submit the note for not including the POA Act, 1989 in the said case, as explained in the sitting.
3. Officers/ Officials working in the Police Station (s) should be sensitized in respect of POA Act, 1989 for compliance in letter and spirit regarding incidents occurred with ST persons by the District Chief Police Officer.

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हर्षदभाई वसवा/Harshadbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
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