



**Government of India
National Commission for Scheduled Tribes**

**6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.**

File No. SB/1/2017/STGDH/ATRAPE/RU-I

Date: 22/08/2017

To

1. The Commissioner of Police,
Delhi Police,
Police Headquarters,
I.P. Estate,
New Delhi.
2. The Secretary,
Department for the Welfare of SC/ST/OBC,
Govt. of NCT of Delhi,
B – Block, 2nd floor,
Vikas Bhawan, IP Estate,
New Delhi.

Sub: Sexual assault on Ms. Sukhvaro Barla alias Kajal Barla, R/o Village-Narsingh Pur, Post - Rendwa, Thana-Kaamdara, District - Gumla, Jharkhand at her working place in Rajouri Garden, New Delhi on 03/03/2017 – reg.

Sir,

I am directed to enclose a copy of the Proceedings of Sitting held in the National Commission for Scheduled Tribes on 01/08/2017 on the above mentioned subject for immediate necessary action. Action Taken Report in this regard may be submitted to the Commission **expeditiously.**

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)
Assistant Director

Copy to:

Ms. Sukhvaro Barla alias Kajal Barla,
R/o Village-Narsingh Pur,
Post - Rendwa, Thana-Kaamdara,
District - Gumla,
Jharkhand.

Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. PS to Vice-Chairperson,
3. PS to Joint Secretary,
4. Director (Admn.)
5. Deputy Secretary (RU-I & RU-II).
6. SSA NIC (for hosting on Commission's website)

National Commission for Scheduled Tribes
Government of India


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Minutes of sitting held in the Commission on 01/08/2017 at 12:30 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of (the victim of sexual assault) Ms. Sukhvaro Barla/Kajal Barla, R/o C-42 A, DDA flat, Ground Floor, Shivaji Enclave, Rajauri Garden, New Delhi-110027

List of participants placed at annexure A.

A representation dated 03/03/2017 was received from Ms. Sukhvaro Barla @ Kajal Barla, R/o C-42 A, DDA flat, Ground Floor, Shivaji Enclave, Rajouri Garden, New Delhi-110027 about sexual assault on her by one Ajit Gulati. After the assault she was thrown from her flat to the roof of other house by Ajit Gulati with help of his wife Shweta Gulati. Ms. Sukhvaro Barla @ Kajal Barla was working as their domestic servant. She hails from District Gumla, Jharkhand.

2. The matter was taken up with the Commissioner of Police, Delhi and Deputy Commissioner, District – Gumla, Jharkhand.
3. The Deputy Commissioner of police, West-District, Delhi has informed vide their letter dated 27/03/2017 that a case vide FIR No.869/16, dated 11/11/2016, u/s 325 / 376 IPC, 6 POSCO Act & 75 J.J. Act was registered at PS Rajouri Garden on the complaint of complainant Ms. Kajal Barla. Accused Ajit Gulati has been arrested in the case and sent to judicial custody. Bail matter of Ms. Shweta Gulati is pending before the Hon'ble Delhi High Court. Charge-sheet of the case is under preparation.
4. On perusal of FIR it has been observed that relevant provisions of SC & ST (PoA) Act, 1989 has not been included. Hence, the Delhi Police was requested to inform



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अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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the Commission as to why the relevant provisions of PoA Act has not been included in the FIR as the victim is a scheduled tribe person.

5. Since no response was received from Delhi Police, the Hon'ble Chairperson fixed a sitting with Delhi Police on 10/04/2017 at 3:00 P.M. Deputy Commissioner of Police who appeared before the Commission informed that relevant provisions of the PoA Act would be included after getting the caste certificate of Ms. Sukhvaro Barla @ Kajal Barla from her native place. Accordingly, the Deputy Commissioner, Gumla was approached for caste certificate of Ms. Sukhvaro Barla @ Kajal Barla who vide his letter dated 27/04/2017 provided the required caste certificate of Ms. Sukhvaro Barla @ Kajal Barla.

6. The caste certificate of Ms. Sukhvaro Barla @ Kajal Barla was forwarded to Delhi Police with request to amend FIR by including relevant provisions of PoA Act and submit a compliance report to the Commission.

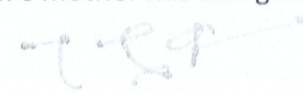
7. Secretary, NCST held a meeting with the Commissioner of Police, Delhi Police and DCP, West District, Delhi for review the progress in the case on 22/05/2017 at 4:00 P.M. Shri Vijay Kumar, DCP, West District attended the meeting and informed that on the basis of report of Deputy Commissioner, District Gumla, Jharkhand in respect of ST status of Ms. Sukhvaro Barla @ Kajal Barla Section 3(W) PoA of SC/ST Act has been added in the case of FIR No.869/16, dated 11/11/2016 u/s 325 / 376 IPC, 6 POSCO Act & 75 J.J. Act. The DCP also informed that a copy of the amended FIR alongwith details will be forwarded to Delhi Legal Service authority for providing victim


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compensation. Charge-sheet of the accused Ajit Gulati has been filed in the Court on 07/04/2017.

8. Another petition/representation has been received by the National Commission for Scheduled Tribes from the mother of Sukhvaro Barla@Kajal Barla stating that the victim Sukhvaro Barla@Kajal Barla has been placed in the custody of the Child Welfare Committee against their interest and in spite of repeated request the victim is not released. It has also been brought to the notice of the Commission that the FIR in the matter has been amended by incorporating relevant provisions of PoA Act but no victim compensation has been paid so far. Subsequently, a Sitting was fixed on 01/08/2017 at 12.30 pm as per the meeting notice dated 27/07/2017 where Commissioner of Police, Delhi, Deputy Commissioner of Police, West District, Rajouri Garden, Chairperson, Child Welfare Committee, Secretary, Legal Services Authority, Secretary, Department of Welfare of SC/ST and OBC of Delhi government were requested to attend the meeting.

9. In the Sitting Shri Vijay Kumar, Deputy Commissioner of Police, Secretary Department for the Welfare of SC/ST & OBC, Government of Delhi attended. In the Sitting, it was informed that Vice Chairperson, NCST along with officials of NCST visited the Child Welfare Committee, Nirmal Chaya Complex, Hari Nagar for persuading the Child Welfare Committee to release the victim to the custody of her mother. The Child Welfare Committee assured that they would take up the matter for hearing on 28/07/2017. Accordingly the hearing took place and thereafter the victim was released and placed in the custody of the victim's mother. The victim's mother has also given an


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undertaking that she would be responsible for the safety and wellbeing of the victim.

10. Regarding payment of the victim compensation, the Commission took a serious note of the fact that so far the victim compensation has not been paid. The intent of the relevant provisions of the law is that a Scheduled Tribe victim of rape is to be compensated with Rs. 5 lakhs. Payment to be made as:

- i) 50 per cent after medical examination and confirmatory medical report;
- ii) 25 per cent when the charge sheet is sent to the Court.
- III) 25 per cent on conclusion of trial by the lower Court.

11. On the query of the Commission why the victim compensation has not been released, the Secretary, Welfare Department, Government of Delhi apologised for the delay and assured the Commission that he will obtain all the relevant documents from the Delhi Police and release the compensation to the victim in her bank account within two days. Details of bank account of the victim was also collected during the Sitting from the victim family. The Commission also requested Delhi Police to extend all cooperation to the Welfare Department in this case and provide all documents as required by the Welfare Department for release of the compensation.

12. The Commission also requested the Welfare Department, Delhi government to revise the guidelines of payment of victim compensation in Delhi so that victim compensation to the victim of crime is paid in a time bound manner. The Secretary, Delhi Welfare Department for SC/ST & OBC has assured that he will do the needful. The Commission also requested the DCP, Delhi Police to provide all the details relating to the case viz. copy of the FIR, copy of the Medical Report, copy of the charge-sheet, etc. to the Commission and he has agreed to the same.


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List of Participants

Sr. No.	Name and Designation
I	<u>National Commission for Scheduled Tribes</u>
1.	Shri Nand Kumar Sai, Hon'ble Chairperson
2.	Ms. Anusuiya Uikey, Hon'ble Vice Chairperson
3.	Shri Raghav Chandra, Secretary
4.	Shri Sisir Kumar Ratho, Joint Secretary
5.	Smt. K. D. Bhansor, Director (Admn.)
6.	Shri P. T. Jameskutty, Deputy Secretary
7.	Shri Rajeshwar Kumar, Assistant Director
8.	Shri H. R. Meena, Senior Investigator
II	<u>Deputy Commissioner of Police</u>
1.	Shri Vijay Kumar, DCP, West District
III	<u>Department for the Welfare of SC/ST/OBC, GNCT</u>
1.	Shri Rajesh Bali, Secretary
2.	Shri M. A. Ashok