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National Commission for Scheduled Tribes

Proceeding of the Sitting held on 04.10.2013 and 10.10.2013 with Commissioner of Police concerning the News Report in the Times of India captioned "Savagely scarred maid rescued from VK flat".

The list of the participants is annexed.

2. NCST took suo motu notice of a news report dated 01.10.2013 in the Times of India, New Delhi which noted:

"A young maidservant from Jharkhand, probably a minor, was rescued from a Vasant Kunj ground floor flat this evening after a four hour battle of wits between her employers and volunteers of NGO Shakti Vahini and Delhi Commission for Women. She was rushed to Safdarjung Hospital in a condition that left the rescuers, cops and hospital staff shaken. TOI is with holding her photograph, which is deeply disturbing.

The colony residents apparently had raised an alarm when the shrieks from the house became unbearable. The volunteers then mounted a rescue operation which pitted them against the occupants of the house- an old woman in her forties and a pack of five dogs.

When they finally got to the girl after four hours, the team members reeled with horror. Rishikant of Shakti Vahini said the girl's face and body bore deep gashes and several injuries. Her ears were swollen and there were injuries on the head. The occupants of the house, the NGO said, denied any wrongdoing and claimed she had injured herself when she fell in the bathroom and they were getting her treated by a doctor. The maid is, however, learnt to have complained of being attacked with a sharp knife-like object over days".

3. NCST noted the incident with seriousness, particularly because the victim hailed from the State of Jharkhand and telephonically asked the Delhi Police on 01.10.2013 and 03.10.2013 to confirm whether the girl was a ST from Jharkhand and if so the Delhi Police may invoke relevant sections under the SCs & STs Prevention of Atrocities (PoA) Act, 1989 to the file. NCST also sent a letter by fax to this effect on 03.10.2013 to the Commissioner of Police, Delhi, the concerned Deputy Commissioner of Police, South Delhi and also to the SHO, Vasant Kunj, Police Station. Notwithstanding this, the Commission has noted with great concern that till late 3rd October, 2013 evening, the SHO could not confirm whether the victim belonged to the ST category or not. Attempts were also made to reach the Delhi Police Commissioner's office but these have not evidently been taken seriously by Delhi Police.

4. Considering the grave nature of the case and the delay on the part of the concerned police officials to apply the relevant provisions of the SCs and STs (PoA) Act, 1989, the Commission convened a meeting with the Commissioner of

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Police and other concerned authorities for ascertaining the factual position and for finalizing an actionable policy to monitor and check engagement of domestic maids from the tribal areas and their exploitation. The meeting with the Commissioner of Police, Delhi was scheduled on 04.10.2013 to discuss the matter.

5. In response, the Deputy Commissioner of Police, South District along with the Additional Deputy Commissioner of Police and SHO, Vasant Kunj appeared on 04.10.2013 hrs before the Commission but without any authorization letter from the Commissioner of Police or intimation for his absence.

6. The Commission observed during the meeting that large number of cases of unregulated or unsupervised levels of migration of STs, particularly women and minor girls to Delhi and their reported exploitation by middlemen and placement agencies had been brought to the notice of the Commission in the past also. The Commission also recalled a case of alleged exploitation and sexual harassment of an ST girl who had accompanied/stayed with a senior Govt. official posted on a foreign assignment and in which, the Commission had found inadequate action by the police with no effective results or deterrent effects

7. It was also observed that a large number of cases of exploitation of tribal minors and women who had been trafficked from the tribal areas and were engaged as domestic workers had come to the limelight through media, through representations made to this Commission, and through various Parliament Questions. The Commission observed that an actionable policy for safeguarding tribals engaged as domestic workers was needed to be formulated urgently to prevent exploitation by employers as well as by the placement agencies.

8. Chairperson, NCST enquired if the relevant sections of SCs and STs (POA) Act, 1989 had been invoked in the instant case. The DCP, South Delhi informed that an FIR No. 401/13 dated 30.09.13 U/323/324/326/342/370/307/120B IPC, r/w section of 16 Bonded Labour System (Abolition) Act, Sec 3 (1) VI of SCs & STs (POA) Act 1989 and Sec 23/26 of JJ Act had been filed in the case against the accused Vandana Dhir d/o P.C Dhir R/o 1178, Sector A, Pocket B&C, Vasant Kunj (N). At this time, although S.370 IPC was included, its implications and strong application was not highlighted by the police officials.

9. The Commission was informed by the police authorities as mentioned below:

(i) On 30.09.2013 a PCR call vide DD No. 31A was received at PS Vasant Kunj North which was entrusted to SI Neeraj Kumar. SI Neeraj Kumar along with staff reached at flat No. 1178, Sec-A, Pocket B&C, Vasant Kunj, New Delhi where Woman SI Poonam along with Police Staff, Ms. Palavi Ghosh from NGO Shakti Vahini, DCW help line Counselor Ms. Nisha, Ms. Sujata and Mr. Bhagwati Prasad, Project Director of Sai Sewa Kripa Samiti were found present. On inquiry, it was revealed that accused, Ms. Vandana Dhir had confined her maid under lockin a room and injuries on her body indicated that she was also severely beaten. SI Neeraj along with staff made efforts to enter the said flat but none opened the door. After a few hours, the resident of the said flat, Ms. Vandana Dhir arrived and opened the door of

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her flat. One maid servant, namely Ms. Fullin D/o Furlley R/o VPO Bartula, PS Ranga, Distt. Sahibganj, Jharkhand who was having injuries on her body was found present inside the above said flat. The maid servant, Ms. Fullin was immediately shifted to Safdarjung Hospital for treatment.

(ii) There were marks of brutal injuries on her person inflicted by sharp/blunt objects. She had 14 injuries. Her head, face and ears were also severely injured. She was admitted into the Hospital vide MLC No. 210077 and was declared fit for statement by the doctor. Her statement was recorded. She had stated that she was 18 years of age and was a permanent resident of Jharkhand. Her father expired long time back and about one year back her aunt brought her to Delhi where she was employed as maid servant in the House of Ms. Vandana. Ms. Vandana used to scold and beat her with broom stick, wooden stick, knife and hands due to which she had sustained injuries on her body. It was further alleged that whenever she requested Ms. Vandana to let her go home, Ms. Vandana used to confine her and lock her in a room. Ms. Vandana never paid any salary/wages to her. On her statement, the above cited case was registered and investigation taken up.

(iii) During the course of investigation the statement of the witnesses were recorded. On 01.10.2013, the accused Ms. Vandana d/o P.C. Dhir r/o Flat No. 1178, Sec. A, Pocket B&C Vasant Kunj, New Delhi was arrested in the case. On interrogation, the accused disclosed that the victim Ms. Fullin was employed as maid servant at her house through one placement agency namely "Dorothy Group", four months back. Further investigation in this regard was being conducted. On 01.10.2013 the accused Ms. Vandana was produced before the Court of Ms. Gomati Manocha, MM Patiala House Court, New Delhi and one-day Police remand of accused was obtained for further investigation of the case and to apprehend the co-accused persons i.e. owner of "Dorothy Group".

(iv) Women Police Staff had been deputed at Safdarjung Hospital round the clock for care and protection of the victim, Ms. Fullin. The family members of the victim at Jharkhand had already been informed.

(v) The victim was still under treatment in the S.J. Hospital. The Police authorities mentioned that the victim had informed that she was 18 years old but no documentary proof in respect of her age was available. Therefore, an order for conducting an Ossification Test was obtained from the concerned court on 01.10.2013 and the test had been conducted on 03.10.2013 at S.J. Hospital. The report was awaited. On 03.10.2013 co-accused Ms. Dorothy w/o Lakhi Ram r/o H17 Subhash Market, Bapu Park, Kotla Mubarakpur, New Delhi was also arrested. As the accused had allegedly caused injuries all over the body of the victim including her head, the bail request of the accused was strongly opposed by the Police Authorities.

10. Chairperson, NCST desired to know details and present status of the past cases involving atrocities against ST maids, and the relief granted in such cases. DCP assured the Commission that the requisite details would be forwarded to the Commission within a fortnight. He further informed that in the instant case, the ACP has been appointed as Investigating Officer as per the PoA rules. The Deputy Commissioner of Police, further stated that action of the accused was

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