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## COMPLAINTS AND INVESTIGATION CELL

The Complaints and Investigation Cell (C & I Cell) is an important component of the Commission. It deals with the complaints received from all over the country including those relating to deprivation of rights of women and those involving injustice to women. The C & I Cell processes the complaints received orally, in writing or online through its website i.e., [www.ncw.nic.in](http://www.ncw.nic.in). In addition, the Commission also takes *suo moto* cognizance of incidents related to commission of heinous crimes against women under Section 10 of the National Commission for Women Act, 1990.

### Procedure of the Complaints and Investigation Cell

As soon as a complaint is received in the NCW (By whatsoever mode), it is sent to the C & I Cell, for registration containing requisite particulars such as date of receipt, number, sender's name and address, case number, category and State, etc. This registration is done within 24 hours from the date of receipt of the complaint. Then, without prejudice to the Chairperson's power to set up an Inquiry Committee, generally, the complaints in which cognizance has been taken are serially noted and equally distributed among the various Counselors in the Complaint and Investigation Cell. Each Counselor is, in turn, attached to a Member.

The Counselor prepares the Brief Transmission Report (BTR) of the cases wherein they suggest the course of action to be taken in the matter strictly as per the power and mandate of the NCW. The said

report is then put up before the respective Member for approval. After the approval of the concerned Member, the Counselor takes necessary action as per the orders/directions and the complainant is accordingly informed. A copy of the Action Taken Report (ATR) received from the concerned authorities is provided to the complainants seeking their comments on the ATRs. If the complainants have no objections to the ATRs, the case is closed after placing it before the concerned Member and after getting due approval of the same. However, if the complainants is not satisfied with the ATR, his / her comments are sought and thereafter appropriate action is taken keeping in view the submission of complainant.

The Chairperson and the Member decide on taking suo- moto cognizance of the incidents, calling for Action Taken Reports from the concerned officials, taking decisions on issuance of summons to the parties for hearing, conducting hearings and recording the statements, conducting counseling and bringing about conciliation and making recommendations on the reports. The C & I Cell functions under the overall supervision and guidance of the Member concerned. The final decision whether to close the matter or to conduct further hearings or to obtain further reports from the concerned authorities or recommend constitution of an Inquiry Committee with the approval of the Commission is taken by the concerned Members.. However, the Committee is constituted only after the due approval of the Chairperson. A letter is generally sent to the complainant in all the cases at the time

of the final disposal of the complaint whether cognizance has been taken by the Commission or not.

The C & I Cell deals with the complaints received so as to provide adequate relief to the complainants and ensure suitable redressal of the grievances of the complainant. The following approaches are adopted for settling the matter:

- (1) Investigations by the police are expedited and monitored.
- (2) Family disputes are resolved or compromised through counseling at the office of the National Commission for women;
- (3) For serious and heinous crimes, the Commission constitutes an Inquiry Committees, which makes on the spot inquiries, examines various witnesses, collects evidence and submits a report with recommendations. Such investigations help in providing immediate relief and justice to the victims of violence and atrocities. The implementation of the recommendation of the report is monitored by the NCW. There is also a provision for having experts /lawyers on these committees.
- (4) A few complaints are also forwarded to the respective State Commissions for Women and other organizations like the National Commission for Women, National commission for Scheduled caste, National Commission for Scheduled Tribes etc; for disposal of the cases at their end if it is in their jurisdiction.
- (5) As per the 1997 Supreme Court Judgment on sexual harassment at work place, in **Vishakha**

***Vs. State of Rajasthan (AIR 1997 Supreme Court 3011), every employer is*** required to provide for an effective complaints procedure and remedies including award of compensation to women victims .In sexual harassment complaints, the concerned organization is urged to constitute a Committee in accordance with the Vishakha case and to inquire into the complaint of the aggrieved woman employee regarding the charges of sexual harassment and to submit a report of the same to the Commission. The cases are regularly monitored and the concerned organizations are directed to expedite the disposal of the matter.

#### **Online Complaint Registration System**

The Online Complaint Registration System was introduced by the NCW in the year 2005. It is a facility incorporated for the speedy and easy registering of complaints through the Commission's website i.e., [www.ncw.nic.in](http://www.ncw.nic.in) and also through the e-mail of the Commission i.e., [ncw@nic.in](mailto:ncw@nic.in). This has resulted in speedier registration and providing registration acknowledgement to the complainants Any one can log on to the above site from any part of India/ world and register his/ her complaint. . The said complaint is given a Registration No. and allotted to a particular counselor. The complaint is then disposed of in the same manner as those received through post / by hand, etc. If the complainant wants to know about the progress of the case, he / she may simply log in to the site and after typing their case number and relevant password, gets the details of the action taken in the matter and also the progress of the case.



### Heads under which complaints are Registered

The complaints received at the Commission are registered at present under the following categories–

- (1) Acid Attack
- (2) Attempt to Murder
- (3) Attempt to rape
- (4) Bigamy / Adultery
- (5) Custody of Children
- (6) Cyber Crime
- (7) Desertion
- (8) Divorce
- (9) Domestic Violence / Matrimonial Dispute
- (10) Dowry Death
- (11) Dowry Harassment
- (12) Female Infanticide / Foeticide
- (13) Harassment at Work Place
- (14) Harassment for Dowry / Cruelty
- (15) Kidnapping / Abduction
- (16) Maintenance
- (17) Miscellaneous
- (18) Molestation / Eve Teasing
- (19) Murder
- (20) Non-mandate
- (21) NRI Marriages
- (22) Police Apathy
- (23) Police Harassment
- (24) Property (Widow's Property, Parent's Property, Stree-dhan Property)
- (25) Rape
- (26) Sexual Harassment at Work Place
- (27) Shelter / Rehabilitation

### Complaints Registered during the financial year 2008-2009 (Category-wise and State-wise)

During the year under report, **12895** complaints/cases were received & registered in the Commission. The Category-wise and State-wise distribution of the complaints / cases received by the Commission for the Financial Year 2008 – 2009 is at Annexure : **A-2** & **A-3**. where in the complaints have been classified in to 27 categories / heads.

As per the Category-wise segregation of the complaints / cases in descending order, received by the Commission during the Financial Year 2008 – 2009 shows that the largest number of complaints numbering **2020** was regarding Dowry Harassment, followed by **1137** complaints of Domestic Violence / Matrimonial Dispute. Cases of Dowry Death numbered **602**, Molestation / Eve Teasing **297**, Kidnapping / Abduction **308**, Police Harassment complaints amounted to **487** whereas Police Apathy complaints were **682**. The complaints Attempt to Rape were **218** and that of rape were **577**. Cases of Sexual harassment at work place were **164** while cases of Harassment at Work Place were 349.. Cases of Bigamy / Adultery were **156** and that of Property (Widows Property, Parents Property, Stree-dhan Property, etc.) were **621**. Cases of NRI Marriages were **41**, Divorce were **10** and that of Desertion were **45. 08** cases of Acid Attack and **06** cases of Female Infanticide / Foeticide were registered. Miscellaneous cases numbering **4498** of various kind were registered whereas Non-mandate Category cases numbered 508 .

The list of Top Ten Categories (In Descending Order) which have been registered in a large number is as follows :

Sr. No.	Category*	Nos. of Complaints
1.	Dowry Harassment	2020
2.	Domestic Violence/ Matrimonial Dispute	1137
3.	Police Apathy	682
4.	Property (Widows Property, Parents Property, Stree-dhan Property, etc.)	621
5.	Dowry Death	602
6.	Rape	577
7.	Police Harassment	487
8.	Harassment at Work Place	349
9.	Kidnapping / Abduction	308
10.	Molestation / Eve Teasing	297

\* Note : In the above table, the complaints registered under the Miscellaneous/Non- Mandate categories have not been included.

The State-wise complaints/cases that have been received during the Year 2008-2009 is at Annexure: **A-4**. The Commission has received **6813** complaints/cases from Uttar Pradesh, **1910** complaints from Delhi, 919 from Rajasthan, 700 from Haryana and 431 from Madhya Pradesh.

Top Ten States (In Descending Order) which have registered large number of complaints / cases during 2008-09:

Sr. No.	State	Nos. of Complaints
1.	Uttar Pradesh	6813
2.	Delhi	1910

3.	Rajasthan	919
4.	Haryana	700
5.	Madhya Pradesh	431
6.	Bihar	338
7.	Maharashtra	230
8.	Punjab	212
9.	Uttaranchal	212
10.	Tamil Nadu	186

This makes it evident that the NCW has been regarded by the society as an essential unit rendering valuable service to the suffering women and to the Society as well. As an illustration of the procedure and practice of the Commission in handling complaints, there are many successful cases in the Commission and some of the selected successful cases have been given below:-

#### **Selected Successful cases dealt with by the Commission**

1. The NCW received a complaint from Mr. X, a resident of Mathura, Uttar Pradesh, alleging that the husband and in-laws of his daughter subjected her to dowry demand, harassment and torture. When she failed to bring one lakh rupees as demanded by them, she was turned out of her matrimonial home. The complainant made various attempts to bring about reconciliation but could not get success. The complainant approached the NCW for help. The Commission took up the matter with the Senior Superintendent of Police, Mathura (UP) and sought an Action Taken Report from him. On NCW's intervention, an enquiry was conducted and both the parties were called



- wherein they reached mutual compromise. The complainant returned to her matrimonial home and her husband assured that he would take care of his wife.
2. The NCW received a complaint from Ms. X, a resident of Mall Road, Delhi. The complainant alleged that her husband was having an extra-marital affair and used to leave frequently. She further alleged that no maintenance was provided to her for meeting the day-to-day needs of her family. The Commission took up the matter and both the parties were called for a personal hearing at the Commission wherein after counseling, an amicable settlement was arrived at. The complainant's husband agreed to give a part of his salary for the maintenance of the family and also agreed that he would stay with his family.
  3. The NCW received a complaint from Ms. Z, a resident of Tilak Nagar, New Delhi, regarding the alleged dowry demand & harassment meted out to her by her husband and in-laws. The Commission took up the matter and both the parties were called for a personal hearing at the Commission to sort out the matter at the initial stage itself. After the continuous persuasion and efforts of the Commission, both the parties reached an amicable settlement that the complainant and her husband would reside separately from their in-laws and that their in-laws would not interfere in their personal lives. The complainant's husband also assured the Commission that he would take proper care of his wife.
  4. The NCW received a complaint about the physical and mental torture meted out to a minor girl Ms. A, aged about 13 years, by her employers where the girl was employed as a domestic help. As the matter was serious, the Commission immediately sent a team headed by Ms. Manju S. Hembrom, Member, NCW, along with members of Child Line (An NGO from Gurgaon) to rescue the girl from her employers. The team visited the house and the girl was rescued from her employers. Thereafter, the NCW requested the Chief Minister, Government of Haryana, to personally intervene in the matter and to ensure that proper investigation be carried out in the case. The CM, Haryana, directed the DGP, Haryana Police, for looking into the matter and getting it investigated through some Senior Officer and take appropriate action against the employers of the girl.

As a result of the initiative of NCW, the rescued girl Ms. A, had been taken to the Rehabilitation Centre, a Delhi based NGO.
  5. The NCW received a complaint from Mrs. S, a resident of Bundi District, Rajasthan, wherein the complainant alleged that she had been subjected to harassment / torture by her husband and in-laws. She requested the Commission to ask her in-laws to return her "Streedhan - Dowry money, jewelry items, valuable goods, etc". The Commission examined the matter regarding recovery of "streedhan" from the in -laws of the complainant and sought an Action Taken Report from the Superintendent of Police, Bundi, Rajasthan, As a result of NCW's

intervention, the police took action and the complainant recovered her valuables.

6. The NCW received a complaint from Mrs. X, New Delhi in October 2008. The complainant had alleged in her application that she got married in the year 1995 to Mr. Y in Uttar Pradesh and had been leading a normal married life and blessed with 4 children. However, subsequently her husband had taken to consuming excessive alcohol on account of which their marital life had been adversely affected. Further, Mr. "X" was also alleged to have resorted to beating his wife and children. He had even sold a piece of land in his village on the advice of his friends. Presently the complainant was residing in her parental house at Delhi. She stated that her husband provided no money for her maintenance for several years and that he had retained the children in his custody. Aggrieved by the situation she submitted her complaint to the Commission. The matter was taken up by the NCW and both the parties were called for a personal hearing at the Commission on an appointed date and were duly heard and counseled. As a result of the above, the husband agreed in writing that he would refrain from beating his wife and children, would support them, and would not sell the remaining land in the village without the permission of his wife and would also not consume liquor.
7. The NCW received a complaint in November 2008 from Mrs. G; resident of New Delhi alleging that she had been subjected to dowry demand, harassment and torture by her husband and in-laws. The NCW sought an Action Taken Report from the Senior Superintendent of Police, District Ghaziabad, Uttar Pradesh and as a result a compromise had been arrived at between both the parties and the dispute amicably resolved.
8. The NCW received a complaint from Mrs. D, a resident of New Delhi in November 2008 stating that she had been harassed and tortured in addition to being financially deprived of by her husband and in-laws. The matter was taken up by the Commission and an Action Taken Report was sought from Senior Superintendent of Police, Faridabad, after which both the parties had arrived at a compromise to live in harmony.
9. The NCW received a complaint from Ms. X of Ghaziabad District, Uttar Pradesh, aged about 35 years, afflicted with health problems, regarding alleged mental torture and gender discrimination meted out to her by her parents. As a result of Commission's taking up the matter and counseling both the parties, after a personal hearing, the parents agreed to pay due attention to their aggrieved daughter based on which the complainant requested for closure of the case.
10. The NCW received a complaint from Mrs. X of Delhi regarding dowry demand and harassment meted out by her husband and in-laws. The Commission called both the parties for a personal hearing during which it was observed that the complainant and her husband had minor differences which had been escalated on account of negligence by the husband thereby compelling her to leave her matrimonial home.



As a result of personal hearing and effective follow-up, the parties arrived at a compromise.

11. The NCW received a complaint from Mrs. X alleging that her husband and in-laws were continuously harassing, torturing and subjecting her to physical and mental torture / domestic violence. The Commission took up the matter and an Action Taken Report was sought from the Superintendent of Police, District Karnal (Haryana), requesting him to look into the complaint and to submit a report of the factual details of the case. In response to the same, the NCW received an Action Taken Report from the Deputy Superintendent of Police, Karnal, wherein it was stated that an F.I.R. under Sections 323/506/34 of IPC had been registered against the alleged persons. In addition to this, the complainant had also initiated proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending in the Court.
12. The NCW received a complaint from Mrs. Y, a resident of District Bulandshahar of Uttar Pradesh, alleging that her daughter Ms. A has been kidnapped / abducted by the alleged persons named in her complaint. She further alleged that she approached the concerned Police Station for action but neither her F.I.R. was registered nor was she provided with any help from the concerned Police Officials. She prayed for NCW's intervention so that her daughter may be recovered. The NCW immediately sought an Action Taken Report from the Senior Superintendent of Police, District Bulandshahar, Uttar Pradesh. The NCW received an Action

Taken Report from the Senior Superintendent of Police, District Bulandshahar, stating that an F.I.R. under Sections 363 / 366 of IPC has been registered against the accused persons. One of the accused persons has been arrested and sent to Jail whereas the kidnapped girl has been recovered. In addition to this, after further investigation of the case, Section 376 of IPC has also been added in the aforesaid F.I.R.

13. The NCW received a complaint from Ms. 'A', a resident of District –Faridabad, (Haryana), alleging that she has been abducted and gang-raped by the alleged persons. She further stated that she had reported the matter to the concerned Police and an F.I.R. has been registered at Faridabad. However, she alleged that the police have not yet arrested all the accused persons. She also approached the Director General of Police, Haryana, Inspector General of Police, Faridabad Range and Senior Superintendent of Police, Faridabad, for needful help and intervention in the matter but could not get any positive response from them. Being aggrieved, she approached the NCW and submitted her complaint. The NCW took up the matter with the Senior Superintendent of Police, Faridabad, and requested him to submit an Action Taken Report on the matter. Thereafter, the NCW received an Action Taken Report from the Deputy Superintendent of Police, Faridabad, wherein it was stated that the matter was enquired into and upon investigation it was found that the charges against one of the accused persons were true who has been arrested whereas the other accused persons

had no role in the commission of the alleged offense.

14. The NCW received a complaint from Mrs. X, a resident of Gurgaon District, Haryana, alleging that she has been subjected to harassment / torture / cruelty / domestic violence by her husband and brother-in-law. The Commission took up the matter and both the parties were called for a personal hearing and counseling at the Commission. As a result of mediation, the complainant and her husband resolved their differences. Both the parties were also advised to minimize the interference of the in-laws into their personal lives. The complainant went to her matrimonial home along with her husband. Two follow-ups have been conducted in this regard, which has confirmed that the parties are living in harmony.
15. The NCW received a complaint from Smt. K, a resident of District Moradabad, Uttar Pradesh, alleging that she has been subjected to sexual harassment at her work place. She had alleged in her complaint that during some meeting one teacher Mr. R uttered un-parliamentary words to her in the presence of some other employees, which were named in the complaint. The Commission took up the matter and an Action Taken Report was sought from the Senior Superintendent of Police, District Moradabad, Uttar Pradesh. Thereafter, the Commission received an ATR from the aforesaid authority wherein it was stated that the matter has been amicably resolved between the parties and they have agreed to maintain good relations in future.

#### **Investigations undertaken under Sections 10(1) and 10(4) of NCW Act, 1990**

The NCW looks into complaints and also takes *suo moto* cognizance of matters relating to deprivation of women's rights and non-implementation of laws enacted to provide protection to women. Some of the selected cases have been described below : -

1. The National Commission for Women took *suo moto* cognizance of the incident wherein a 12-year-old minor girl was reportedly raped in a moving car by a Traffic Constable at Swaroop Nagar in Outer Delhi Area. The matter was taken up by the Commission and the Chairperson, NCW, requested the Commissioner of Police, New Delhi, for initiating action in the matter. Thereafter, the NCW received an action taken report from the Delhi Police, wherein it was informed that :
  - An F. I. R. has been registered against the accused persons;
  - The police swung into action and two accused persons i.e., the Constable and one other accomplice were arrested;
  - The accused Traffic Constable has been dismissed from his services; The vehicle used in the commission of the crime has been seized by the Police;
  - The matter is still under investigation.
2. The National Commission for Women took *suo moto* cognizance of the press clipping "Gharelu Naukrani Ki Fande Mein Jhulti Lash Mili" published in the Dainik Tribune. As the matter was serious, the Commission immediately took up the matter





and action taken reports were sought from the Director General of Police, Haryana , Inspector General of Police, Faridabad, District Magistrate, Palwal & Supdt. of Police, Palwal. The NCW received action taken reports informing that :

- An F. I. R. U/s 302, 363, 366 & 32 of IPC has been registered against the accused persons;
- The deceased's body has been handed over to her brother for her last rites;
- The investigation is still under process and the concerned Police Officers have been directed to investigate the incident thoroughly.

3. The National Commission for Women took ***suo moto*** cognizance of the incident wherein a German girl was reportedly molested in September, 2008, in Chandigarh. The Commission took up the matter and action taken report was sought from the Punjab Police. The following action was taken by the Punjab Police after NCW's intervention :

- An F. I. R. has been registered in the case;
- All the accused persons have been arrested and sent to the Model Jail, Burali, Chandigarh;
- The exhibits taken in the case have been sent to the Director, CFSL, for examination;
- The investigation has been completed and the Challan has been presented in the Court on 21.11.2008. The proceedings before the Hon'ble Court are under process.

4. The National Commission for Women took ***suo moto*** cognizance of the incident wherein a

girl student was reportedly gang-raped in a car in January, 2009, in Noida, District Gautambudh Nagar, Uttar Pradesh. The Commission took up the matter and an Inquiry Committee was constituted which at once visited the concerned Police Station and the place of incidence. The following action was reported by the police in its report submitted to the Commission :

- An F. I. R. U/s 342, 376, 394 of IPC has been registered at P. S. Sector 39, Noida, after the incident was reported to the Police regarding the alleged gang – rape of the victim;
- The victim's medical examination has been carried out by the Police in District Hospital, Noida;
- The Police have also arrested 5 of the accused persons and during the course of interrogation these accused persons have admitted to having committed the heinous crime. All these accused persons belong to Village Garh Chaukhandi, where the alleged incident took place. That, two motor cycles, cricket bat, helmet, three mobile hand sets, etc. has been seized by the Police;
- The names of 6 other accused persons have also come up during the investigation. As regards the arrest of remaining accused persons, the Police have constituted teams for conducting raids & arrests.

5. The National Commission for Women took ***suo moto*** cognizance of the incident of mysterious death of Ms. Scarlett Eden Keeling, an U. K.

girl in Goa. The Commission took up the matter and an Inquiry Committee was constituted which at once visited Goa and enquired into the matter. The following action was taken in the case after NCW's intervention and on the complaint filed by Ms. Fiona Mackeown (Mother of the deceased):

- After second autopsy on the body of the deceased, an F. I. R. U/s 302 of IPC has been registered at Anjuna Police station;
  - During the course of investigation of the case, Sections 376, 328 read with Section 34 of IPC and Section 8 (1) (2) of Goa Children act, 2003, were added;
  - The accused persons have been arrested and are in Judicial Custody;
6. The National Commission for Women took ***suo moto*** cognizance of the press clipping "Dayan Ke Aarop Mein Dampatti Ki Hatya" published in Dainik Jagraon, New Delhi Edition. The Commission took up the matter and an action taken report was sought from the District Magistrate, Gumla, Jharkhand. The following action was taken/ reported to be taken in the matter :
- An. F. I. R. U/ 302, 34 of IPC & U/s 34 of Jharkhand Anti Witchcraft Act, 2001, has been registered against the accused persons;
  - The police have arrested the accused persons and efforts to arrest one of the accused persons are being made who is absconding for fear of arrest.
7. The National Commission for Women took ***suo moto*** cognizance of the press clipping "Another slur of Haryana Police : SHO booked for rape" published in the Indian Express, New Delhi Edition. The Commission took up the matter and an action taken report was sought from the Director General of Police, Haryana & District Magistrate, Karnal, Haryana. The following action was taken reported to be taken in the matter:
- An F. I. R. U/s 376 (2) (1) of IPC & U/s 3 of SC / ST Act, has been registered at Police Station – Nisingh, Distt. Karnal;
  - The medical examination of the victim has been conducted and her vaginal swabs (Specimen) were sent to the SFL, Maduban for examination;
  - The accused person has been arrested and has been sent to Jail.
  - In addition to this, the accused Inspector has been suspended from the Department;
  - The investigation of the case is still under process.