



Date:

To

The Hon'ble Chairperson and
Other pious members of the
National Human Rights Commission,
New Delhi

From:

Citizens for Justice & Peace, Mumbai

In the matter of a crime of rape and/or sexual assault having occurred in Sultanpur district, Uttar Pradesh having incorrectly reported by the SP as a mere case of murder.

Hon'ble Sir,

We present the facts of the case and witness accounts as under:

Brief Summary of Facts:

1. On the early morning of 10th September 2019, locals of Baijapur village on their way to the fields, found a brutally mutilated body of a girl, hanging off a black dupatta from a tree. The incident was reported to the nearest police station and the police even reached the scene of crime.
2. The locals described the body as being completely disrobed and maimed and also specified that a stick was found to be inserted in the private parts of the body of the girl. The incident has been reported on the website of Sabrang and can be found at the following links: <https://sabrangindia.in/article/mutilated-body-girl-found-hanging-tree-sultanpur-badaun-20>
<https://sabrangindia.in/article/over-fortnight-no-arrests-activists-protest-police-inaction-sultanpur-rape-case>
<https://sabrangindia.in/article/sp-who-has-failed-investigated-nirbhaya-rape-receives-appreciation-letter-hq-sultanpur>
3. The incident was also covered by Dainik Jagranin their print edition and a copy of the same has been attached herewith as **Annexure A**.

4. The police called the owner of the field, Mr. Ram Raj Varma to become the informant in this case even though he had not discovered the body neither had he seen the body. Hence, effectively the FIR was lodged by an informant who had no first hand information of the crime. The FIR was not read out by the police officials, who recorded the FIR, to the informant thus violating section 154(1) of the Code of Criminal procedure (CrPC) and the informant also states that he was merely made to sign the FIR, without having given any information. The informant was also not given a copy of the FIR thus lodged, in clear violation of section 154(2) of the CrPC. Copy of the FIR has been annexed as **Annexure B** herewith.
5. The FIR states all incorrect facts pertaining to the case and is in complete contradiction to the accounts of the locals who discovered the body and hence are the only known eye witnesses in the case, presently. The FIR incorrectly states that the informant himself discovered the body on his way to the field. The facts pertaining to the condition of the body at the time of its discovery renders the FIR to be completely false. It states that the body was found with wounds on her head, while the accounts of eye witnesses paint a much more serious picture, as mentioned herein.
6. Prima facie, it is clear from the eye witnesses' observations as mentioned above, that the victim was subjected to heinous nature of sexual assault and rape, as per sections 354 and 357, respectively, of the Indian Penal Code as amended vide the Criminal Amendment Act, 2013. The fact that the body was found completely disrobed is adequate to raise an alarm and suspicion that there has been a commission or attempt of sexual assault or even rape. Furthermore, many eye witnesses claim that the body of the woman was found with a stick inserted in her private body parts which intensifies the magnitude of the crime and calls for urgent and prompt investigation so that no evidence is lost and the perpetrators are identified and arrested; and the police have failed to carry out any effective investigations in this case.
7. The Post Mortem report has also stated that there are laceration marks on various parts of her body and that there are laceration marks on her uterus as well. A copy of the post mortem report has been annexed as **Annexure C** herewith. Yet, the SP of Sultanpur District has released a statement on video regarding the case stating that the death has been caused only due to strangulation and also falsely claims in complete contradiction to the post mortem report that the said post mortem report does not mention any other kind of injuries to the body of the victim. A copy of the video is annexed herewith as **Annexure D**.
8. The Model Police Act, formulated by a Committee set up by Ministry of Home Affairs in 2006, was forwarded to all the States for appropriate action. The said Act enumerates certain duties that shall be fulfilled by the police and section 4 and sub section (d) states as follows:

“The police shall lawfully and impartially uphold and enforce the law to protect the life, liberty,

property, human rights, and dignity of all as well as the security of the State, and for this purpose the duties of the police shall include:—

...(d) recording all information related to the commission of an offence, communicated by any means whatsoever, and initiating prompt follow-up action;”

9. In this particular case, the police have failed to uphold and act in accordance with their duty, which they are obliged to perform.
10. The locals also claim that the police caused delay in forwarding the victim’s body for post mortem which may have affected the results of the post mortem in determining the cause of death or manner of death.
11. Several organizations have staged protests for proper investigation and accurate FIR to be lodged in this case. Copy of news report detailing the same is annexed herewith as

Annexure E.

12. The U.P. State Women Commission has also taken cognizance of this case and has criticised the manner in which the case has been handled by the Sultanpur Police.
13. The police say that the investigation is lagging behind as they have not been able to identify the victim. Non-identification of the victim cannot be a hurdle or road-block in conducting investigation which includes looking for primary suspects. More than 20 days have passed since the incident and yet the police have not taken cognizance of the actual crime, they do not have any leads on either the identity of the victim or the culprits of what is clearly an inhuman and heinous crime.
14. The police, clearly failed to follow protocol in terms of primary investigation and on top of that are making false claims with respect to the post mortem and are representing false facts and the reason for the same is still unknown. Such acts or omissions by the police have led to severe failure in the initial stages of criminal investigation thus depriving the victim of her right to justice.

Name, designation and Address of public servant

against whom Complaint is being made:

1. Kotwali Dehat Police Station,
Sultanpur District, Uttar Pradesh
2. Superintendent of Police,
Sultanpur District, Uttar Pradesh

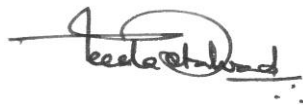
Reliefs sought:

1. We, at Citizens of Justice and Peace earnestly urge this Hon'ble Commission to take suo motu cognisance of this case under the Protection of Human Rights Act (PHRA).
2. As a civil rights group committed to the rule of law and equality before the law as enshrined in the Indian Constitution, we urge this Hon'ble Commission to, in exercise of its powers and functions: "(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant;"
3. We further seek an inquiry into this case involving the SP of Sultanpur District and the police personnel concerned with this case (FIR no. 0423 of 2019)
4. Any other relief that this Hon'ble Commission may deem to be necessary and prudent so as to prevent such lax in law enforcement and criminal investigation which tends to violate the human rights of the citizens of this country.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Anil Dharker'.

Anil Dharker, President

A handwritten signature in black ink, appearing to read 'Teesta Setalvad'.

Teesta Setalvad, Secretary

Citizens for Justice and Peace