

**No. 08/4 (13)PM- 2013- NCW**  
**PRESS RELEASE**

**Dated: 09.05.2013**

National Commission for Women (NCW) has taken cognizance of the complaint and constituted an Inquiry Committee under Sections 8 (1), read with Sections 10 (1) and 10 (4) of the National Commission for Women Act, 1990 to inquire into the media reports titled "Mysterious Death of Ayurvedic Doctor" wherein reportedly a dead body of a female Ayurvedic Doctor was found on the railway tracks at Malatipatpur in Puri, Odisha on 12.10.2012.

After looking into the facts and circumstances of the present case the observations and recommendations of the Commission are following:

**Observations**

i. **Delay in examining lead material witness.** When the brother of the deceased made a complaint of his sister being missing and informed the police of her daily routine i.e. taking a lift from the Medical Representative and subsequently identifying him. The police has not been able to give any cogent reason for not immediately examining the lead witness who was "last seen" with the deceased and had information of her whereabouts since he had dropped to Maltipatpur Station. There is no explanation for delay in waiting for 10 days before examining him and getting the information that he had dropped the deceased at Malatipatpur Station. If the police had acted in a responsible and bonafide manner then though the incident may not have been avoided but the girl run over by the train would have been identified and her body handed over to her family so that she could have had a dignified cremation as per rites and rituals.

ii. **Discrepancy in ATR.** The ATR submitted to the Inquiry states that "*on 27.10.2012 it is learnt that one lady has died in a train accident at Malatipatpur Station on 12.10.2012 and in this connection Puri GROU UD Case No.34 dated 12.10.2012 has been registered on the written information of Station Supdt East Co Rly Puri*". While in actual fact it was after 10 days that the witness who had last seen the deceased was examined by the police and on basis of information given by him the police went to Maltipatpur Station and got knowledge of one lady having died in train accident on 12.10.2012. This incomplete information as provided in the ATR gives the impression that there is an attempt to mislead the Inquiry Committee.

iii. **Delay in conducting postmortem has not been explained properly.** As per the postmortem report time since death is shown as between 18-30 hrs. On information of the death of the girl, immediately the GRP ought to have taken action and conducted postmortem, specially when distance from dead-house is **about 10 km**. Further, date/time of dispatch from village is given as **12.10.2012 at 04.00 pm**, while of arrival at dead-house **13.10.2012 at 11.45am** and of postmortem examination at **13.10.2012 at 12.40 pm**. The delay gives rise to suspicion as to whether the delay is due to negligence and sheer callousness or intentional.

**iv. Conflicting reports and no pregnancy test conducted** When it is suspected that a single girl has committed suicide the obvious corollary is to verify any sexual assault / pregnancy. The annexed postmortem report does not reflect conducting of any pregnancy test. Further, the police claim that the deceased was a patient of a blood related disease but there is no indication of the same in the postmortem report which clearly states in point No.VI (B) “no other disease or deformity was noted”.

**v. Sufficient and coordinated efforts not made by police.** The police state in the ATR that they made efforts to trace girl by circulating photocopies of the missing woman in Puri District and adjacent areas. The local news channels were also contacted for the publication of the facts in their respective channels. If such was the case then how is it possible that upto 96 hours the GRP who claim to have been making their own inquiries were unable to identify the body. Since, all this has happened in a **radius of approx 6 kms** why did not the GRP and local police contact each other. When missing complaint is made normally bus stands and railway stations are surveyed for information, but in the present case the fact that **two police forces, both making inquiries within a radius of 6 kms have no contact with each other**, does not seem to be credible.

**vi. Both police and GRP who are trying to shift the burden of responsibility for delay on each other.** Initially the police tried to explain the delay of the postmortem by stating that the GRP has their own procedure and wait for a train to transport the body for postmortem. But on inquiring deeper the GRP stated that they took instant action and after completing all formalities did not wait for the train but tried to arrange transportation so that postmortem could be conducted.

**vii. Unsatisfactory efforts by GRP.** The family of the deceased has still not been handed over the body of their daughter. According to the GRP the body is cremated after 96 hours. The question that arises is what efforts were made by the GRP to find out the identity of the girl? Did they contact the local police stations in the range of 6 kms? If not, then why? Where was the body cremated? Who conducted the cremation? And where are the ashes?

**viii. Possible involvement of local MLA.** The deceased was an Ayush Doctor working in a Post which is non-transferable. The fact that MLA, Brahamgiri belonging to ruling party has written letter to CDMO, Puri Headquarter Hospital on 08.08.2012 recommending transfer of another doctor in her post and subsequently written letter recommending that “she should not be disturbed and to continue in her post”, gives rise to suspicion and his possible involvement in the circumstances leading to her mysterious death. Did he have a personal grudge or was he involved in harassment of the deceased. Further, the fact that the State Govt. did not cooperate with NCW and defaulted in protocol gives rise to **suspicion that there is an attempt to obstruct inquiry by the Commission in order to protect the ruling party MLA.**

ix. **Shoddy investigation.** If according to the police the phone records showed availability of cell phone in Jajpur District which is a distance of approx 150 kms away from place of occurrence then what action has the police taken to trace the phone instrument and what investigations have been conducted in Jajpur? Is it a case of kidnapping / murder and is there an involvement of a third person?

x. **Credibility of investigation in doubt.** The matter has been transferred to CID Crime Branch but it's credibility as an independent agency is in doubt, further the family of the deceased are under pressure to remain silent and there are allegations of the MLA of the ruling party being involved. The investigation in a criminal case normally takes place in accordance with the procedure prescribed under the Code of Criminal Procedure and by the normal investigating agency prescribed. Only in extraordinary circumstances and in rarest of rare cases is there deviation from such statutorily prescribed method of investigation to direct an outside agency like the CBI to step in and investigate an offence. The aforesaid factual foundation of facts in the present case show that it is one of the rarest of rare cases which requires deviation from the statutorily prescribed mode of investigation. **Therefore, it can safely be concluded that the present case is an appropriate case where the investigation by the police authorities is not in the proper direction and in order to do complete justice in the case, it would be prudent and advisable to transfer the investigation to an independent agency like CBI.**

xi. The Inquiry Committee is merely acting in public interest and refrains from expressing any opinion on the allegations made but thinks it wise to have the incident investigated by an independent agency like the CBI so that it may bear credibility.

xii. **Problems of single women.** Today Indian women of the 21st century whether in rural or urban areas are increasingly joining the workforce alongwith women's participation in social activities. They are taking their own decisions in the areas ranging from work and career to partnership and marriage etc., like never before. On the one hand there is a tendency for working women

setting high standards for the men they would marry and in the process end up staying single beyond the traditional 'marriageable age'. At the same time social scientists observe that there is a tendency for parents of single working women not being so interested in their daughters getting married, because they feel that the daughter would not share her earnings with them on getting married. On the other hand the single working women being emotionally attached to the parents feel guilty in staying away and neglecting their responsibility to the parents. As a result, the 'marriageable age' seems to be slipping away and causing frustration to the girl. An important point to be noted is that single working women living alone face the problem of security, residence. So far conservative thinking on dwelling conditions in India has been "living with family. There is no provision of working women's hostels except in big cities and even if the hostels do exist then the rules are highly restrictive of freedom, and have tendency to protect adult women like children (in the women's interest). Also house owners look at single women with suspicion and are not willing to rent to them. All this creates friction between the family and the single working women especially in rural areas where there is a gap between the thinking of the girl and her family which leads to various types of problems affecting the women mentally and

psychologically and she is under tremendous pressure. The present case appears to be a classical example. Further, long commuting distances add to the problem e.g. the deceased on her being transferred from Rehana to Kanas started staying with a relative and to commute to her place, taking a lift with the third person (Medical Representative) who dropped her to the station to catch a train to her place of work.

## **Recommendations**

### State Government

- To provide police protection to the family members of the deceased.
- To handover investigation of the case over to the CBI for uninfluenced, fair and impartial inquiry.
- To ensure better coordination between police authorities and GRP is maintained in order to avoid such incidences in future.
- To ensure that the special needs of single working women are looked into and they are posted as far as possible close to their residence.
- To ensure that working women's, especially single women's, convenience in their daily life is taken into consideration, including challenges relating to their security and housing, by way of new housing policy/plans among others.