



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों को प्रयोग करने वाला एक संवैधानिक निकाय)
(A constitutional body exercising powers of a Civil Court under Article 338A of the Constitution of India)

NOTICE

File No.- NCST/ATY-1089/AP/1/2023-APCR

Date : 19/04/2023

1. Smt. Nilam Sawhney

Chief Secretary, Government of Andhra Pradesh 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi -522503 (Andhra Pradesh)

Email:cs@ap.gov.in

2. Sri. K.V.Rajendranath Reddy

Director General of Police, Police Headquarters, Hyderabad, Andhra Pradesh - 500004

Email:dgp@tspolice.gov.in

3. Dr. Mallikarjuna.A

Collector & District Magistrate, Collector's Office, Maharanipeta, Visakhapatnam

Visakhapatnam -530002 (Andhra Pradesh)

Email:collector_vspm@ap.gov.in

Sub: Regarding news clipping on the Indian Express dated 09.04.2023 captioned "13 Andhra Cops Acquitted in Gangrape of 11 Tribal Women: Slap on our Faces"

Whereas a press clipping has been received by this Commission (copy enclosed) and the Commission took Suo Moto Cognizance in this matter and has decided to investigate /inquire into the matter in pursuance of the powers conferred upon it under Article 338A of the Constitution of India. You are hereby requested to submit the facts and information on the action taken on the allegations / matters to the Commission **within 03 days** of receipt of this notice either by post or by any other means of communication.

2. The report should also contain action taken against arrest of accused, filing charge sheet under provisions of IPC and SC/ST (PoA) Act, 1989, monetary relief and rehabilitation package to the victim family as per Atrocity Amended Rules, 2016 etc.

3. Please take notice that in case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the power of Civil Court conferred upon it under Clause (8) of Article 338A of the Constitution of India and issue summons for your appearance in person before the Commission.

(Ankit Kumar Sen)

Research Officer

Telephone No. : 24845826

Copy to - NIC, NCST (For uploading on NCST website)

Wednesday, Apr 12,
2023

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Special Reportage (Shu Rakhakany Taphaly)

शा. अहमदाबाद से प्राप्त नेर्देशानुसार आयोग ने इस मामले
स्वयं-संज्ञान लेने का निर्णय लिया है। आयोग के विशेष प्रतिवेदक
(Special Reporter) श्री सादाकांत त्रिपाठी को शोधक परामर्श देने एवं
संबंधितों को जोरदार प्रेषित करने हेतु प्रेषित है।

सुखदेव
12/4/2023
निजी सहायक

News / India / 13 Andhra cops acquitted in gangrape of 11 tribal women: 'Slap on our faces'

13 Andhra cops acquitted in gangrape of 11 tribal women: 'Slap on our faces'

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Written by [Sreenivas Janyala](#)

Hyderabad | Updated: April 9, 2023 07:14:17

NewsGuard



"The acquittal is a slap on our faces." Two days after 13 policemen accused of raping 11 tribal women in Andhra Pradesh's Vakapalli hamlet were acquitted, the victims expressed frustration at a system they believed was geared towards protecting the powerful.

Speaking to The Indian Express, one of the women, now aged 45, said: "A policeman will never investigate the crime of another policeman. Justice has eluded us. The only silver lining is the court's order to provide compensation to us, which means it believes that we are victims."

The order was passed by the Special Court for SC and ST Prevention of Atrocities Act cum XI Additional District and Sessions Judge on Thursday. The court pulled up the investigation officer for doing a shoddy job and directed the state government to take action against him.

On August 20, 2007, a 30-member team of an anti-Maoist special branch of police had launched a combing operation in the hamlet. Eleven women belonging to a Particularly Vulnerable Tribal Group alleged they had been gangraped and assaulted by 13 of the policemen at gunpoint.

The woman quoted above told The Indian Express that her husband was upset with her, even though she was the victim, and abandoned her for two months before taking her back in. She and her husband grow turmeric on an acre of land they own on the outskirts of Vakapalli.

Of the eleven women, two have died. Another survivor, aged 40, said: "After the incident, we were subjected to cruel and inhuman treatment by our husbands and village elders. We were ostracised and forced to stay away from the family for several days. We were not allowed to interact even with our children. We were allowed back into our houses after several days and had to keep taking purification baths."

According to Special Public Prosecutor Sunkara Rajendra Prasad, who waged the legal battle on behalf of the 11 women, the court observed that the investigation was compromised from the moment the FIR was registered.

– While the women complained that they were raped in the early hours of August 20, 2007, the FIR was not registered until August 26. No policeman visited the hamlet to secure the alleged crime scene or record their statements. On August 27, 2007, the state government appointed then Deputy SP of Visakhapatnam Rural Police B Ananda Rao to investigate the allegations. The court noted that Rao did not visit the hamlet until September 8. The crime scene was not secured and no evidence was collected till 17 days.

– After registering the FIR, the Paderu Police delayed sending the women for medical examination by another two days. The police initially tried to take the women to the Anakapalli Government Hospital, which was unequipped to conduct examination of rape cases. Supported by women's organisations, the women refused to go to that hospital, after which they were taken to King George Hospital at Visakhapatnam.

– The court also noted that no identification test of the accused was conducted for 12 years. When the trial finally began in February 2019, and an identification test was ordered by the court, the women asked how they were supposed to identify the men after 12 years.

– The first investigation officer, B Ananda Rao, had not collected and preserved the duty register and armoury diary at the police station from where the anti-Naxal police personnel went to the hamlet. Rao died before his investigation was complete. The second investigation officer, M Sivananda Reddy, submitted a report that the documents went missing during the October 2014 Hudhud cyclone that hit Visakhapatnam.

Advocate Harish Varma, who was part of the two-member defence team on behalf of the accused personnel, called the women's accusations a "Maoist conspiracy" to frame police personnel and prevent further combing operations. "There was not even one piece of evidence to support the allegation that the women were raped. The special public prosecutor could not produce anything except the statements of the women. When no crime was committed, any court will obviously acquit the alleged accused," he said.

Tribal Welfare Minister P Rajanna Dora said the state government will abide by the court's decision to provide adequate compensation to the victims. "We will ensure that these women get the compensation that the court has directed. I cannot comment on the court's decision to acquit the 13 policemen. It is the court's decision and we must follow it," he said.

The second survivor quoted above said: "This verdict is disappointing, but what can we expect after so many years? The investigation officer should be sent to jail. He must be punished."

The 30-year-old son of one of the survivors said they were tired of the legal battle and will not pursue the matter anymore. "As per the directions of the court, if the state government provides some compensation, it is fine, otherwise the matter is over for us."