

WP 5541/2015, Naripokkho and others v Bangladesh and others

25 February 2016

Case Update: After the Court's Order of 25.5.2015, the respondents filed affidavits indicating the steps they had taken to comply. First, the Inspector General of Police had issued a circular, giving guidelines on the procedure for the police to follow when dealing with cases of violence against women and children, and disseminated to all police stations. Second, a three member inquiry committee had been set up to inquire into the allegations regarding delays in recording the FIR and conducting medical examination. Third, disciplinary proceedings had been started against two police officers, the Officer in Charge, Bhatara Police Station, and the Sub-Inspector, Gulshan Police Station, for their inefficiency and injudiciousness in the performance of their duties.

A Division Bench of the High Court Division (comprising Justice Farah Mahbub and Justice Kazi Md. Ejarul Haque Akondo) heard the matter on 14 and 18 February 2016, when the petitioners made further arguments in response to the submissions of the respondents. The petitioners requested updates from the respondents on the specific actions taken against the two police officers. They also pointed to gaps in the IGP's circular and gave specific recommendations on issues that still needed to be addressed. Among others, they highlighted that the circular did not required that a complaint of rape be registered at any police station, regardless of whether the incident occurred within the jurisdiction of that police station. They also noted that the circular did not stipulate a minimum time within to take the victim to a Victim Support Center, and for collection of medico-legal evidence. They expressed their concern that the victim's name had been disclosed in various documents submitted by the Respondents before the Court, which could risk her safety and security. In arguing for the Court to issue certain guidelines, the petitioners cited reports of the Law Commission on reform of the laws on rape. Based on these reports, and their own experience in dealing with cases of violence against women, the petitioners made recommendations for addressing the gaps in the law in this area, and requested the Court to issue specific guidelines with regard to the steps and procedures to be taken when dealing with complaints of rape, particularly with regard to support for the victim at all stages of the legal process.

Judgment: On 18.02.2016, after a final hearing, the High Court Division disposed of the Rule issued earlier, with observations. The written text of the judgment is awaited.