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Court declares CAW Cell illegal

Cell cannot take up work like conciliation

New Delhi, March 6

The Delhi Police have found itself in a piquant situation with the entire working of the Crime Against Women (CAW) Cell in the national Capital being declared "illegal" by a local court, which has held that the cell had been functioning in contravention of the law of the land.

Fire chief urged not to stop water, power supply to high-rises

New Delhi, March 6

In a letter submitted to the Delhi Fire Service (DFS), the Public Interest Litigation Watch Group (PILWG) said that disconnection of power and water supply from high-rises can be a threat to the lives of citizens of the national Capital.

Schoolkid missing in Ballabhgarh

Faridabad, March 6

Another schoolchild has reportedly been missing from Ballabhgarh town since Thursday. The family of the eight-year-old boy has lodged a complaint with the police.

Exporter's son 'kidnapped'

Noida, March 6

The 14-year-old son of a garment exporter in Sector-10, Noida, has been missing for the past two days. The family has expressed apprehension that the boy might have been kidnapped.

NDMC to frame fresh rules for maintenance of parks

New Delhi, March 6

The New Delhi Municipal Council is all set to come up with new rules and regulations relating to the maintenance of parks and prevent their misuse.

Rainwater harvesting project launched

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Schoolchildren performing at

Court declares CAW Cell illegal

Cell cannot take up work like conciliation

Tribune News Service

New Delhi, March 6

The Delhi Police have found itself in a piquant situation with the entire working of the Crime Against Women (CAW) Cell in the national Capital being declared "illegal" by a local court, which has held that the cell had been functioning in contravention of the law of the land.

"The entire working of the CAW Cell is entirely illegal and is against the settled principles of the law. A statutory agency (CAW Cell) cannot justify its action on other grounds if it is violative of the statute itself," Metropolitan Magistrate Pratap S. Malik said.

Agreeing that the Commissioner of Police does have the power to set up such cells, the court, however, said any statutory creation by the Commissioner of Police has to be within the amplitudes permissible under the Delhi Police Act. "They cannot go beyond the 'policing' i.e. they cannot, for any reason, whatsoever, be anything more than being responsible for maintaining public order," Malik noted.

The order implies that CAW cell cannot take up work like conciliation. The order has created a strange situation for the Police Department as the CAW Cell, set up in 1983 under Section 19 of Delhi Police Act, handles about 8,000 to 10,000 complaints received from women every year.

Asked whether the Police Department would challenge the order, Delhi Police Commissioner K. K. Paul said: "We are examining it. There are other judgments also..." he said

Under the Delhi Police Act, the Commissioner of Police cannot constitute a cell and ask it to provide better civic amenities in place of the Municipal Corporation of Delhi. Nor any cell constituted by the Commissioner of Police can facilitate 'better team management' in place of BCCI with an object to improve the performance of Indian Cricket Team. The good objective does not justify the transgression of the parent state (Delhi Police Act), the court observed.

Instead of straightaway registering FIRs on complaints lodged by women as required under CrPC, CAW Cell conducts an "inquiry" to examine the details of alleged offences against women, provide assistance in case the complainant wants reconciliation, pin-point the guilty, collect evidence for prosecution and

prevent miscarriage of justice.

During the inquiry it follows its own procedure (and not the Criminal Procedure Code) to identify the nature of offence, collection of evidence and examination of witnesses. According to the Delhi Police, this is because the Cell is not an SHO in the eyes of the law and a case is registered in a cognizable matter only after conciliatory efforts fail.

"The complaints are usually much exaggerated and the CAW Cell first sifts the chaff from the grain and only the real facts are brought on record...If complaints are registered straightaway then the immediate arrest of the accused would cause irreparable damage to the relations between the parties," the Police had submitted before the court.

Terming it untenable under the law, the court said it can easily be done during investigation after lodging an FIR. The court said law enforcing agencies cannot on their own substitute a more just and equitable code of procedure and pointed out that the apex court has said in several cases that FIR must be registered immediately after the incident.

Meanwhile, sources said the order has sent shock waves through the Department and the Police Commissioner's Legal Advisor R. S. Ghumman has sought Delhi Government's "legal opinion" as the Cell was involved in "reconciliatory" efforts, which the court felt was beyond the purview of "policing".



Fire chief urged not to stop water, power supply to high-rises

**Syed Ali Ahmed
Tribune News Service**

New Delhi, March 6

In a letter submitted to the Delhi Fire Service (DFS), the Public Interest Litigation Watch Group (PILWG) said that disconnection of power and water supply from high-rises can be a threat to the lives of citizens of the national Capital.

The DFS has appealed to the BSES, NDPL (power companies) and the Delhi Jal Board to disconnect the power and water supply from the high-rises, which do not adhere to the fire safety norms. Following this, Public Interest Litigation Watch Group (PILWG), an NGO, met the Chief Fire Officer and appealed that this action could threaten the life of citizens.

The NGO also reminded that the DFS, Delhi Jal Board and power supply companies have no right to take such action.

According to the Delhi Fire Prevention and Fire Safety Act 1986, the Chief Fire Officer will, in the event of non-compliance of any notice issued under section 4 and 6, take such steps as may be necessary for the compliance of such notice. If any building does not have fire safety norms, the DFS can install the equipment concerned and should take payment from the owner of the building. Instead of doing its duty, the DFS has appealed to the department concerned to disconnect the power and water supply in the buildings, spokesman of the PILWG, Dr Paramjeet Singh said.