

Government of India
Ministry of Home Affairs
(Women Safety Division)

2nd Floor, MDC National Stadium,

New Delhi – 110001,

Date: 9th October, 2020.

To,

Chief Secretaries/ Advisors to Administrators
(All States and UTs)

Subject: Mandatory action by police in cases of crime against women - reg.

- Reference:
- (i) MHA advisory dated 16th May, 2019 on a “Failure to record information under sub-section (1) of Section 154 of Cr.P.C. punishable under Section 166A of IPC”.
 - (ii) MHA advisory dated 05th December, 2019 regarding timely and pro-active action by police in cases of crimes against women.
 - (iii) Standard Operating Procedure (SOP) for Investigation and Prosecution of Rape against Women issued by BPR&D
 - (iv) Distribution of Sexual Assault Evidence Collection Kits to States/UTs by BPRD, and MHA letter dated 5 October 2020

Sir/Madam,

I am directed to refer to the above mentioned subject and references and to state that Government of India has taken steps to strengthen legislative provisions to deal with incidents of sexual offences against women and girls. Government of India has also issued various advisories to the States/ Union Territories from time-to-time emphasizing the strict actions to be taken by the police in cases of crime against women, including in cases of sexual assault which includes registration of FIR, collection of evidence for forensic examination and use of Sexual Assault Evidence Collection (SAEC) Kit, completion of investigation in sexual assault cases in two months, use of National Database on Sexual Offenders for identifying and tracking repeat sexual offenders etc. Copies of these advisories are enclosed.

2. It is again brought to your attention that criminal laws relating to sexual offences against women provide, inter-alia, for the following actions to be taken by the Police in such cases:

- (i) Compulsory registration of FIR in case of cognizable offence under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 (CrPC). The law also enables the police to register FIR or a “Zero FIR” (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of

information on commission of a cognizable offence, which includes cases of sexual assault on women.

(ii) Section 166 A(c) of the Indian Penal Code 1860 (IPC) provides for punishment to a public servant for failure to record FIR in relation to cognizable offences punishable under section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376, Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB, Section 376E or Section 509 in IPC.

(iii) Section 173 of CrPC provides for completion of police investigation in relation to rape in two months. In order to facilitate the State police to monitor compliance, in this regard MHA has provided an online portal called Investigation Tracking System for Sexual Offences (ITSSO) for monitoring the same. This is available exclusively to law enforcement officers.

(iv) Section 164-A of CrPC provides that in rape/sexual assault investigation the victim shall be got examined by a registered medical practitioner under consent within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(v) Section 32 (1) of the Indian Evidence Act, 1872, provides that the statement, written or verbal, by a person who is dead shall be treated as relevant fact in the investigation when the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death. Hon'ble Supreme Court in its order dated 7th January 2020, in the matter of Criminal Appeal Nos. 194-195 of 2012 in the case of Purshottam Chopra & Anr. v. State (Govt. of NCT Delhi), directed that a particular statement, when being offered as dying declaration and satisfies all the requirements of judicial scrutiny, cannot be discarded merely because it has not been recorded by a Magistrate or that the police officer did not obtain attestation by any person present at the time of making of the statement.

(vi). The Directorate of Forensic Science Services (DFSS) under the MHA has issued Guidelines for collection, preservation & transportation of forensic evidence in sexual assault cases for Investigation Officers and Medical Officers. In order to facilitate the State Police, Bureau of Police Research and Development (BPR&D) has issued Sexual Assault Evidence Collection (SAEC) Kits to every State/UT. It is necessary to use these SAEC kits in every case of sexual assault reported. MHA advisory dated 5th October 2020 in this matter may be referred. BPR&D and LNJN National Institute of Criminology and Forensic Sciences (NICFS) have been regularly conducting Training and Training of Trainers (ToT) programmes on procedure for collection, preservation and handling of forensic evidence for Police/Prosecutors and Medical Officers respectively.

3. However, even with stringent provisions in law and several capacity building measures undertaken, any failure of police to adhere to these mandatory

requirements may not augur well for the delivery of criminal justice in the country, especially in context of women safety. Such lapses, if noticed, need to be investigated into and stringent action taken immediately against the concerned officers responsible for the same.

4. It is requested that States/ UTs, may suitably issue instructions to all concerned to ensure strict compliance with the provisions in the law, as mentioned above. It is also requested to monitor the cases on ITSSO to ensure that suitable follow up action is taken for charge-sheet of the guilty in a timely manner as required in the law.

Yours faithfully,

Encl: as above



(Pawan Mehta)

Deputy Secretary to the Govt. of India

Tel: 011-23075293

Email: pawan.mehta69@gov.in

Copy to:

1. DsGP/IsGP (all States and UTs).
2. Principal Secretary/ Secretary, Home Department (All States & UTs),
3. Commissioner of Police, Delhi.

No. 15011/75/2019-SC/ST-W
Government of India
Ministry of Home Affairs
(WS Division)

114-B, North Block,
New Delhi – 110 001.

16th May, 2019

To

**The Addl. Chief Secretary / Principal Secretary / Secretary, Home Department
(All States/UTs)**

**Sub: Failure to record information under sub-section (1) of Section 154 of Cr.PC
punishable under Section 166A of IPC -reg**

Reference: (i) Insertion of section 166A in IPC as part of Criminal Law (Amendment) Act, 2013 dated 2nd April 2013
(ii) MHA advisory No. 15011/35/2013-SC/ST-W dated 10th May 2013
(iii) MHA advisory No. 15011/91/2013-SC/ST-W dated 5th February 2014
(iv) MHA advisory No. 15011/22/2015-SC/ST-W dated 12th May 2015
(v) Amendment in section 173 Code of Criminal Procedure vide the Criminal Law (Amendment) Act 2018

Sir / Madam,

I am directed to refer to the above-mentioned references and state that the Government has been taking steps to strengthen legislative provisions for timely and effective action in cases of cognizable offences committed against women as a measure to increase safety for women in the country.

2. The law enables the police to register FIR or a “Zero” FIR (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of information on commission of a cognizable offence, which includes sexual assault cases on women. Compulsory registration of FIR under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 is obligatory. Section 166A(c) of IPC provides for punishment to a public servant for failure to record FIR in relation to cognizable offences punishable under section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB, Section 376E or Section 509. Section 173 in Code of

Criminal Procedure has been amended in Criminal Law (Amendment) Act 2018 to provide for completion of police investigation in two months in case of rape.

3. However, even with the provisions in law being in place, certain instances reported recently point to the failure of police in some States / UTs to adhere to these legal provisions. This may not auger well for the delivery of criminal justice in the country, especially in context of women safety. In this context, it is requested that States / UTs may suitably reiterate instructions to the police to ensure strict compliance with the provisions in the law with respect to registration of FIR.

4. States / UTs may also consider conducting refresher courses for the police personnel on this issue to increase awareness and compliance.

5. The receipt of this letter may be acknowledged. It is requested that an Action Taken Report in this regard may also be furnished to the Ministry.

Sd/-

(Punya Salila Srivastava)

Joint Secretary to the Government of India

Tel.No.: 011-23092785

e-mail: jsws-mha@nic.in

Copy to:

Director General of Police / Commissioner of Police
(All States / UTs)

Sd/-

(Punya Salila Srivastava)

Joint Secretary to the Government of India

Copy for information to:

1. PPS to JS (WS), MHA, New Delhi
2. Guard file



14.2.19

(Sudhir Kumar Gupta)

Deputy Secretary to the Govt. of India

Phone: 23075293

AJAY BHALLA, IAS



गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O. No. 1(8)/2018-WS-IV (CCTNS)

05th December, 2019

Dear Chief Secretary,

I am writing in connection with the unfortunate incidents of heinous sexual offences against women and girls reported recently. Safety of women and girls is a high priority for the Government. While Government has taken steps to strengthen legislative provisions to deal with such offences in a stringent manner, for effective deterrence, it is imperative that the police is easily accessible and is able to deal with any complaint on crime against women in a timely and pro-active manner.

2. Ministry of Home Affairs, vide its advisory No. 15011/75/2019-SC/ST-W dated 16th May 2019 (copy enclosed), had requested all States/UTs to ensure strict compliance with the provision in law to file "Zero" FIR in event of a cognizable offence, including sexual assault on women. It had also been re-iterated that failure in this regard by any police official is a punishable offence. States/UTs were also requested to undertake refresher courses for police personnel on this essential aspect. As you may appreciate, it is necessary to ensure that police personnel are much more responsive and sensitive in handling complaints on crimes against women and girls.

3. I would also like to draw your attention to the facility of Investigation Tracking System for Sexual Offences (ITSSO) portal available to the Police in your State/UT. ITSSO enables every State/UT to monitor the completion of investigation in serious sexual offences in the prescribed two-month time period. ITSSO is based on Crime and Criminal Tracking and Networks System (CCTNS) and the utility of this tool has been adequately highlighted to the States/UTs by the Ministry. (Copy of MHA's latest letter of even number dated 22nd October, 2019 is enclosed). Needless to state ITSSO has to be used regularly in monitoring the pendency upto police station. Further, data should be updated regularly on CCTNS.

..contd..p/2..

4. Forensic evidence is critical to the delivery of justice. Vide my D.O. No. 25017/14/2018-WS-III dated 10th September, 2019 (copy enclosed), all States/UTs were requested to review their capacities, identify gaps, and take action for modernization of their Forensic Science Laboratories through provision of latest forensic equipment and trained manpower, deployment of e-Forensics, and other capacity building activities, ensuring that these laboratories retain operational independence. Bureau of Police Research and Development (BPR&D) and Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences (LNJN NICFS) are regularly conducting training courses for police officials, prosecutors and medical officers on handling of forensic evidence in sexual assault cases. BPR&D is also undertaking courses on sensitivity in investigation of crime against women. States/UTs needs to ensure, at the earliest, that all officials concerned mandatorily undergo training in these courses.

5. The Ministry has also facilitated another tool, i.e. National Database on Sexual Offenders (NDSO) for police in all States/UTs to facilitate better investigation. This tool has database on more than 7 lakh sex offenders and should be used regularly.

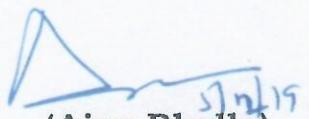
6. Ministry is actively following up the implementation of the Emergency Response Support System (ERSS) in all States/UTs. ERSS, as you would all be aware, is an emergency response support system based on a pan-India, single, internationally recognized number i.e. 112, for various emergencies. It has seamless facility for computer aided dispatch of field resources to the person in distress using location services. ERSS is accessible through call, SMS, email and 112 India mobile app. It is operational in 27 States/UTs in the country. I would request the States/UTs, where this service is yet to commence, to ensure that it commences immediately. In other States/UTs where it has commenced, I would request you to expand the services further, as also to undertake an aggressive awareness campaign on 112 immediately, especially amongst women and girls. Ministry has circulated creatives for undertaking such campaign in all States/UTs vide letter number 15011/03/2019-WS dated 26th April, 2019 (copy enclosed). These creatives are also available on MHA website.

::3::

7. As you may appreciate, these measures are the key to a responsive system and for ensuring effectiveness of criminal justice system. I request your personal intervention in this matter and await an action taken report.

With regards,

Yours sincerely,



(Ajay Bhalla)

Encl: as above

To, [redacted] system and for ensuring effectiveness of criminal justice system. I request your personal intervention in this matter and await an action taken report.

Shri Chetan B. Sanghi, IAS
Chief Secretary
Andaman & Nicobar Administration Secretariat
Port Blair

No. 15011/75/2019-SC/ST-W
Government of India
Ministry of Home Affairs
(WS Division)

114-B, North Block,
New Delhi – 110 001.

16th May, 2019

To

The Addl. Chief Secretary / Principal Secretary / Secretary, Home Department
(All States/UTs)

Sub: Failure to record information under sub-section (1) of Section 154 of Cr.PC
punishable under Section 166A of IPC -reg

Reference: (i) Insertion of section 166A in IPC as part of Criminal Law (Amendment) Act, 2013 dated 2nd April 2013
(ii) MHA advisory No. 15011/35/2013-SC/ST-W dated 10th May 2013
(iii) MHA advisory No. 15011/91/2013-SC/ST-W dated 5th February 2014
(iv) MHA advisory No. 15011/22/2015-SC/ST-W dated 12th May 2015
(v) Amendment in section 173 Code of Criminal Procedure vide the Criminal Law (Amendment) Act 2018

Sir / Madam,

I am directed to refer to the above-mentioned references and state that the Government has been taking steps to strengthen legislative provisions for timely and effective action in cases of cognizable offences committed against women as a measure to increase safety for women in the country.

2. The law enables the police to register FIR or a "Zero" FIR (in case the crime is committed outside the jurisdiction of police station) in the event of receipt of information on commission of a cognizable offence, which includes sexual assault cases on women. Compulsory registration of FIR under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 is obligatory. Section 166A(c) of IPC provides for punishment to a public servant for failure to record FIR in relation to cognizable offences punishable under section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376A, Section 376AB, Section 376B, Section 376C, Section 376D, Section 376DA, Section 376DB, Section 376E or Section 509. Section 173 in Code of

Criminal Procedure has been amended in Criminal Law (Amendment) Act 2018 to provide for completion of police investigation in two months in case of rape.

3. However, even with the provisions in law being in place, certain instances reported recently point to the failure of police in some States / UTs to adhere to these legal provisions. This may not auger well for the delivery of criminal justice in the country, especially in context of women safety. In this context, it is requested that States / UTs may suitably reiterate instructions to the police to ensure strict compliance with the provisions in the law with respect to registration of FIR.
4. States / UTs may also consider conducting refresher courses for the police personnel on this issue to increase awareness and compliance.
5. The receipt of this letter may be acknowledged. It is requested that an Action Taken Report in this regard may also be furnished to the Ministry.

Sd/-

(Punya Salila Srivastava)

Joint Secretary to the Government of India

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e-mail: jsws-mha@nic.in

Copy to:

Director General of Police / Commissioner of Police
(All States / UTs)

Sd/-

(Punya Salila Srivastava)

Joint Secretary to the Government of India

Copy for information to:

1. PPS to JS (WS), MHA, New Delhi
2. Guard file


14-2-19

(Sudhir Kumar Gupta)
Deputy Secretary to the Govt. of India
Phone: 23075293

15011/22/2015 – SC/ST – W
GOVERNMENT OF INDIA
Ministry of Home Affairs
(CENTRE-STATES DIVISION)

New Delhi, the 12th May, 2015

To

- 1) Chief Secretaries of all State Governments including GNCTD
- 2) Administrators of DD, DNH, A&N, Lakshadweep

Sub.: Advisory on comprehensive approach towards crimes against women

Sir/Madam,

The Ministry of Home Affairs has been issuing advisories from time to time with a view to help the States/UTs to evolve a comprehensive criminal justice system, especially with regard to crimes against women. These advisories primarily enumerate the action points arising out of different directives issued by various constitutional authorities. However, with the passage of time, it has been felt that a holistic approach is needed to deal with situations prevailing on the ground more effectively. With this in view, it has been considered appropriate to suggest the following affirmative measures that the States/UTs may take immediately to reinforce their criminal justice system:

(A) REGISTRATION OF CRIMES AGAINST WOMEN

- (i) All out measures need to be taken to encourage registration of crimes by the citizens.
- (ii) It must be ensured that the complainant / good Samaritan / Citizen must not face any harassment from any State / Public / Private agency on account of helping the women in distress
- (iii) The Police shall register an FIR upon receipt of information of the commission of a cognizable offence. If at the time of registration of FIR, it becomes apparent that the crime was committed outside the jurisdiction of the Police

station, the Police should be appropriately instructed to register 'Zero FIR' and ensure that the FIR is transferred to the concerned Police station u/s 170 of the Cr. P.C.

- (iv) Through the Criminal Law Amendment Act 2013, Section 166A of the IPC has been inserted, which states that if the Public Servant fails to record any information given to him under sub-section (l) of the Section 154 of the Code of Criminal Procedure 1973 (2 of 1974), in relation to cognizable offence punishable under Section 326A, Section 326B, Section 354, Section 354B, Section 370, Section 370A, Section 376A, Section 376B, Section 376C, Section 376D, Section 376E or Section 509 shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine. Extensive training programme especially to law enforcement personnel needs to be undertaken to raise awareness and sensitivity to this punitive legal provision.

(B) INCREASING REPRESENTATION OF WOMEN IN POLICE

The Ministry of Home Affairs had issued an advisory on 22nd April 2013 and another on 26th August, 2014 whereby the States / UTs were requested to raise the women representation in Police to 33%. However, it is a matter of concern that not much has been done in this regard, except for a few States. The Government of India has now approved reservation of 33% for women horizontally and in each category (SC, ST, OBC and others) in direct recruitment in non-Gazetted posts from Constable to Sub-Inspector in the Police forces of all the Union Territories including Delhi police and directed all the Union Territory Administrations to make enabling provisions in the relevant Recruitment Rules. The States are requested to take similar steps to increase women's representation in the Police Force.

(C) SOME WOMEN SPECIFIC MEASURES THAT NEED TO BE ADOPTED

- (i) Increase the no. of beat constables, especially on crime-sensitive roads;
- (ii) Increase the number of police help booths/kiosks, especially in remote and lonely stretches;
- (iii) Increase police patrolling, especially during the night;

- (iv) Increase the number of women police officers in the mobile police vans;
- (v) Increase public telephone booths for easy access to police;
- (vi) Proper lighting of roads, streets and other lonely stretches;
- (vii) Intensive patrolling in the affected areas, especially in the locality of the weaker sections. Periodic visits by senior officers including the DM & SP will create a sense of safety and security among the people;
- (viii) The sensitive routes taken by women employees during night shifts may be identified and patrolled;
- (ix) Proper verification of drivers / conductors of public vehicles to filter out criminal elements;
- (x) General Public / NGOs may be encouraged to participate in matters of women security;
- (xi) Self defence Training for women may be encouraged by Police.

(D) INCREASING GENDER SENSITIVITY IN POLICE

- (i) Training programmes on gender sensitization for all levels of police personnel must be organized at regular intervals.
- (ii) Mention of gender sensitivity in the Annual Performance Appraisal Report (APAR) should be included to ascertain the conduct of police personnel.
- (iii) Attitude of police personnel towards women should be considered for their posting or promotions.
- (iv) A gender-sensitivity index may be developed and applied appropriately while taking decisions on posting of police officers in the field
- (v) Specific observations about gender-related measures should be included in the inspection notes of Police Stations.
- (vi) Strict action should be taken against police personnel, who exhibit courtesy or bias against women or neglect their supervisory responsibilities in this regard.

(E) STRENGTHENING OF INVESTIGATIVE APPARATUS ON CRIMES AGAINST WOMEN

There is an urgent need for specialized investigative apparatus on crimes against women. The Criminal Law (Amendment) Act 2013 has several provisions which are to be exclusively handled by women police personnel in case of crimes against women. This has necessitated setting up of specialized investigative units on crimes against women.

(F) MAINTAINING DATABASE OF CRIMINALS HAVING HISTORY OF SEXUAL CRIMES

The Delhi Police is maintaining the record of criminals involved in rape, molestations and eve-teasing in Delhi. The States are requested to maintain similar databases on criminals having history of sexual crimes to aid the investigation and verification. The States should immediately implement the Crime and Criminal Tracking Network System (CCTNS) project, which has a module on database of offenders.

(G) ADHERENCE TO NEWLY ENACTED LEGISLATIONS AND HON'BLE SUPREME COURT'S GUIDELINES

It is alleged that even after enactment of crimes against women specific legislation i.e. Criminal Law (Amendment) Act 2013; cases are not being registered under appropriate sections of IPC leading to suppression of heinous crimes and misrepresentation in crime data. Proper sensitization of lower level functionaries is needed to make optimum use of existing legislations.

It has also been observed that even after the order of the Hon'ble Supreme Court, in some cases the compensation paid to the victims of acid attacks is less than Rs. 3.00 lakh. Similarly, the direction for mandatory registration of FIR in case of missing children is also reported to be violated in some cases. These deficiencies need to be rectified immediately to avoid contempt of court proceedings.

(H)

SPEEDY TRIAL OF CASES

The success of criminal justice system rests on swift trial and conviction. However, unfortunately the data of National Crime Records Bureau (NCRB) from 2011-13; reveal that even after investigation was completed in 60% (approx) of the cases, only in 16% (approx) cases, trials are completed and out of which only about 4% are convicted in cases of rape. A similar pattern is noticed in other types of crimes also. This is a matter of serious concern as it is severely eroding the deterrent value of punishment and emboldening the potential offenders. Hence the States are requested to expedite setting up of Fast Track Courts and strengthen the prosecution wing to conclude the trial speedily in cases of crimes against women.

This issue was also incorporated in the Criminal Law (Amendment) Act 2013 through amendments in Section 309 of Cr. P.C., wherein it was suggested that *when the inquiry or trial relates to an offence under Section 376, 376A-D of the Indian Penal Code (IPC), the inquiry or trial shall, as far as possible be completed within a period of two months from the date of filing of the charge sheet.*

(I)

LACK OF FORENSIC LABORATORIES

The lack of quality forensic facilities for aiding the investigation is also a matter of serious concern. As per inputs received from Police and other investigating agencies, the inadequacy of Forensic Laboratories is a major detriment in making a watertight case. Most of the time, the pendency of cases in Forensic Laboratories and availability of expert forensic help are major bottlenecks. The States are requested to expedite setting up of new Forensic Laboratories in adequate numbers to aid speedy investigation

(J)

SOCIAL CONNOTATION OF CRIMES AGAINST WOMEN

From the National Crime Records Bureau (NCRB), Annual Report 2013, it is revealed that around **94.3% of rape cases are committed by people known to them.** Evidently, this has some serious social connotations as it points out a deep rooted social malady. The Universities should be encouraged to

undertake research on the causes of such criminal psyche and possible solutions besides deterrent punishment through legal trial.

(K) **CREATION OF CYBER-CELL TO TACKLE CYBER CRIMES**

It has also been observed that cases of various forms of cyber-crimes involving women and children are on the rise. In a recent case, Prajwala vs. UoI, it has been observed that illegal pornographic videos were being freely circulated on internet and social media sites without being noticed by any authority. These types of incidents need serious consideration and internet contents must be checked periodically; and any complaint received in this regard must be acted upon expeditiously. In this endeavor, specialized cyber-crime cells need to be set up.

As per the Constitution of India, the primary responsibility of providing safety, security to the citizens of India lies with the States. A comprehensive and holistic approach needs to be developed to tackle crimes against women in all its forms. The 'Police' is a State subject and hence it is the duty of State Government to modernize the police with respect to societal aspirations, sensitivity, gender and operational needs. The Government of India has already greatly enhanced the State's share of central taxes from 32% to 42%. In view of the same, the States are requested to take immediate and effective measures as enumerated above to contain the rising incidents of crimes against women.

Yours faithfully,

(Kumar Arora) 2013

Joint Secretary (Centre-State)

Telefax:011-23438100

E mail: jscs@nic.in

Copy also for information and necessary action to:

- 1) ACS/Principal Secretary/Secretary (Home) of all States and UTs
- 2) The Director Generals of Police of all States and IGs of all UTs

**Ministry of Home Affairs
(Women Safety Division)**

New Delhi, dated 22nd Oct 2019

To,

**DGPs /Commissioner of Police
(All States/Union Territories)**

Subject: Investigation Tracking System for Sexual Offences (ITSSO) reg.

Sir/Madam,

I am directed to refer to D.O. letter of even number dated 05th Sep 2018, 05th Dec 2018 and 26th April 2019 from Joint Secretary (Women Safety) and forward status on cases registered under section 376 of IPC and section 4 & 6 of POCSO Act from 21.04.2018 till 22.10.2019 (Annexure-I. This information is also available online to the States/UTs.

2. It is requested to issue suitable instructions to officers concerned to review the cases for your State/UT accordingly.



**(Anil Subramaniam)
Director (WS)
Phone: 011-23094483**

Copy to:

- 1. CCTNS Nodal Officers of all States/UTs**

Copy for information to:

- 1. PS to JS (WS)**

AJAY BHALLA, IAS



राष्ट्रीय पोस्ट^{१५८६४}
गृह सचिव

Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi

D.O. No.25017/14/2018-WS-III

10th September, 2019

Dear Chief Secretary,

As you are aware, safety of women is a priority for the Government. The Central Government had enacted the Criminal Law (Amendment) Act 2018, which, inter-alia mandates death penalty for offence of rape of women below 12 years of age; and completion of investigation and trials within two months in all rape cases. You would agree that State Forensic Science Laboratories (FSLs) play important role and assist the investigating officer to complete investigation in the specified time frame. Therefore, strengthening of FSLs is critical to the delivery of justice in rape cases as well as in other crimes. Strengthening of FSLs has also been emphasized by the Supreme Court in its various judgments, especially in the context of timely investigation and speedy trials in criminal cases.

2. For augmenting FSLs capacities, the Ministry of Home Affairs (MHA) has provided following assistance:

- (i) Rs.105.90 crore has been provided under the scheme for Modernization of Police Forces in 2019-20 for modernization of FSLs.
- (ii) Rs.131.09 crore has been sanctioned for special projects for strengthening the DNA Analysis Unit, Cyber Forensic Unit and other related activities in FSLs under the Nirbhaya Fund in 13 States/UT for 2018-21.
- (iii) Rs.93.76 crore has already been released to States/UTs for developing Cyber Forensic Laboratories for training and capacity augmentation.

3. Considering the important role being played by FSLs in crime investigation, you are requested to:

- (i) review the capacities of existing FSL facilities in your State/UT;
- (ii) identify gaps in the FSL facilities in your State/UT and address them so as to reduce pendency;
- (iii) take action for modernization of FSLs, including provision of latest forensic equipment and trained manpower, deployment of e-Forensics, and other measures for enhancing capacities of FSLs.
- (iv) take requisite steps to ensure timely utilization of funds sanctioned in this regard by the Central Government.

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4. Further, it is equally imperative to ensure that the opinion of forensic experts is seen as unbiased scientific opinion and independent of the controls of investigation agencies. You may be aware that the National Human Rights Commission (Malimath Committee) in its Report "State-of-the-Art Forensic Science: For better Criminal Justice", recommended that every State should establish 'Forensic Science Organization' as an autonomous body under the Home Department of the State. In view of the above, you are requested to consider reporting of State FSLs directly to the Home Department in your State/UT. Some States/UTs are already doing it. This will ensure FSLs to maintain their operational independence.

5. May I request you for early and effective action in this regard. Your response would be deeply appreciated.

[Signature]
Yours sincerely,

To
Shri Chetan B. Sanghi, IAS
Chief Secretary
Andaman & Nicobar Administration Secretariat,
Port Blair

[Signature]
(Ajay Bhalla)

OK

F. No. 15011/03/2019-WS
Government of India
Ministry of Home Affairs
Women Safety Division

2nd Floor, Jaisalmer House
26, Man Singh Rd, UPSC, New Delhi
Dated: 26 April 2019

To,

Addl Chief Secretary / Principal Secretary / Secretary, Home Department (19 States/UTs as per list)

Sub: Promotion of use of ERSS

I am directed to state that Emergency Response Support System (ERSS), a Pan-India single number-112 based emergency response system for citizens in distress has been operationalized. In order to ensure wide awareness on the ERSS 112 services in the States/UTs among users, MHA has developed 10 creatives which can be used as social media posts, print ads, digital cinema campaign etc for promotion. These may be used by the States/UTs, or may also be translated into local language for greater dissemination. These could be utilized for information dissemination as posters in educational/government institutions, Digital ads in cinema halls, television and Print ads in newspaper/hoardings etc. Open files of the creatives have been sent through e-mail or may be downloaded from: <https://drive.google.com/drive/folders/1hM7dRuhs0YwafprFuAz3r60-SM3MBu?usp=sharing>. For any further assistance in the issue, Nodal Officers for ERSS may contact Ms. Priya Pal at email priya.pal@gov.in.

2. It is requested to take all necessary steps to promote the usage of 112 emergency services among citizens.

Encl: As above

Yours faithfully,

(Anil Subramniam)
Director (Women Safety)
Email: anil.sub@nic.in
Tel: 011-23094483

Copy To,

1. DGPs in the States/UTs (20 States/UTs as per list)
2. Nodal Officers for ERSS in the States/UTs (20 States/UTs as per list)

Standard Operating Procedure (SOP)
for Investigation and Prosecution of
Rape against Women

An aid to Investigation

Prepared by: BPR&D

Standard Operating Procedure (SOP) for Investigation and Prosecution of Rape against Women

Introduction

The need to issue Standard Operating Procedure (SOP) to investigate sex crimes has been felt in order to improve the quality of investigation and to secure conviction. The instructions herein are to be followed by the supervisory as well as the investigating officers during the investigation.

Purpose

This SOP seeks to provide a complete set of rules and guidelines related to the response of police while dealing with rape cases and to ensure a coordinated and multi-disciplinary approach to sexual offences, in general.

Scope

The scope of the SOP is to familiarize all police officers to know as to what is their mandate in rape cases. It sets out the role and responsibilities of the police.

Incidents of crime against women are a matter of great concern for the government and the society at large. In the wake of gruesome incidents of rape in the country, Crime against Women has attracted a new focus and attention. Free and prompt registration of cases, quality investigation with proper and expeditious prosecution ending in conviction of the offenders shall be a deterrent in combating the menace.

Crime against women, in general, and rape, in particular, need our closest attention. It is necessary to reiterate and re-emphasize the need for prompt and effective investigation and prosecution of rape cases to secure a better conviction rate. Hence this **Standard Operating Procedure (SOP)**.

Application of SOP

Range of cases to be covered under the SOP

1. Rape, as in sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E, IPC
2. Penetrative sexual assault and/or aggravated sexual assault on a child, as defined u/s 2(1) (d) under the Protection of Children against Sexual Offences Act (**POCSO**), 2012.

Sl. No.	Proceedings	Suggested time limit
01	<p><u>FIR</u></p> <ul style="list-style-type: none">● FIR must be recorded in accordance with the provisions of Sec 154 Cr.P.C.● FIR shall be recorded by a woman police officer or any woman officer.● FIR, being an important document, should be drawn up with greatest care and caution, incorporating all material information/facts which are directly or indirectly connected with the crime or are likely to form important evidence.● The victim can lodge the FIR in any police station in any State or District. Subsequently, it can be transferred to the concerned State or police station having jurisdiction for investigation. Audio-Visual and electronic means, including scanning, can be used to transmit the information at the earliest.● A copy of such Information as recorded under sub-section (1) of section 154 Cr.P.C. shall be given forthwith, free of cost, to the victim or informant.● If there is any delay in recording of such FIR, the reasons for such delay should be explained in the FIR.● FIR should be recorded in the regional language, if required, to make it easier for the survivor.● As rape cases are Grave/Special Report Cases, investigation shall be monitored by the DCP of the District concerned. Initial Special Reports, etc., shall be issued by a gazetted officer within	Immediately

	<p>72 hours of occurrence. Similarly, in continuation, Special Reports/Progress Reports are required to be issued about the progress of the investigation fortnightly.</p> <ul style="list-style-type: none"> ● The DCP/In-charge of the Zone/DistrictSP shall give the investigating officer proper instructions/guidance from time to time in carrying out investigation and collection of evidence. ● One copy of FIR should be sent to District Legal Services Authority as per direction in case of Khem Chand &Ors. Vs. State High Court of Delhi. 	
02	<p><u>Treatment of victim</u></p> <ul style="list-style-type: none"> ● The victim of such crime should be treated with honor and sensitivity. ● Officer interacting with her (victim) should be extremely courteous. No indecent questions should be put to the victim. Care should be taken to protect dignity and prevent embarrassing situation to the victim. ● In case, the victim is not accompanied by any member of her family, the information about such crime should be given immediately to her family. ● The identity of the victim should not be made public and due care should be taken not to reveal her identity in print and electronic media. Similar care has to be taken for juveniles and children in conflict with law. However, name and photo of such victim may be used in the case diary for the purpose of re-investigation. 	With care and honor
03	<p><u>Where the victim is temporarily or permanently, mentally or physically disabled</u></p> <ul style="list-style-type: none"> ● If the person against whom an offence is alleged to have been committed or attempted, is temporarily or permanently, mentally or physically, disabled, such information shall be recorded, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be. ● The recording of such information shall be video graphed. 	

04	<p><u>If victim is of different linguistic background</u></p> <ul style="list-style-type: none"> ● In case, the victim is of a different linguistic background, statement/FIR must be recorded. An interpreter for the victim with different linguistic background may be provided, during investigation, for recording of statement / FIR. 	
05	<p><u>If victim is a minor</u></p> <ul style="list-style-type: none"> ● In case, where the victim is a minor, consent and presence of parents may be taken at the time of recording of her statement or FIR. If the guardian is not available, consent and presence of a representative of anNGO or a member of the Child Welfare Committee may be taken during recording of the statement or FIR. ● I.O. shall wear plain clothes during interview/investigation (as per Section-24(2), POCSO Act) ● The Police Officer, while examining the child, shall ensure that at no point of time, the child comes in contact with the accused, in any manner, whatsoever (as per the mandate of Section- 24(3)& 36, POCSO Act r/w Section-273, Cr.P.C.) ● Where, the Special Juvenile Police Unit or the local police is notified and circumstances warrant, that the child against whom an offence has been committed, is in need of care and protection, it shall, after recording the reasons in writing, make immediate arrangement, to give him/her such care and protection,including admitting the child into a shelter home or to the nearest hospital, within twenty-four hours of the report, as may be prescribed, as well as carry on investigation to find the legal guardian of the victim, in appropriate cases, as per the facts of the case ● The Police Officer shall not detain any child at night in the police station for any reason (as per the requirement of Section-24(4), POCSO Act). ● If the victim is a minor and happens to be a victim of incest, s/he should be removed from the custody of the alleged/suspected accused and taken to a child protection shelter and a report notifying the Child Welfare Officer should be sent within 24 	

	<p>hours.</p> <ul style="list-style-type: none"> In case, the victim does not have a place of abode, she should be shifted to a shelter home. 	
06	<p><u>Compliance of Section 157,Cr.P.C.</u></p> <ul style="list-style-type: none"> A copy of the FIR shall be sent immediately to the Magistrate under section 157,Cr.P.C. 	Within 24 hours
07	<p><u>Investigation</u></p> <p><u>Investigating Officer</u></p> <ul style="list-style-type: none"> As far as possible, investigation of crime against women shall be conducted by a woman officer. Whenever necessary, investigation team should be formed, consisting of three to four experienced police personnel of whom one should be designated as the Chief I.O. There should be, at least, one lady officer in the team. Rape case should usually be investigated by a senior and experienced police officer as far as possible, it being a grave offence. 	Promptly
08	<p><u>Recording of statement of victim under section 161,Cr.P.C.</u></p> <ul style="list-style-type: none"> While talking to the victim, her mental and emotional state should be observed carefully. Proper account of the incident should be recorded in the language of the victim as early as possible. The victim should not be called to the police station. The IO should visit her home in plain clothes and take care to elicit information from the victim in such a manner that she remains calm and composed. The statement of the victim should be recorded at the residence of the victim or in the place of her choice by a woman police officer in the presence of parents or guardians or a near relative or a social worker of the locality. In cases under POCSO Act, the presence of parents/guardians of the victim must be allowed at the time of recording of such statements. In appropriate cases where the victim is from outside the country / abroad or whenever, in the course of any investigation, it appears 	Promptly

	<p>to the investigating officer that the examination of the witness is necessary to meet the ends of justice and such witness cannot be examined without an amount of delay, expense or inconvenience which, under the circumstances of case, would be unreasonable - the I.O., with previous permission of his/her immediate superior officer, can examine such witness through video conferencing and other electronic means.</p> <p><u>Videography of statement</u></p> <ul style="list-style-type: none"> ● If the person making the statement is temporarily or permanently, mentally or physically disabled, or the victim is of different linguistic background, the statement made by a person with the assistance of an interpreter or a special educator, may be video-graphed. 	
09	<p><u>Statement of victim under section 164,Cr.P.C.</u></p> <ul style="list-style-type: none"> ● It shall be the duty of investigating officer/SHO to inform the Judicial Magistrate for recording of statement of the person against whom such an offence has been committed, as soon as the commission of offence is brought to the notice of the police (as mandated under sub-section (5-A) of Section 164,Cr.P.C. ● The investigating officer shall take immediate steps to take the victim to any metropolitan / preferably Judicial Magistrate for the purpose of recording her statement under section 164, Cr.P.C. ● A copy of the statement under section 164,Cr.P.C. should be handed over to the investigating officer immediately with specific direction that the content of such statement under section 164,Cr.P.C. should not be disclosed to any person till the charge sheet / report under section 173,Cr.P.C. is filed. ● The Investigating officer shall record specifically the date and the time at which he learned about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/ Judicial Magistrate, as aforesaid. ● A copy of the report of medical examination of the victim, if any, should be immediately handed over to the Magistrate who records 	Promptly

	<p>the statement of the victim under section 164,Cr.P.C.</p> <ul style="list-style-type: none"> • In cases of delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate. • In cases under the POCSO Act, 2012, the presence of parents/guardians of the victim must be allowed at the time of recording of such statements according to Section- 26(1), POC defense Act. <p><u>Videography of statement</u></p> <ul style="list-style-type: none"> • If the person making the statement is temporarily or permanently, mentally or physically disabled, or has a different linguistic background, the statement by the person with the assistance of an interpreter or a special educator, shall be videographed. 	
10	<p><u>Dying declaration</u></p> <ul style="list-style-type: none"> • Dying declaration may be recorded before a Magistrate or Doctor and, if not possible, it should be videographed under section- 161,Cr.P.C. 	Promptly
11	<p><u>Statement of relevant and material witness under section 161,Cr.P.C.</u></p> <ul style="list-style-type: none"> • All relevant and material witnesses shall be examined promptly. Especially the witness, who reached the spot of the incident on hearing shouts of the victim, if any, must be examined. • In case, the victim is indisposed/unable to narrate the incident/or a minor who cannot comprehend or is in shock and the state of the victim/survivor leads to their next of kin or any other person registering an FIR on their behalf and/or assisting the victim/survivor in registering the FIR, then the said person must be examined as an independent witness. • Police must investigate the next of kin and suitably make them prosecution witnesses, if they have observed something of evidentiary value. 	Promptly

	<p><u>Statement of witness under section 164,Cr.P.C.</u></p> <ul style="list-style-type: none"> • In appropriate cases, statements of material witnesses shall be recorded under section 164,Cr.P.C. Especially in cases under the POCSO Act, statements of parents/guardians of victims and informant must be recorded. <p><u>Videography of statement</u></p> <ul style="list-style-type: none"> • If the person making the statement is temporarily or permanently, mentally or physically disabled, or is from a different linguistic background, the statement made by the person with the assistance of an interpreter or a special educator, shall be videographed. 	
12	<p><u>Bond for presence before the court and giving evidence</u></p> <ul style="list-style-type: none"> • The I.O.shall require the complainant, if any, and so many of the persons who appear to such officer, to be acquainted with the facts and circumstances of the case, as he may think necessary to execute a bond to appear before the magistrate as thereby directed and prosecute or give evidence,as the case may be, in the matter of charge against the accused (as per the mandate vide section 170 of the Cr.P.C.). 	As soon as possible after recording statements
13	<p><u>Medical examination of victim</u></p> <ul style="list-style-type: none"> • Section 164(A),Cr.P.C. imposes an obligation on the part of investigating officer to get the victim of rape medically examined within 24 hours from the time of receiving the information relating to the commission of such offence. • The report of such medical examination should be immediately forwarded to the Magistrate by the I.O., who records the statement of the victim under section 164,Cr.P.C. • The victim as well as the accused person should be sent for medical examination by the I.O. under properly filled in, medical examination sheet. The female victim shall be examined medically, only by a lady doctor or under her supervision. • A Rape victim above 18 years of age can be examined only after obtaining her written consent and, if victim is below 18 years of age (as per the mandate of Section-27, POCSO Act) or 	Within 24 hours

	<p>temporarily / permanently mentally disabled, she can be examined only after a written consent from her parents / Guardians. In appropriate case such consent may be obtained through electronic medium.</p> <ul style="list-style-type: none"> ● A copy of the report of such examination shall be furnished by the medical officer, or registered medical practitioner, as the case may be, to the victim or her parents / guardian. 	
14	<p><u>Proof of age</u></p> <p>In all cases under POCSOAct, where the age of the victim, and cases where the age of the child in conflict with law are material, the following documents/procedure shall be relied upon (Section-34, POCSO Act read along with Juvenile Justice (Care and Protection of Children) Act, 2000.)</p> <ul style="list-style-type: none"> ● (i) A date of birth certificate from the school, or matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof, ● (ii) Birth certificate given by a corporation or a municipal authority or a Panchayat, ● (iii) And only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any othermedically proven and improved age determination test. 	During investigation promptly
15	<p><u>Collection of evidence</u></p> <p>Scene of crime</p> <ul style="list-style-type: none"> ● Inspection and collection of valuable clues from the scene of crime plays a vital role in the successful investigation and prosecution of a case and it shall be the foremost duty of the I.O. to safeguard the scene of crime, so that the available clues are not disturbed. ● The scene of crime should be thoroughly inspected clockwise and every effort made to collect as much evidence from the spot as possible. ● Scientific Teams must be summoned to lift finger/foot prints and other relevant items,including hair, blood, semen, body fluids, ornaments,etc. found at the spot. 	At once

	<ul style="list-style-type: none"> The scene of crime should be photographed from all angles. As the ‘Spot Map’ of the place of occurrence is an important document, it must be drawn properly, indicating distance between the items found at the spot. The position of witnesses, if any, must be shown. Chain of exhibits and its integrity should be given paramount importance. If teeth and bite marks have been detected, then the accused should be taken to a dental expert for relevant examination. 	
16	<p><u>Electronic evidence</u></p> <ul style="list-style-type: none"> Electronic evidence is available in many forms such as CCTV footage, phone call details, etc., and it would be useful to collect all available electronic evidence. CCTV footage is especially useful and I.O. must collect all CCTV footages, whenever available. Focus should be on collecting primary evidence. Instead of the footage alone, the hard disk and relevant memory diskss should also be collected. For reference on primary and secondary evidence, Section 63 of the Indian Evidence Act should be referred. <p><u>Proof of electronic evidence</u></p> <ul style="list-style-type: none"> Electronic evidence would need to be proven in the manner prescribed under section 65-B of the Indian Evidence Act. 	Promptly
17	<p><u>Scientific and chemical examination of exhibits</u></p> <ul style="list-style-type: none"> Exhibits collected/lifted should be properly packed/preserved, sealed and sent to the FSL for chemical analysis as quickly as possible. In sensitive cases, supervisory officers must issue plan of action on the same day of reporting, in the form of advisories. In appropriate cases, DNA analysis should be done. Chain of custody of exhibits should be kept safe and intact. 	Promptly
18	<p><u>Arrest of the suspect</u></p> <ul style="list-style-type: none"> All efforts should be made to arrest the suspect of the crime promptly. 	Promptly

	<ul style="list-style-type: none"> • If the suspect has concealed himself or is absconding/evasive arrest the I.O. shall make a request to the court for issue of a warrant of arrest of the suspect. • If the arrest warrant could not be executed because the person against whom the warrant has been issued has absconded, or is concealing himself, the I.O. shall apply to the relevant court to declare the person a proclaimed offender and move for the attachment of the property of such person, according to section 82 and 83 of the Cr.P.C. <p><u>Complaint for offence under section 174(A) IPC against absconder</u></p> <p>If any person, against whom a proclamation under section 82 of Cr.P.C. has been issued, fails to appear at the specified place and the specified time as required by such proclamation, the I.O. should move the concerned court, for offence under section 174(A) IPC.</p> <p><u>When suspect is not known to the victim</u></p> <ul style="list-style-type: none"> • Description of accused should be ascertained from the victim and a portrait of the suspect should be prepared immediately and circulated. • A ‘look-out’ message of the accused should be flashed on the wireless. • Local secret/open enquiries should be conducted for the suspect. 	
19	<p><u>Procedure after arrest of suspect</u></p> <ul style="list-style-type: none"> • After the suspect is arrested, procedures prescribed under sections 41, 41-A, 41-B, 41-C, 41-D, 46, 49, 50 & 51 of the Cr.P.C. should be followed. • No police officer shall detain in-custody, a person arrested without warrant, for a period longer than the circumstances of the case warrant and, such period shall not, in the absence of a special order of a magistrate under section 167 of Cr.P.C. exceed 24 hours. • Experienced police officers may be taken in the team while interrogating the suspect. 	Promptly

	<ul style="list-style-type: none"> • Rebuttal or corroboration of facts, as alleged by victims, is to be done after carefully examining the whole circumstances and by bearing in mind the possibility of the trauma suffered by the victim. • Suspect should be sent for medical examination along with injury sheet detailing injury, scratches, bruises or nail marks etc. found on his body, as per section 53-A,Cr.P.C. • Personal clothes of the accused, worn at the time of the crime, should be seized and sent to FSL for examination. • The accused should be medically examined to prove his physical capacity for committing the alleged crime. 	
20	<p><u>Test identification</u></p> <ul style="list-style-type: none"> • When an accused not known to the victim is arrested, he should be sent to judicial custody after due interrogation and medical examination, for Test Identification. The court should be requested to fix an early date for the identification proceedings. • It should be ensured that the face of the accused is covered while he is being taken to the court for production. • If the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a judicial magistrate, who would take appropriate steps to ensure that the identifier, identifies the accused, using methods, the identifier is comfortable with. <p><u>Videography of Identification</u></p> <ul style="list-style-type: none"> • Videography of identification process may be done. If, however, the person identifying the person arrested is mentally or physically disabled, the identification process shall be video-graphed. 	Promptly
21	<p><u>Bail application</u></p> <ul style="list-style-type: none"> • Bail application shall be opposed with relevant grounds by the prosecution. • If any bail application has been presented by the accused, or on behalf of the accused, before the court, it shall be the duty of the concerned Prosecutor/Investigating officer to inform the victim 	Promptly

	about such application within appropriate time, in order to give her an opportunity to oppose such application, if she, so desires.	
22	<u>Witness Protection</u> In all cases, care shall be taken that the victim and her family or any person whom she is interested in, is not threatened or tempted in any manner by the accused or any other person.	
23	<u>Submission of Charge sheet</u> <ul style="list-style-type: none"> ● All offences against women shall be promptly investigated and charge sheets should be filed in the court of law within sixty days as per section 173 Cr.P.C. ● At no point of time, the quality of investigation should be compromised. All such cases, should be automatically supervised by an officer of the rank of Dy.SP, who should associate himself with day to day investigation, including, arrest of the accused. Orders for chargesheet should be issued after due scrutiny to ensure that the investigation and subsequent prosecution does not suffer from any lacuna or omission. ● The I.O./SHO shall ensure that all material documents such as medical examination reports, FSL reports, Test Identification, relevant daily diary/ Roznamchasanhasetc, are included with the chargesheet ● Views and opinions of the prosecuting officer should be taken before filing of the chargesheet. ● An advance copy of the charge sheet should be supplied to the prosecutor. ● A copy of the chargesheet should be supplied to the victim or informant, without any cost. ● E-Challan should be resorted to. 	Within 60 days
24	<u>Duty of IO/SHO during trial</u> <ul style="list-style-type: none"> ● An officer, not below the rank of sub-Inspector, ideally the I.O. of the case, should be appointed as Holding I.O., to monitor the progress of the trial of the case. He/She should submit a progress 	

	<p>report on each date of the trial which should be put up to supervisory officers, including the SP.</p> <ul style="list-style-type: none"> It is the responsibility of the IO to ensure timely production of prosecution witnesses for briefing by the PP/APP. He shall also ensure physical availability of all relevant records and material objects, at the time of the trial. Service of summons should be monitored to ensure presence of witnesses. Whenever possible, summons should also be issued in the e-format. 	
25	<p><u>Rehabilitation of the Victim</u></p> <ul style="list-style-type: none"> Rape victims need help in rehabilitation. Rehabilitation has to take care of each of the four aspects of the victim's state, including physical, mental, psychological and social. In case the victim does not have place of abode, she should be shifted to a shelter home. The victim is likely to suffer social stigma and possible alienation from the family. Necessary counseling to the victim and family members should be provided. The victim is entitled to compensation under 'Victim compensation Schemes' run by the State Governments. The victim should be appraised of the provision of the relevant scheme for getting compensation. 	Promptly
26	<p><u>Handling of Media</u></p> <ul style="list-style-type: none"> Sex offences attract wide media and public attention. While briefing media about sex crimes, identity of the victim should not be disclosed. Under no circumstances, should the victim be produced before the media. Authorized officers alone, should brief the media. Any supervisory officer dealing directly or indirectly with the investigation of the case should not divulge any information relating to the investigation of the case/victim (including medical report of the victim etc.) to anyone, including the media. 	

**Government of India
Ministry of Home Affairs
(Women Safety Division)**

New Delhi, dated 5th October, 2020.

To,

**ACS/ Principal Secretary/ Secretary
Home Department
(All States& UTs)**

Subject: Sexual Assault Evidence Collection Kits, use in investigation-reg.

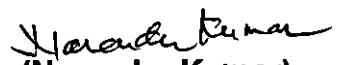
Madam/ Sir

I am directed to refer to MHA's letter No.25017/14/2018 WS-III dated 17th January, 2019 on the above mentioned subject (copy enclosed) and state that as part of several measures for ensuring timeliness and application of scientific method in investigation, the Directorate of Forensic Science Services (DFSS) Ministry of Home Affairs had notified Guidelines for collection, handling and preservation of forensic evidence in sexual assault cases. Along with this in order to build adequate capacity in Police, Prosecutors and Medical Officers, training is being imparted on the new Guidelines by the Bureau of Police Research & Development (BPR&D), and the LNIN National Institute of Criminology and Forensic Sciences (LNIN NICFS). The DFSS has notified specifications for Sexual Assault Evidence Collection (SAEC) Kits and the same have been uploaded on the GeM portal for enabling smooth procurement. Now, additionally, to give further impetus to the States/UTs in use of SAEC Kits at field level, the Ministry has distributed 11130 kits to all States/UTs through BPR&D (State/UT-wise list enclosed). These SAEC kits will facilitate efficient collection, handling and storage of forensic evidences in cases of sexual assault.

2. Considering the fact that in sexual assaults, collection and preservation of evidence from the scene of crime is critical and is inter-alia, important not only for timely and efficient investigation but also conviction, it is requested that necessary directions may be issued that Investigation Officers utilize these Kits mandatorily while investigating cases of sexual assault.

Yours faithfully,

Encl: As above


(Narender Kumar)

**Under Secretary to the Government of India
Tel. No.011 23383868**

Copy to:

1. **Director General of Police(All States)/Commissioner of Police (UTs)**
2. **Director, State Forensic Science Laboratory (All States)**

MOST IMMEDIATE / TIMEBOUND

F.No.25017/14/2018-WS-III
Government of India
Ministry of Home Affairs
(Women Safety Division)

New Delhi, dated 17th January 2019

To,

1. Principal Secretary/Secretary
Home Department
(All States)
2. Director General of Police
(All States)

Subject: Forensic Action Plan component in State Action Plan under sub-scheme of assistance to States for Modernization of police forces- reg

Reference: MHA letter No. 21011/54/2018-PM-I dated 28.09.2018 (copy enclosed)

Madam/Sir

I am directed to refer to above mentioned reference on the given subject and state that along with introduction of stringent deterrence in Criminal Law (Amendment) Act 2018, the Government has identified upgradation of DNA analysis, Cyber Forensics and narcotics testing facilities in State Forensic Science Laboratories as a priority area of focus to facilitate and strengthen investigations in a timely manner for better conviction in cases of sexual assault/ cyber-crime. In this regard, MHA in the above mentioned reference dated 28.09.2018 in para 2 (iv) has mentioned that updation of forensic science set up may be given top priority by the States while preparing the State Action Plans for the FY 2019-20 under the sub-scheme of "Assistance to States for Modernization of Police Forces" as part of the umbrella scheme of Modernization of Police Forces.

2. I am further directed to state that in order to facilitate the States to prepare their Forensic Action Plan (FAP) under the State Action Plan 2019-20, MHA has prepared an FAP planning format (copy enclosed) which may be duly filled up and furnished by email to the undersigned latest by 24.01.2019 in order to be evaluated and taken up along with the State Action Plan 2019-20.

The same may be also sent as part of the consolidated State Action Plan document being sent to PM Division in MHA.

3. Further, in order to facilitate efficient collection, handling and storage of forensic evidence in cases of sexual assault, MHA has defined standardized specifications for Sexual Assault Evidence Collection Kits (SAECK), and the same are now available on GeM (Government e-Marketplace). While BPR&D would be providing initially few SAECK to each States for training purposes, orientation and to facilitate implementation, States are requested to suitably factor in their requirements for SAECK in the State Action Plan as part of the forensic lab requirements.

4. In case of any clarifications on filing up the format, or on SAECK the undersigned may be contacted.

Encl: as above

Yours faithfully

(Anil Subramaniam)
Director (Women Safety)
Tel. No. : 01123094483
anil.sub@nic.in
director-ws@mha.gov.in

Copy to:

1. Director, State Forensic Science Laboratory (All States)
2. Director-CFS, DFSS, New Delhi (With a request to coordinate with all the State FSLs for assisting them in filing up the formats and obtaining the filled up formats)

Copy for information to:

1. PPS to JS (PM)
2. PPS to JS (WS)
3. PM Division

Status for Despatch of 11130 Nos of SAEC Kits to States/UTs

Sl. No.	Name of States/UTs	Nos. of SAEC Kits	Addressed to whom
1.	Uttar Pradesh	2964	Dr Archana Tripathi, Office of Law Science Laboratory, Uttar Pradesh, Lucknow – 226006
2.	Bihar	98	Dr Kamal Kishor Singh, Office of Inspector General Weaker Section, Crime Research Department, Bihar, Patna
3.	West Bengal	367	Shri Ajoy Kumar, IPS, Bhawani Bhowan, 31 Belvedera Road, Alipore, Kolkata – 700027, West Bengal
4.	Madhya Pradesh	1100	Smt. Laxmi Kushbha DSP(Training), PHQ, Jhansi, Bhopal-462008
5.	Rajasthan	1365	Mr. Jai Narayan, IPS, Police Headquarters, Lal kothi, Jaipur - 302015.
6.	Jharkhand	339	Mrs. Sunita Nutan Kashyap, /C Social Crime Branch CID, Jharkhand Ranchi
7.	Assam	534	Shri Nitul Gogoi, IPS, Deputy Inspector General of Police (MPC), Assam, Guwahati
8.	Punjab	257	Sh. Gurinder Singh Dhillon, IPS, IGP/Eow/Admin, Bureau of Investigation, Punjab, Chandigarh
9.	Chhattisgarh	379	Mr. H.R. Manhar, Deputy General of Police, Planing & Provision, Police Head Quarter, Nawa Raipur
10.	Jammu & Kashmir	07	Sh Mubassir Latifi, JKPS, Police HQ, J&K, Peerbagh, Srinagar-190004
11.	Uttarakhand	117	Smt. Mamata Vohra, PHQ, 12 Subhash Road, Dehradun-248001
12.	Himachal Pradesh	66	Sh. Khushal Sharma, IPS, Supdt. Of Police (L&O), PHQ Shimla – 171002, HP.
13.	Delhi	396	Ms. Geeta Rani Verma, Police Complex, Malviya Nagar, New Delhi-110017
14.	Chandigarh	20	Sh. Charanjit Singh Virk, Women & Child Support Unit, Home Guard Building, Sector 17, Chandigarh
15.	Maharashtra	787	Sh. Brijesh Singh, Office of the Addl. Director General of Police, Trg. & Spl. Units, Maharashtra, Maharashtra State Police Headquarter Shaheed Bhagat Singh Marg, Colaba, Mumbai – 400001

16.	Tamil Nadu	192	Smt. V. Shyamala Devi, O/o the director General of Police, Dr. R.K. Salai, Malapore, Chennai-600004
17.	Karnatka	247	Sh. Alisab, Police Inspector, O/o Superintendent of Police Mangalpet Road, Bidar- 585401, Karnataka
18.	Gujrat	418	Mr. S.M. Chaudhary, DySP, Missing Cell C.I.d Crime Gandhinagar, Gujrat
19.	Andhra Pradesh	170	Shri Mallikarjuna Verma, DSP Sh. Mallikarjuna Verma, DSP Police Training College, Ananthapuramu, Lakshmi- Nagar, Pin Code- 515001
20.	Odisha	426	Sh. Sarbeswar Sahoo, Office of Supdt. Of Police, CID, Crime Branch, At+PO Buxibazar, Dist. Cuttack, Odisha, Pin Code- 753001
21.	Telengana	328	Smt. Swati Laskra, IPS O/O of DGP, TS, Hyderabad
22.	Kerala	430	Sh. Gugulothu Lakshman, IPS, Inspector General of Police, Police Headquarters, Thiruvananthapuram, Kerala
23.	Tripura	18	Sh. Dilip Ray, Principal, KTDS Police Training Academy, Narsingari, Bimalgarh, Agartala, Tripura
24.	Meghalaya	27	Sh. Aditya Goenka, IPS, Office of the Director General of Police, Meghalaya, Shillong
25.	Manipur	21	Sh. S. Gautam Singh, IPS, Office of the Superintendent of Police, CID (Special Branch), 1 st MR Hospital Complex, Old Lambuland, Opposite Manipur Central Jail, Imphal West, Manipur - 795001
26.	Nagaland	02	Sh. Manoj Kumar, IPS, O/o SP (Crime), Police Headquarter Quarter, Nagaland, Kohima
27.	Goa	09	Jaspal Singh, Police Headquarter, Near Aazad Maidan, Panaji, Goa-403001
28.	Arunachal Pradesh	12	Sh. Navdeep Singh Brar, IPS, Superintendent of Police (SIT), PHQ, Itanagar, Arunachal Pradesh
29.	Mizoram	16	Sh. John Neihlaia, IPS, Inspector General of Police (HQs/Intelligence), Police Headquarters, Khaita, Mizoram, Aizawl.
30.	Sikkim	11	Sh. Sonam Tenzing Bhutia, IPS, Police Headquarters, Gangtok, East Sikkim, NH-10, Pin Code- 737101
31.	Puducherry	06	Smt. Sundari Nanda, Director General of Police, 1, Duma Street, Puducherry-605001

32.	Daman & Diu	02	Sh. Rajnikant Awadhiya, DANIPS, Nani Daman Police Station, 1 st Floor, Opp. D.M.C. Market, Near Taxi Stand, Nani Daman-396210. (Daman)
33.	Dadar & Nagar Haveli	06	Sh. Manasvi Jeln, O/o the Dy. Superintendent of Police (HQ). Police Headquarters, Dadra & Nagar Haveli, Silvassa- 396230
34.	Lakshadweep	02	Sh. Mayank Bansal, DySP, UT of Lakshadweep, Kavaratty- 682655
35.	Andaman & Nicobar	11	Sh. Ravi Kumar Singh, IPS, Office of the Director General of Police, Police Headquarter Andaman & Nicobar Islands
Total		11130	