

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

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New Delhi, the 12<sup>th</sup> 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 (1) 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 22<sup>nd</sup> April 2013 and another on 26<sup>th</sup> 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 discourtesy 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.*

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### **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 Atok)

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**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