



CID CB CIRCULAR NO - 02/2018

Standard Operating Procedure (SOP) for Investigation of Crime Against Women

No- 14700/CID-SR"W"

Dated 17.04.2018

➤ INTRODUCTION

Incidents of crime against women are matter of great concern for the Police Department and Government. In the wake of some recent incidents in the country, crime against women has attracted a new focus and attention. Free and prompt registration of cases, quality investigation and proper and expeditious prosecution ending in conviction of offenders shall be a deterrent in combating the menace.

Crime against women in general and rape in particular need our closest attention. In order to improve the quality of investigation and to secure a better conviction rate, earlier also a number of orders have been issued. In view of the recent incidents of crime against women it is felt necessary to reiterate and reemphasize the need of prompt and effective investigation in such cases. As such the following Standard Operating Procedure (SOP) is hereby prescribed for investigation of offences against women which must be scrupulously followed by all concerned.

➤ TYPES OF SUCH CASES

Conventionally, offences against women include the following:

1. Rape (Sexual assault)
2. Kidnapping/abduction
3. Molestation
4. Eve-teasing

5. Dowry homicide
6. Dowry suicide
7. Dowry torture
8. Non-Dowry torture
9. Acid Attack

Besides, extensive amendment in Indian Penal Code has been made vide The Criminal Law (Amendment) Act, 2013, which came into effect from 3.2.2013 and a number of new offences (listed below) were included:

1. Sec. 326 A - Penal provision for Acid attack, of course, is gender neutral.
2. Sec. 354B IPC - Penal provision for disrobing of woman.
3. Sec. 354C IPC - Penal provision for Voyeurism.
4. Sec. 354D IPC - Penal provision for Stalking.
5. Sec. 376A, 376B, 376C, 376D and 376E IPC - The word rape has been replaced by the terminology "sexual assault" which is gender neutral. Offences under these sections provide for punishment in respect of aggravated offences and makes the accused liable for stringent punishment including death.
6. Sec. 370 IPC- Trafficking of women has been made punishable under this section, which provides that whosoever for the purpose of exploitation recruits, transports, harbours, transfers or receives person by using threats or using force or by abduction or by practicing fraud or deception or by abuse of power and by inducement etc. shall be liable for imprisonment for seven to 10 years along with fine. The punishment of trafficking of minor has been made more stringent. The section is however gender neutral.

➤ REGISTRATION OF FIR

- No technicality should be allowed to come in the way of prompt registration of offences against women. On receipt of complaints of crime against women, FIR shall be promptly registered.
- The victim can lodge the FIR in any police station in the State. Subsequently, it can be transferred to the concerned police station having jurisdiction for investigation.
- FIR must be recorded in accordance with the provisions of Sec 154 CrPC. FIR, being an important document, should be drawn up with greatest care and caution, incorporating all material information/ facts which are directly connected with the crime or are likely to form important evidence.
- Comprehensive amendments in sec. 154 Cr.P.C. in respect of FIR of offences against women has also been brought in Criminal Law (Amendment) Act, 2013, the same must be scrupulously followed. The salient features are as follows:
 1. The information pertaining to offences given by women victims shall be recorded by a woman police officer or any woman officer as per the provision of sec. 154 CrPC.
 2. In case the victim is temporarily or permanently mentally or physically disabled, as per the provision in section 154 Cr.P.C., the information shall be recorded either in the residence or at a convenient place in presence of an interpreter or a special educator.
 3. Videography of such statements of the victim shall be done.

➤ INVESTIGATION

Criminal Law (Amendment) Act, 2013 has also brought about comprehensive

amendments in Cr.P.C. in respect of investigation of offences against women. Earlier several guidelines/ instructions have also been issued in this regard vide PCO - 338/2013 and PCO- 343/2013.

Moreover, instructions of Apex Court have been circulated vide PCO-349/2014. During investigation the guidelines issued therein, are being reiterated hereafter, must be followed.

- **Investigating Officer**

As far as possible, investigation of crime against women shall be conducted by a woman officer. Whenever necessary, investigating team should be formed, consisting of three to four police personnel of whom one should be designated as Chief IO. There should be at least one lady officer in the team. Rape case should usually be investigated by the IIC or the senior SI.

- **Treatment of victim**

The victim of such crime should be dealt with honour and utmost sensitivity. Officer interacting with her should be extremely courteous. No indecent questions should be put to the victim. Care should be taken to secure dignity and prevent embarrassing situation to the victims.

While talking to the victim, her mental and emotional state should be observed carefully. Proper account of the incident should be recorded in plain and simple language as early as possible in the informant's own words. NGOs can be of immense help in extricating the victim from trauma and preparing her to cooperate with the investigation.

- **Recording of statement of victim**

The victim should not be called to the Police Station. The I.O. 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. If the complainant, suspects or alleges against a particular person, the ground on which such suspicion is based should be ascertained, while recording her statement.

As per section 157(b) CrPC, 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 near relatives or a social worker of the locality.

The Investigating Officer shall make 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 a specific direction that the contents of such statement under section 164 Cr.P.C should not be disclosed to any person till 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 learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/ preferably Lady Judicial Magistrate as aforesaid.

If there is any 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.

- Medical examination of victim

Section 164A Cr.P.C. imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under section 164 Cr.P.C.

The victim as well as the accused person(s) should be sent for medical examination by the I.O. immediately under properly filled in medical examination form. As far as possible, the victim should be medically examined only by a lady doctor.

A rape victim above 18 years of age can be examined only after her written consent and a rape victim under 18 years of age can be examined only after a written consent from her parents/guardians.

As per section 164A CrPC, whenever it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such women or of a person competent to give such consent on her behalf and such women shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

Criminal Law (Amendment) Act, 2013 has also brought about comprehensive amendments in Cr.P.C. in respect of investigation of offences against women. The most salient of such amendments are as follows:

1. Proviso to section 154 CrPC under which information pertaining to offences given by women victims shall be recorded by a woman police officer or any woman officer.
2. Proviso in section 154 Cr.P.C. for recording of information either in the residence or at a convenient place in presence of an interpreter or a special educator, in case the victim is temporarily or permanently mentally or physically disabled.
3. Videography of such statements of the victim
4. Amendment of section 161 Cr.P.C. for recording of statement of victim by woman police officer or any woman officer.
5. Amendment of section 164 Cr.P.C. to record statement of the victim before a Magistrate as soon as the commission of offence is brought to the notice of the police.
6. Amendment of section 197 CrPC to dispense with sanction of prosecution in case of a public servant accused of an offence against women.
7. Amendment of section 273 Cr.P.C. to avoid confrontation of the victim of sexual offence under the age of 18 years by the accused.
8. Amendment of section 309 CrPC to complete enquiry or trial of some offences against women on the basis of day-to-day proceedings within a period of two months from the date of filing of charge sheet.
9. Insertion of section 357(C) under which all hospitals, whether run by Government or local body or any other person have been made duty-bound to provide first-aid or medical treatment free of cost to the

victim.

- **Inspection of the Scene of Crime**

- Inspection and collection of valuable clues from the scene of crime plays a vital role in the successful investigation and prosecution of a case. It shall be the foremost duty of the I.O. to safeguard the scene of crime so that available clues are not disturbed.
- The scene of crime should be thoroughly inspected clockwise and all out efforts should be made to collect maximum evidence from the spot.
- Scientific Team must be summoned to lift finger/foot prints and other suspect items i.e. hair, blood, semen, body fluid, ornaments etc. found at the spot.
- 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 items found at the spot. The position of witnesses, if any, must be shown.
- Exhibits collected/lifted should be properly packed/ preserved, sealed and sent to FSL for chemical analysis as quickly as possible. In this connection, instructions vide CB Circular no. 1/18 for despatch of exhibits to the FSL must be followed scrupulously. In sensational Cases, S.P must issue Plan of Action on same day of reporting, as advised.
- In specific cases, in case of requirements, DNA analysis should be done. A full-fledged DNA laboratory has already been made functional at SFSL, Bhubaneswar.

➤ COLLECTION OF EVIDENCE

Detailed instructions have been circulated vide PCO 343/2013. The said instructions are reiterated hereafter:-

• When suspect is known to the victim

- ✓ Experienced police officer may be taken in team while interrogating the suspect.
- ✓ Rebuttal or corroboration of facts, as alleged by victim, is to be done after carefully examining the whole circumstances and by continuously keeping the trauma of victim in mind.
- ✓ Suspect should be sent for medical examination along with injury sheet mentioning injury, scratch, bruise or nail mark etc. found on his body.
- ✓ Personal clothes of the accused worn at the time of 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.
- ✓ Documentary proof of age of accused as well as victim should be collected and ossification tests done, if proof of age is not otherwise available.

• When suspect is not known

- ✓ Description of accused should be ascertained from the victim and portrait of the suspect should be prepared immediately at DFSL or SCRB and circulated.
- ✓ A message should be flashed on wireless for look out of the accused.
- ✓ Local secret / open enquiries should be conducted for the suspect.

- ✓ When accused is arrested, he should immediately be sent to judicial custody for test identification. The court should be requested to fix an early date for identification. It shall also be ensured that face of the accused is covered, while being taken to the court for production.
- Collection of other evidence
 - ✓ Witness, who reached the spot of the incident on hearing shouts of the victim, if any, must be examined and their statements recorded.
 - ✓ Persons to whom the victim might have narrated the incident just after the occurrence should be examined and cited as witnesses.

➤ SUPERVISION AND MONITORING OF SUPERVISION

It has been decided that all sensational cases of crime against women will be identified in CID, Crime Branch as "RED FLAG CASE". Any case which is identified as "RED FLAG CASE" will require immediate and utmost attention of all concerned and has to be dealt on Top Priority in accordance with the instruction issued and circulated vide PCO 352/ 2014.

The concerned District SsP are responsible to ensure close monitoring of all such cases during investigation and trial. Progress of investigation shall be reviewed by Addl. SP/SP of district in each fortnight till submission of final charge sheet. A copy of their view note shall be issued to all concerned including Crime Branch as progress report in such cases.

In districts with large number of such cases, a Dy.S.P may supervise. IUCAW in the office of the Superintendent of Police will monitor all the cases of crime against women. Supervision of such cases should be thorough and comprehensive. In this connection, attention is invited to Crime Branch Circular

no. 1/92 dated 2.11.92 wherein reasons for acquittal in rape cases and remedial measures have been suggested.

➤ **ACID ATTACK CASES**

While investigating the cases of Acid Attack, instructions issued earlier vide CB Circular No. 01/2015 should be followed.

➤ **HANDLING OF MEDIA**

Sex offences attract wide media and public attention. While briefing media about sex crimes, identity of victim should not be disclosed. Under no circumstance, the victim should be produced before the media. Only authorized officers should brief the media.

➤ **REHABILITATION OF THE VICTIM**

- Female victim needs help in rehabilitation. Rehabilitation has to be in four folds i.e. physical, mental, psychological and social.
- Victim is likely to suffer social stigma and possible alienation from the family. Necessary counselling to her and her family members should be provided.
- Victim is entitled to compensation under "The Odisha Victim Compensation Scheme -2017" as per, Home Department, Notification No. 12187 dated 31.03.2017. Victim should be apprised of the provision of this scheme for getting compensation.

➤ **SUBMISSION OF CHARGE SHEET**

- ✓ All offences against women shall be promptly investigated and charge sheets should be filed in the court of law within sixty days.
- ✓ In exceptional cases, where it is not possible to submit the charge-sheet within 60 days for genuine reasons, written permission for the same must

be obtained from the SP of the district/establishment. SP shall accord such permission only after examining the reasons and the reasons should be recorded in writing. Such extension of time should not be routine in nature and should be granted only in exceptional case with adequate justification.

- ✓ At no point of time, quality of investigation should be compromised. All such cases should be promptly and automatically supervised by DySP who should associate himself in day to day investigation, including arrest of the accused. Orders for charge sheet should be issued after due scrutiny of compliance to ensure that the investigation does not suffer from any lacuna or omission.
- ✓ Views and opinions of PP/Addl.PP should be taken before filing of charge sheets.

TRIAL OF CASES

Specific instructions for trial of RED FLAG cases have been issued and circulated vide PCO 352/ 2014. However, the following instructions may be scrupulously followed:-

- ✓ One officer, ideally the IO of the case should be appointed as Holding IO to monitor the progress of trial of the case. He/ she shall submit Progress Report on each date of trial which should be put up to the Supervising Officer or the SP.
- ✓ It is the responsibility of the HIO to ensure timely production of prosecution witnesses for briefing by the PP/APP. He shall also ensure physical availability relevant records and material objects at the time of trial.
- ✓ In sensitive cases, Special Counsel can be engaged to conduct trial of the

case for which SP may submit a proposal alongwith consent letter of the lawyer containing terms and conditions of appointment, to the CID, Crime Branch.

- ✓ Service of summons should be monitored to ensure presence of witnesses. Witnesses should be properly briefed and their memory refreshed so that they depose before the court correctly and fearlessly.
- ✓ During trial, safety and security of the victim and witnesses should be ensured.
- ✓ Trials may be expedited as per Section 309 Cr.PC with help of PPs.

Amendments have also been made in the Indian Evidence Act, 1872 and Protection of Children from Sexual Offences Act, 2012, which are required to be strictly complied with.

PREVENTIVE MEASURES :-

➤ Besides the above, the District Police shall have a "**Zero tolerance towards Crime against Women**". Preventive policing and patrolling shall be introduced in crime-prone areas like near schools, colleges, hostels, market p[laces, isolated places frequented by young persons etc. The action taken on the measures suggested above will be reviewed by State Police Headquarters and Crime Branch on a regular basis hence-forth.

Sd/-

Additional Director General of Police
CID/Crime, Odisha.

Memo No. 10701 /CID-SR"W" dated 17.04.2018

Copy forwarded to Commissioner of Police, Cuttack-Bhubaneswar / all range IsGP/DIsGP/ IGP ,Rlys Cuttack for kind information please.


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