

F. NO.15011/48/2009-SC/ST-W
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

New Delhi, the 4.9.2009

OFFICE MEMORANDUM

Subject: Advisory on Crime against Women – Measures needed to curb –regarding

The Government of India have been advising the State Governments from time to time regarding the steps that need to be taken to afford a greater measure of protection to the women and in particular to prevent incidence of crimes against them. The advisories issued earlier with particular reference to the crime against women vide D.O. letters No.15018/214/94-GPA.VI dated 17.4.1995, No.24013/65/96-GPA.VI dated 12.9.1996, No.15018/214/96-GPA.VI dated 18.3.1997, No.24013/84/97-GPA.VI dated 6.10.1997, No.24013/50/98-GPA.VI dated 8/11.9.1998 and No.24013/83/2001-GPA.VI dated 19/26.3.2002, No.15011/21/2004-SC/ST-Cell dated the 5th May, 2004, 15011/55/2007-SC/ST-W, dated 17th August, 2007 may be referred to in this regard.

2. These advisories, inter-alia, include gender sensitization of the police personnel, adopting appropriate measures for swift and salutary punishment to public servants found guilty of custodial violence against women, minimizing delays in investigations of murder, rape and torture of women and improving its quality, setting up a ‘crime against women cell’ in districts where they do not exist, providing adequate counseling centers and shelter homes for women who have been victimized, setting up of special women courts, and improving the effectiveness of schemes developed for the welfare and rehabilitation of women who are victimized with greater emphasis on income generation to make the women more independent and self-reliant.

3. Through the aforesaid advisories, the State Governments were also requested to undertake a comprehensive review of the effectiveness of the machinery in tackling the problem of women and to take appropriate measures aimed at increasing the responsiveness of the law and order machinery. No doubt, some State Governments have taken some measures in this regard, however, the inputs regarding crime against women available with this Ministry indicate that these measures need to be strengthened further, so that the women folk feel secure, enjoy their human rights and live their life with dignity and respect that they deserve. Despite several steps being taken by the State Governments, picture still is very grim and disappointing. Complaints are still being received regarding non-registration of FIRs and unsympathetic attitude of police personnel towards rape victims and victims of violence.

4. The National Commission for Women has been undertaking visits to various States to review the status of women and has also been conducting its own investigations in certain cases

of serious incidents of crime against women. The Commission has been making available findings of their inquiry to the concerned State Governments as well as to this Ministry. The reports of the inquiries conducted by the Commission in these specific incidents indicate that the level of sensitiveness and care with which crime against women should be handled is not up to the desired level. The Commission has pointed out laxity and insensitiveness on the part of certain police officials in some specific cases. The Commission has observed that filing of FIRs even in heinous cases continues to be a problem. Some critical observations & recommendations made by the National Commission of Women in its various reports of investigations into major incidents of crime against women are annexed herewith.

5. In its Fifth Report, the Second Administrative Reforms Commission titled 'Public Order' have emphasized the need to combat crimes against vulnerable sections of the society, particularly women and children and has given a number of important recommendations. The Government of India is deeply concerned with the trends mentioned in para 4 above and ground situation and would therefore re-emphasize that urgent action should be taken on the following:-

- i. Vigorously enforce the existing legislation relating to Crime against Women and Children, i.e., Dowry Prohibition Act, 1961, Child Marriage Restraint Act, 1929, Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987 and Violence against Women (Prevention) Act, 2005, Section 67 of the IT Act, 2000, the display of lascivious photographs/films on computer through internet, etc. Major offences under IPC, 1860 which provide punishment for offences against women are (i) Section 302/304-B (Homicide for dowry, dowry death or their attempts) (ii) Section 354 (Assault or criminal force to women with intent to outrage her modesty, (iii) Section 376 (rape); (iv) Section 498 (enticing or taking away or detaining with criminal intent a married women); and (v) Section 498-A (husband or relatives of husband of a women subjecting her to cruelty); and Section 509 (sexual harassment - word, gesture or act intended to insult the modesty of women). Further, Section 376(2)(a) & (b) of the IPC provides for higher minimum punishment in cases of rape committed by a police officer and public servant on a woman in custody.
- ii. Government must ensure proper enforcement of law and convictions in women related crimes. Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker and vulnerable sections including women and children should not be downplayed for fear of further disturbances or retribution and adequate preparation should be made to face any such eventuality.
- iii. The administration and police should play a more proactive role in detection and investigation of crime against women and ensuring that there is no under reporting.
- iv. Increasing the overall representation of women in police forces. The representation of women in police at all levels should be increased through affirmative action so that they constitute about 33% of the police.
- v. Sensitizing the law enforcement machinery towards crime against women by way of

well structured training programmes, meetings and seminars etc., for police personnel at all levels as well as other functionaries of the criminal justice system. Such programmes may be incorporated in the syllabus of various Police Training Academies at all levels.

- vi. Government must take concrete steps to increase awareness in the administration and among the police in particular, regarding crime against women, and take steps not only to tackle such crimes but also deal sensitively with the ensuing trauma.
- vii. For improving general awareness on legislations, mechanisms in place for safety and protection of women, the concerned department of the State Government must, inter-alia, take following steps:
 - a. Create awareness through print and electronic media;
 - b. Develop a community monitoring system to check cases of violence, abuse and exploitation and take necessary steps to curb the same;
 - c. Involving the Community at large in creating and spreading such awareness; and
 - d. Organize legal literacy and legal awareness camps.
- viii. Explore the possibility of associating NGOs working in the area of combating crime against women. Citizens groups and NGOs should be encouraged to increase awareness about gender issues in society and help bring to light violence against women and also assist the police in the investigation of crime against women. Close coordination between the police and the NGOs dealing with the interests of women may be ensured.
- ix. There should be no delay whatsoever in registration of FIR in all cases of crime against women.
- x. All out efforts should be made to apprehend all the accused named in the FIR immediately so as to generate confidence in the victims and their family members;
- xi. Cases should be thoroughly investigated and charge sheets against the accused persons should be filed within three months from the date of occurrence, without compromising on the quality of investigation. Speedy investigation should be conducted in heinous crimes like rape. The medical examination of rape victims should be conducted without delay.
- xii. Ensure proper supervisions at appropriate level of cases of crime against women from the recording of FIR to the disposal of the case by the competent court.
- xiii. Help-line numbers of the crime against women cells - should be exhibited prominently in hospitals/schools/colleges premises, and in other suitable places.
- xiv. Set up exclusive 'Crime Against Women and Children' desk in each police station and the Special Women police cells in the police stations and all women police thana as needed.

- xv. Concerned departments of the State Governments could handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counseling, legal assistance and rehabilitation. Preferably these victims may be handled by women so as to provide a certain comfort level to the rape victims.
- xvi. The specialized Sexual Assault Treatment Units could be developed in government hospitals having a large maternity section.
- xvii. The Health department of the State Govts., should set up 'Rape Crisis Centres' (RCCs) and specialized 'Sexual Assault Treatment Units' (SATUs), at appropriate places.
- xviii. Rape Crisis Centres (RCCs) set up by the Health Deptt. could assist rape victims and provide appropriate level of coordination between the police and health department facilities for medical examination to establish forensic evidence, SAT Units and medical facilities to treat after effects of sexual assault. Hence, these RCCs could act as an interface between the victims and other agencies involved.
- xix. The administration should also focus on rehabilitation of the victims and provide all required support. Counseling is required for victim as well as her family to overcome the trauma of the crime. The police should consider empanelling professional counselors and the counseling should not be done by the police. The effectiveness of schemes developed for welfare and rehabilitation of women who have been victimized should be improved.
- xx. For improving the safety conditions on road, the concerned departments of the State Government must take suitable steps to:
 - a. Increase the no. of beat constables, especially on the sensitive roads;
 - b. Increase the number of police help booth/kiosks, especially in remote and lonely stretches;
 - c. Increase police patrolling, especially during the night;
 - d. Increase the number of women police officers in the mobile police vans;
 - e. Set-up telephone booths for easy access to police;
 - f. Install people friendly street lights on all roads, lonely stretches and alleys; and
 - g. Ensure street lights are properly and efficiently working on all roads, lonely stretches and alleys.
- xxi. The local police should arrange for patrolling in the affected areas and more especially in the locality of the weaker sections of the society. Periodic visits by DM & SP will create a sense of safety and security among these sections of the people.
- xxii. Special steps to be taken for security of women working in night shifts of call centers.

- xxiii. Crime prone areas should be identified and a mechanism be put in place to monitor infractions in schools/colleges for ensuring safety and security of female students. Women police officers in adequate number fully equipped with policing infrastructure may be posted in such areas.
- xxiv. Action should be taken at the State level to set up of Fast Track Courts and Family Courts.
- xxv. Dowry related cases must be adjudicated expeditiously to avoid further harassment of the women.
- xxvi. Appointment Dowry Prohibition Officers and notify the Rules under the Dowry Prohibition Act, 1961.
- xxvii. All police stations may be advised to display the name and other details of Protection Officers of the area appointed under the Domestic Violence Act, 2005.
- xxviii. Police personnel should be trained adequately in special laws dealing with atrocities against women. Enforcement aspect should be emphasized adequately so as to streamline it.
- xxix. Special steps may also be taken by the police in collaboration with the Health and Family Welfare Department of the State to prevent female foeticide.
- xxx. Special steps should also be taken to curb the 'Violation of Women's Rights by so called Honour Killings, to prevent forced marriage in some northern States, and other forms of Violence'.
- xxxi. Ensure follow up of reports of cases of atrocities against women received from various sources, including NCW & SCW, with concerned authorities in the State Governments.

6. 'Public Order' and 'Police' as per the 7th Schedule of the Constitution of India, are State subjects and, as such, detection, registration, investigation and prevention of crime is primarily the responsibility of the State Governments. However, Central Government supplements the efforts of the State Governments by providing financial assistance for modernization of the State Police Forces in terms of weaponry, communication, equipment, mobility, training and other infrastructure under the Scheme of Modernization of State Police Forces.

7. You are requested to issue suitable directions to all concerned under intimation to this Ministry. It is further requested that action taken in this regard may be reviewed by the State Governments and UT administrations and a report indicating the present status sent to this Ministry within a month.

8. This advisory is being issued in consultation with the Ministry of Women and Child Development.

The receipt of this letter may kindly be acknowledged immediately.

Yours faithfully,

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Government of India
Ministry of Home Affairs, North Block
New Delhi - 110001
Tel. No. 23092630

To,
**The Chief Secretaries &
The Principal Secretary / Secretary (Home)
All State Governments and Union Territory Administrations.**

Copy also for information and necessary action to:

- i. The DGs / IGs (In-charge of Prisons) - All State Governments / UTs for information and necessary.
- ii. Ministry of Social Justice and Empowerment (Sh. D.V.S. Ranga, Joint Secretary), Shastri Bhawan, New Delhi.
- iii. Chairperson, National Commission for Women, 4, Deen Dayal Upadhyaya Marg, New Delhi-110 002
- iv. Ministry of Women and Child Development (Mrs. Manjula Krishnan, Advisor MWCD) Shastri Bhawan, New Delhi.
- v. Director, NCRB, RK Puram, New Delhi.

(Nirmaljeet Singh Kalsi)
Joint Secretary to the Govt. of India