

No. 24013/311/2019-SC/ST-W
Government of India
Ministry of Home Affairs
(WS Division)

2nd Floor, Open Gallery Building,
M.D.C. National Stadium, New Delhi.
Dated: 3rd December, 2019

To

1. Principal Secretary (Home)/ Additional Chief Secretary (Home)/ Home Secretary of all State Governments including UT of GNCTD and Puducherry.
2. Office of Administrator of UT of Chandigarh, Daman & Diu, Dadra & Nagar Haveli, Andaman & Nicobar Islands, Jammu & Kashmir, Ladakh and Lakshadweep

Subject:- Suo Moto Writ Petition (Criminal) No. 1/2019 regarding "Alarming rise in the number of reported child rape incidents" - reg.

Sir/ Madam,

I am directed to forward a copy of the order of Hon'ble Supreme Court of India dated 13-11-2019 in Suo Moto Writ (Criminal) No. 1/2019 regarding "Alarming rise in the number of reported child rape incidents". Hon'ble Supreme Court has noted that time taken in completion of investigation in 20% of the POCSO cases is more than one year. It has also noted that police takes more than 30 days to deposit samples with Forensic Science Laboratories in 49% of the cases. The Apex Court has expressed serious concerns. The Court has held that "*one of the major reason for the inability to meet the deadline stipulated under the Act is lack of awareness and lack of dedication in completing investigation, etc. within the time frame stipulated and also inadequacy of the number of courts which has resulted in cases remaining pending beyond the period mandates for completion of trial under the Act*". The Apex Court has directed "*...all the State Governments as well as the Union of India to do what is required to be done to ensure that all stages of investigation as well as trial, as contemplated under the Act, are completed within the time frame by creation of additional force for investigation. We further direct the Union of India and the State Governments to take steps for sensitization of officials associated with the investigation and also for creation or assignment of dedicated courts to try POCSO cases on top priority so that charge-sheets are filed within the mandatory period and trials are completed within the time frame contemplated under the Act*".

... 2/-

2. I am directed to further state that the Government of India in 2018 approved the Criminal Law (Amendment) Act 2018, prescribing stringent provisions for sexual offence, including award of death penalty in the rape of a girl below 12 years of age. The Amendment to the Code of Criminal Procedure (CrPC), prescribed a time limit of two months (60 days) for completion of investigation. State Governments and Union Territories may take necessary steps to ensure compliance of orders of the Supreme Court, including completion of investigation within the prescribed time frame by deployment of additional force for investigation in POCSO cases, where required.

3. It is also brought to the notice of States/ Union Territories that the Bureau of Police Research and Development (BPR&D) is regularly conducting training courses for police officials on sensitivity in dealing with investigation of Crime against Women cases/ Rape cases (which covers investigation in POCSO cases also). These courses are also being held in Central Detective Training Institutes (CDTIs). Details are available on the website of BPR&D. A list of upcoming courses in BPR&D is as below:

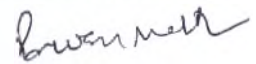
Sl. No.	Name of the course	Rank	Duration
1.	Investigation of CAW Cases & their safety related issue	SI/INSP/Dy. SP	06.01.2020 to 10.01.2020
2.	Investigation of CAW Cases & their safety related issue	SI/INSP/Dy. SP	27.01.2020 to 31.01.2020
3.	Investigation of Rape Cases	SI/INSP/Dy. SP	11.02.2020 to 13.02.2020
4.	Investigation of CAW Cases & their safety related issue	SI/INSP/Dy. SP	17.02.2020 to 21.02.2020
5.	Investigation of Rape Cases	SI/INSP/Dy. SP	03.03.2020 to 05.03.2020

4. Since forensic evidence plays a critical role in ensuring better convictions, especially in sexual assault cases including POCSO cases, BPR&D is conducting a course on handling forensic evidence in sexual assault cases for Investigation Officers and Prosecutors. Further, BPR&D has also distributed Sexual Assault Evidence Collection Kits to States/UTs as part of this training for orientation. At the same time, Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences (LNJN NIC&FS) has been conducting courses for Medical Officers from States/UTs in collection of evidence in sexual assault cases.

5. In view of the above, it is requested that necessary directions may be issued to ensure:

- (i) Deployment of additional force for investigation in POCSO cases, where required;
- (ii) adequate sensitization of Police officials associated with the investigation of POCSO cases on top priority so that charge-sheets are filed in a timely manner to facilitate completion of trials within the time frame contemplated under the Act;
- (iii) nomination of all Police officials concerned for the training programmes in BPR&D/CDTI; and
- (iv) conduct of training programmes for Police on investigation and dealing with POCSO cases at the State level as a special drive.

Yours faithfully



(Pawan Mehta)

Deputy Secretary to the Govt. of India

Tele: 23075293

Encl.: As above.

Copy to:

DG, BPRD, Mahipalpur, New Delhi- With a request to coordinate with states/UTs and also to ensure necessary action.