

No. 15011/126/2020-SC/ST-W

Government of India  
Ministry of Home Affairs  
(WS Division)

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2nd Floor, Open Gallery Building,  
M.D.C. National Stadium, New Delhi.

Dated 29<sup>th</sup> July, 2020

To

- (i) Chief Secretaries of all State Governments including Governments of Delhi and Puducherry
- (ii) Administrators of DD, DNH, A&N, Lakshadweep, Chandigarh, Jammu & Kashmir and Ladakh

**Subject: -Advisory on Guidelines and SOP for preventing and combating crimes against weaker sections of the society including women, children and Scheduled Castes/ Scheduled Tribes - reg.**

Sir/ Madam,

The National Human Rights Commission has taken suo moto cognizance of a matter relating *inter-alia* to sexual exploitation of vulnerable sections of the society and directed that SOP be issued to ensure that these vulnerable classes of the society are not subjected to such inhumantreatment due to inaction by the police or civil authorities.

2. Government of India has issued various advisories to the States/Union Territories for strengthening measures for the safety and security of women and SC/STs. These advisories, inter-alia, include sensitization and training of the police personnel/ law enforcement agencies; minimizing delays in investigation and improving quality of investigation; programmes for creating awareness among vulnerable sections of the society; legal recourse open to them; adopting appropriate measures for swift and salutary punishment to public servants found guilty of neglect of duty; setting up of special courts; improving effectiveness of schemes for the welfare and rehabilitation of victims of crime, gender sensitization of police personnel, participation of general public/NGOs in women safety, conducting medical examination of victims without delay and increasing representation of women in police forces etc. Your attention is invited to the DO No.1(8)/2018-WS-IV (CCTNS) dated 18 July 2020 from the Home Secretary, GOI, to regularly review the projects for women safety for successful and timely implementation for strengthening the effectiveness of criminal justice system.

3. The Ministry of Home Affairs has recently issued a comprehensive advisory on trafficking of women and children, especially during the times of COVID-19 pandemic vide letter No. 24013/4/2020-ATC dated July 6, 2020. This advisory is regarding trafficking and exploitation of women and young girls and the steps necessary to curb the crime of trafficking and exploitation of these hapless victims and need to create awareness, provide training to police personnel, involvement of Panchayats, Village Watch and Ward, Beat officers, intelligence and surveillance activities, keeping a watch on local Bus Depots, Railway Stations, making use of

CCTNS, CriMAC application, Child Helpline etc. The Government of India has released Rs. 100 crore in the month of March, 2020 to all States and UTs for upgrading and establishing Anti Human Trafficking Units, which function as 'Integrated Task Force' in each district of the State, covering 100% districts of all States and UTs.

4. The Government of India have also taken several initiatives for the safety and security of women, which include – implementation of Emergency Response Support System (ERSS), establishing National Database on Sexual Offenders (NDSO) to facilitate better investigation, setting up of women Help Desk etc. Several laws for combating crimes against weaker sections have also been strengthened such as the Protection of Women from Domestic Violence Act, 2005; The Indecent Representation of Women (Prohibition) Act, 1986; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Juvenile Justice (Care and Protection of Children) Act, 2015, the Commissions for Protection of Child Rights Act, 2005, the Protection of Children from Sexual Offences Act, 2012, the Protection of Children from Sexual Offences Amendment Act, 2019, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amendment in 2015 and 2018 to make it more effective).

5. Funds have also been released to States/UTs for setting up/ strengthening of Women Help Desks in Police Stations under Nirbhaya Fund. The Desk envisages to have enlisted panel of experts like lawyers, psychologists, NGOs who can provide shelter, rehabilitation and training etc for accessing the outside support and will register, transfer the cases to the concerned authorities and follow up the case giving required assurance and support to the women approaching them. **The State Governments have been requested to operationalize the Women Help Desks in Police Stations at the earliest.**

6. To strengthen the law enforcement response against exploitation of women, children and weaker sections like SC and ST etc, the State Governments should evolve a coordination mechanism among various Departments in the States and UTs. This mechanism may be monitored at the highest level in the States/Us. **The following steps may be taken in this regard as a Standard Operating Procedure:**

- (a) Response mechanism should be set up to promptly deal with incidents of crime against vulnerable, oppressed and deprived sections of society.
- (b) Crime prone areas should be identified and a mechanism be put in place to monitor these areas by police for ensuring safety and security. Adequate Police Officers should be deployed in these areas.
- (c) Intensive patrolling in the hot-spots, especially in the locality of the weaker sections, which should be visited by senior officers periodically to instill a sense of safety and security among the people;
- (d) Increase the number of beat constables, especially on crime-sensitive roads and police patrolling during night;
- (e) Increase the number of police help booths/ kiosks, especially in remote and lonely stretches; increase the number of women police officers in the mobile police vans;
- (f) Sensitizing the law enforcement machinery through structured training programmes for police personnel at all levels as well as other functionaries of the criminal justice system;

- (g) The State Government should take adequate measures for the economic and social rehabilitation of the victims of crime particularly women, SC/STs and other weaker sections of society;

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- (h) The State Government should ensure that all placement agencies in their region are registered, so as to prevent trafficking of children for child labour/ bondedlabour/ domestic servitude.
- (i) Transit points such as railway stations and bus stops should be kept under continuous surveillance to curb child/ woman trafficking;

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- (j) ~~Explore the possibility of associating NGOs and panchayats in the area of combating crime against women, SC/STs etc. with close coordination between them and police;~~
- (k) There should be no delay in registration of FIR in all cases of crime against women, human trafficking and SC/STs so as to generate confidence among them. Cases should be promptly investigated and charge sheets against the accused persons filed promptly;
- (l) Targeted actions should be taken with meticulous planning before rescuing the victim, during the process of rescue, prosecution and for rehabilitation and reintegration of the victims. A monitoring and accountability mechanism must be set up with overarching powers to monitor each stage of anti human trafficking actions.
- (m) Help-line numbers of the crime against women cells and ERSS 112 should be exhibited prominently in hospitals/schools/ college premises/Railway Stations/Bus Stations/ Panchayat Bhawans/ Airports/Taxi Stands/Cinema halls and in other prominent places;
- (n) Counseling through professional counselors for victims as well as her family may be organized to overcome trauma of crime;
- (o) Steps may be taken for awareness generation among police regarding sensitively handling of crimes against children and women. For this the local police may collaborate with Childline-1098 Service (which is an emergency service catering to the needs of children in emergency situations), NGOs, etc.;
- (p) The information about Emergency Response Support System which provides a pan-India, single internationally recognized number (112) based system for all emergencies and is computer aided dispatch system to help the women in distress, may be widely disseminated;
- (q) **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act)** has been amended in 2015 to make it more effective. New offences such as tonsuring of head, moustache, or similar acts, which are derogatory to the dignity of members of Scheduled Castes and Scheduled Tribes have been added. The punishments have also been enhanced. Provisions for Special Courts and speedy trial have been added. The Act was further amended in 2018. **Section 18A has been inserted whereby conduct of preliminary enquiry before registration of FIR, or to seek approval of any authority prior to arrest of an accused, is no longer required.** The provision of the PoA Act may be implemented in letter and spirit;
- (r) Meetings of SC/ST Protection Cells, which have been set up in States/ UTs, may be convened regularly;
- (s) States/UTs should take steps to increase women representation in Police to 33%. The Central Government has already provided for reservation of 33% for women horizontally and in each category in direct recruitment in non-

Gazetted posts from Constable to Sub-Inspector in the Police forces of all the Union Territories;

- (t) States/UTs may adopt and implement the initiative Mahila Police Volunteer (MPV), which is an interface between public and police, that can be approached by women in distress for seeking assistance and support;
- (u) The State Governments should ensure enforcement of law particularly in crimes relating to vulnerable sections. Enforcement agencies should be instructed in unambiguous terms that enforcement of the rights of the weaker and vulnerable sections including SC, ST women and children should be ensured. Police should play a more proactive role in detection and investigation of crime against women.

7. The aforementioned steps are indicative and illustrative in nature. SOPs of UNODC/ MHA on prevention and investigation of human trafficking cases, "A Handbook on the legal processes for the police in respect of Crimes against Children" and other manuals/ SOPs available on the websites of BPR&D, MHA and NHRC may be made use of. States and UTs may implement further strategies to counter and curb crimes against these vulnerable groups and the same may be incorporated in the Standard Operating Procedures customized to meet the State requirements.

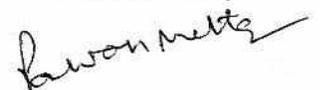
8. Nominations may be made for training and sensitization programmes on crimes against vulnerable sections of society organized by BPR&D, CDTIs, etc. Similar programmes may also be organized at the level of States/UTs as well.

9. In this context, attention is invited to section 166A of the Indian Penal Code, 1860, section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989, and section 21 of the Protection of Children from Sexual Offences Act, 2012, for non-compliance by a public servant to act in terms of the directions in law. These may be adequately informed to the implementing officers.

10. In view of the above, I am directed to request you to issue State/ District level Standard Operating Procedure and sensitize officers at all levels to combat these crimes and prevent victimization of vulnerable persons especially women, children and Scheduled Castes/ Scheduled Tribes. It is also requested that an Action Taken Report may be sent to the Ministry.

11. This issues with the approval of the competent authority.

Yours faithfully



(Pawan Mehta)

Deputy Secretary to the Govt. of India

Tele: 23075293

**Copy for information and necessary action to:**

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



(Pawan Mehta)

Deputy Secretary to the Govt. of India