Former Judge Delhi High Court

Theirperson

Sice Usha Mehra Commission of Inquiry



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REPORT OF

JUSTICE USHA MEHRA (RETD.)

APPOINTED UNDER THE COMMISSION OF ENQUIRY ACT, 1952

TO ENQUIRE INTO VARIOUS ASPECTS OF THE INCIDENT OF RAPE DATED 16TH DECEMBER, 2012 TO IDENTIFY THE LAPSE ON THE PART OF POLICE, ANY AUTHORITY OR THE PERSON AND ALSO TO GIVE SUGGESTIONS TO IMPROVE THE SAFETY AND SECURITY OF WOMEN.

DATED: 22/02/2013

Justice Usina Menra J Former Judge Delhi High Court

Chairperson

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February 22, 2013

Dear Home Minister,

That the Central Government, vide Ministry of Home Affair Notification, New Delhi dated 26.12.2012, appointed a Commission of Enquiry under the Commission of Enquiry Act, 1952. In terms thereof, the undersigned was required to submit the report to the Central Government on the terms of reference made in the aforesaid Notification.

Accordingly, the report has been prepared and is enclosed herewith.

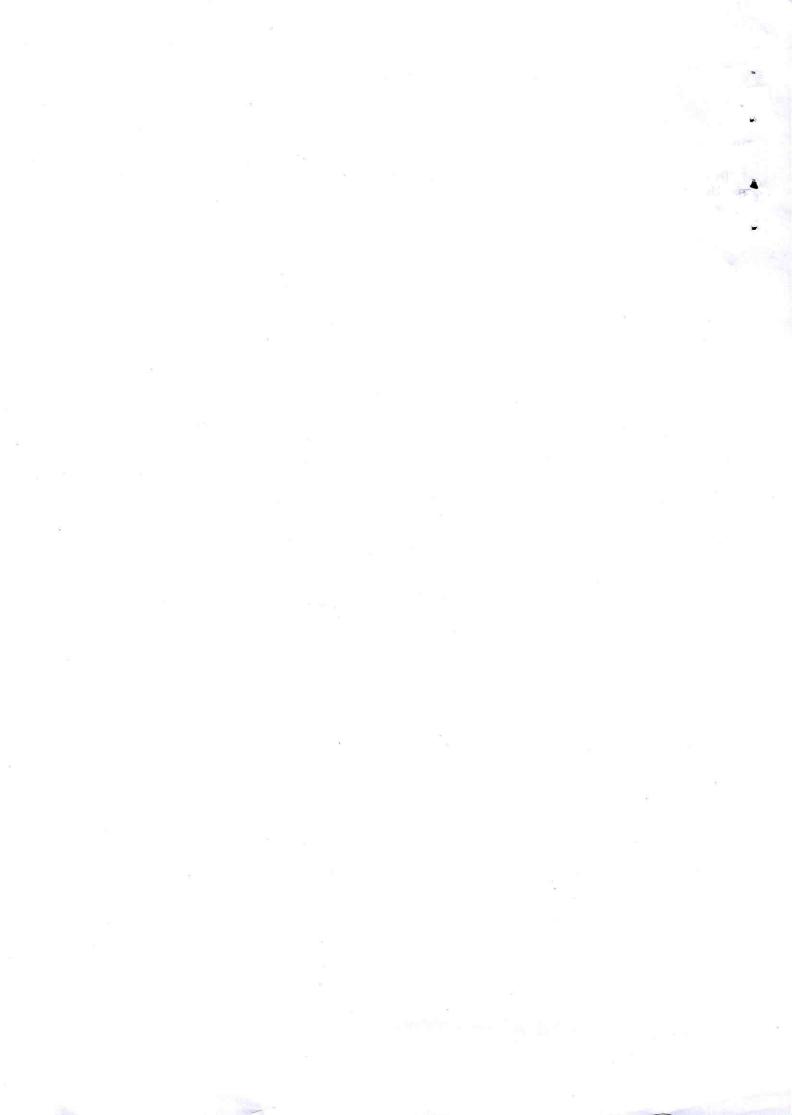
Your's Sincerely,

(Usha Wiehra)

Hon'ble Mr.Sushil Kumar Shinde Ministry of Home Affairs, North Block, New Delhi.

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ACKNOWLEDGEMENTS

In response to this Commission's public notice inviting suggestions, suggesting measures to improve the security and safety of women in the National Capital Territory and National Capital Region, the Commission received overwhelming response from students and teachers of University of Delhi, JNU, Students of Chennai, individuals and professionals from Chennai, Mumbai and Kolkata, All India Women's Conference and other, Women's groups, academia, retired army personnel, eminent persons and public at large. The Commission gratefully acknowledges the same and have also used the valuable suggestion made by them;

The Commission acknowledges the assistance rendered by Ms. Payal Chawla, Advocate and Ms. Aastha Bharadwaj, Legal Trainee of HSA Advocates; Ms. Nargis Raj Kumar and Mr. Sanjay Jain, Senior Advocate;

The Commission also acknowledges the services rendered by the Counsel appointed by the Ministry of Home Affairs as counsel of this Commission, namely Mr. Puneet Mittal, Advocate Delhi High Court, Mr. Shubham Asri and Mr. Vikas Garg, Advocates.

The Commission also acknowledges the valuable suggestions given by the representatives of District Heads of Police of NCR Region as well as Mr. Vijay Panjwani, Advocate and Ms. Lise Grande, UN Resident Coordinator & UNDP Resident Representative and Ms. Alka Narang of UNDP, New Delhi.

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A 23-year old girl, an aspiring paramedic, was taking a break from her studies on a Sunday, the 16th December, 2012 evening by going to watch a movie with her friend. A few hours later, around 9:00 p.m. she finds difficulty in finding transportation to her way back home. Trouble begins there itself. She did find a bus, not a regular one, but without sensing anything amiss, boards it. But never in her worst nightmares would she have imagined what transpired thereafter. She was brutally raped by six men inside the bus, and the inhumanity did not end there, an iron rod was forced into her body which totally destroyed her intestine. Not only was she raped but her life was also put into danger. While rapes have almost become a frequent occurrence in our country, some reported in newspapers or TV, while others remain unaccounted, this particular case struck a chord with the common people, particularly the youth. Not only because the incident occurred in the heart of Delhi, the capital city, but the extreme brutality shown by those six men shocked people at large, and last but not the least, the girl's determination to fight till her last breath, stirred up people emotions, who came out in hordes and organized protest marches and demanded immediate justice.

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Ministry of Home Affairs, vide notification dated 26th December, 2012 appointed a Commission of Enquiry under the Commission of Enquiry Act, 1952 for the purpose to ascertain various aspects of the shocking incident of rape and brutal assault of a young woman in Delhi on 16th December 2012.

The terms of reference reads;

- a) To inquire, into various aspects of the shocking incident of rape and brutal assault of a young women in Delhi on 16th December, 2012; identify the lapses, if any, on the part of the police or any other authority or person that contributed to the occurrence and fix responsibility for the lapses and negligence on the part of the police or any person;
- b) To suggest measures to improve the safety and security of women, particularly in the National Capital Territory of Delhi and National Capital Region.

The Government of India, Ministry of Home Affairs appointed Shri S.M. Aggarwal, Additional District and Sessions Judge, Delhi (Retd.) as convener of this Commission. This Commission appreciates and acknowledges the valuable contribution made by Mr. S.M. Aggarwal.

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1) Reference No. I to the Commission of Enquiry:

The rape victim named 'Nirbhaya 'and her male companion had taken a TSR from Select City Mall, Saket and reached Munirka at about 9.00 P.M. on 16.12.2012. According to male companion, Mr. Awninder Pratap Pandey who appeared before this Commission they had tried to engage a TSR upto Dwarka from the Select City Mall. They had requested 4-5 of them, but all of them had refused to go upto Dwarka. Victims, therefore, finally took one of the TSR upto Munirka in the hope that they would be able to board the bus of Route No.764 which directly goes to Dwarka. Victims found 2-3 auto rickshaws at Munirka Bus Stand also but even drivers of those TSR refused to take them to Dwarka.

Had, one of the drivers of auto rickshaws at Select City Mall or at Munirka Bus Stand performed his duty to carry these two victims to Dwarka by observing the condition of permit by not refusing the passenger to be carried to his destination, this incident might not have happened.

'Nirbhaya' is not real name of the victim. This is alias given to protect her identity.

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Million dollar question which arises is as to why auto rickshaw drivers in Delhi refuse to take passengers to their destination. The answer is very simple, because auto rickshaw drivers are not afraid of law or the Delhi Traffic Police or Enforcement Division of Transport Department of NCT of Delhi.

According to the Motor Vehicle Act, 1988, officers above the rank of Assistant Sub Inspector are authorized to enforce the traffic rules enshrined in the Motor Vehicle Act, Central Motor Vehicle Rules, Delhi Motor Vehicle Rules and Rules of the Road Regulations etc.

In CWP No. 13029 of 85 in the matter of M.C.Mehta vs Union of India & Ors., the Hon'ble Supreme Court of India vide judgment dated 20.11.1997 had directed the Govt. to notify and empower officers of the rank of Assistant Commissioner of Police and above to exercise powers under Section 86 and 84 of the Motor Vehicle Act, 1988.

In pursuance of these directions the State Transport Authority Delhi vide its Resolution No.1/98 dated 19.05.1998 conferred powers on the officers of the rank of Assistant Commissioner of Police (ACPs) and

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above to suspend the permit of vehicles found violating the permit conditions including conditions laid down by the Hon'ble Supreme Court of India.

In Delhi there are 9 Traffic Districts on the lines of 9 Revenue Districts and each is headed by Assistant Commissioner of Police (Traffic). One Deputy Commissioner of Police (Traffic) is incharge of the traffic police range. When any vehicle is seen violating the permit conditions including specific directions/ guidelines of the Hon'ble Supreme Court of India which also tantamount to violation of permit conditions such vehicles can be prosecuted under Section 66(1) read with section 192 A of the Motor Vehicle Act. The vehicle can also be impounded under Section 207 of Motor Vehicle Act. Section 192A carries a fine of Rs.5,000/- and for any subsequent offence fine upto Rs.10,000/- with imprisonment upto one year can be imposed. The offence is noncompoundable.

The Secretary-cum-Commissioner Transport, Govt. of NCT of Delhi vide Notification No. 19(80)/ Tpt./ Sectt./2008/733 dated 11.11.2008 had delegated powers and authorized officers of the rank of Head

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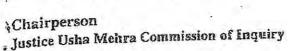
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Constable or above of Delhi Traffic Police to compound traffic offences under Section 177 of Motor Vehicle Act. Officers of the rank of Assistant Sub Inspector or above of Delhi Traffic Police to compound most of the remaining traffic offences.

Refusal by the TSR driver to carry passengers to their destination as per Public Notice dated 24.07.2008 issued by the Transport Department, Govt. of NCT of Delhi, tentamounts to violation of permit conditions of the TSR for which TSR driver can be prosecuted for violation of Section 66(1) of Motor Vehicle Act punishable under Section 192A. Apart from prosecution the permit of TSR can be suspended or cancelled under Sectio 207 of the Motor Vehicle Act.

Prosecution of TSR drivers for violation of traffic laws including refusal to carry passengers to their destination is done by the officers of Delhi Traffic Police as well as by Enforcement staff of the Transport Department of Govt. of NCT of Delhi.

It has come in the evidence of Shri Prem Nath, Deputy Commissioner of Police (Traffic) South range who was examined by this Commission that TSR driver who refuses to carry passenger to his Justice Usha Mchro F mer Judge Delhi High Court

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destination can be challaned for violation of Sections 3, 4, 39 or 66(1) of Motor Vehicle Act which also entails suspension or cancellation of permit. He also accepted that refusal to carry a passenger to his destination amounts to violation of permit condition. He, however stated that as per practice of Delhi Traffic Police till date TSR driver is challaned only under Section 177 of Motor Vehicle Act (read with Rule 11.9 of Delhi Motor Vehicle Rules) which attracts fine of Rs.100/-only. As per notification of Secretary-cum-Commissioner Transport this offence can be compounded for Rs.90/-and subsequent offence which attracts fine of Rs.300/- can be compounded for Rs.270/-.

When Shri Prem Nath was questioned as to why Delhi Traffic Police is not invoking provision of Sections 3, 4,39 or 66(1) of Motor Vehicle Act which attracts fine of Rs.5,000/- for the first offence and fine of Rs.10,000/- under Section 192 or 192A for the subsequent offence with provision of suspension or cancellation of the permit also. He had no answer except to say these provisions went unnoticed by the traffic police and that this practice has been going on for a long time and is being followed till date. Even

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now traffic police is challaning TSR driver for an offence of refusal under Section 177 of Motor Vehicle Act with fine of Rs.100/- only.

In this connection, Addl. Commissioner of Transport, .
Shri S.M.Ali was also examined by this Commission.
He could not quote even a single instance where TSR driver had been challaned by the Enforcement staff of Transport Department under Section 66(1) read with Section 192A for refusing the passangers to carry them to their destination.

Commission is at loss to see any sensible reason why the TSR driver who refused to carry passenger to his destination has not been challaned under Section 66(1) read with 192A of Motor Vehicle Act which is a non-compoundable offence entailing suspension and even cancellation of the permit either by traffic police or by the Enforcement staff of Transport Department.

In the opinion of this Commission, had the provisions of Section 66(1) read with Section 192A of the Motor Vehicle Act was invoked scrupulously by the traffic police as well as by the Enforcement Division of the Transport Department of the Government of NCT of Delhi, not a single TSR driver would have dared to

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refuse a passanger to take him /her to their destination as he is duty bound for performing the condition of his permit. If the TSR had not refused to carry the victims perhaps the ghastly incident could have been averted.

Commission feels that both the traffic police of Delhi as well as Enforcement staff of Transport Department have not been performing their duty as enjoined by law in ensuring that TSR drivers comply the conditions of their permits.

The rape and murder case of "Nirbhaya" is presently being tried by a Fast Track Court at Saket, New Delhi.

This ghastly incident of brutal gang rape had taken place inside the Interstate Contract Carriage CNG Bus DL-1PC -0149 between 9.00 P.M. and 9.54 P.M. on 16.12.2012. This bus was on Delhi roads from 8.50 P.M. till 10.20 P.M. that night.

Secretary State Transport Authority, Ms. Ranjana. Deswal and Shri C.S. Nawani, Assistant Secretary, STA, Govt. of Delhi who appeared before this Commission informed that this offending bus was issued permit on 10.03.2008 effective upto 09.03.2009,

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which was renewed from 09.03.2009 to 08.03.2010; from 20.03.2010 to 08.03.2011; from 30.03.2011 to 08.03.2012; and lastly it was renewed from 03.11.2012 to 02.03.2013 on submission of requisite documents as per Citizen Charter, namely, application, Form PRA, Copy of certificate of fitness, original permit, affidavit on non-judicial stamp paper, permit fee and late fee, if applicable. This permit was lastly renewed on 03.11.2012 after taking late fee of Rs.4640/-. This bus was without permit from 09.03.2012 till 02.11.2012. There is overwhelming evidence on record that this bus was plying on Delhi road during this period also when permit had remained expired.

It has come in the evidence of Shri Nawani, Assistant Secretary, State Transport Authority that when the permit of this bus was renewed from 09.03.2009 to 08.03.2010, the fitness certificate was to expire on 28.02.2010. This fitness certificate was renewed w.e.f. 17.03.2010 upto 06.03.2011, with the result that vehicle was without fitness certificate from 01.03.2010 upto 17.03.2010. No satisfactory explanation was given by Mr. Nawani as to why permit was renewed upto a date much after the date of expiry of the fitness certificate. Shri Nawani admitted that the vehicle in

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question might have been plying on the road without fitness certificate from 07.03.2011 to 27.03.2011 and without permit from 09.03.2011to 29.03.2011.

Similarly this vehicle was without permit from 09.03.2012 to 02.11.2012 and without fitness certificate from 28.03:2011 to 22.07.2012. Fitness certificate was renewed on 23.07:2012 upto 22.07.2013. To the query of this Commission the only answer he could give was that the department was very liberal regarding giving permit to contract carriage buses, but very particular regarding granting permits and compliance of the terms of permit when these are issued to Stage Carriage Buses like erstwhile Blueline buses and now DTC 'Cluster' buses which ply on designated routes and are limited in number. He clarified that as regard Interstate Stage Carriage Contract buses are concerned rules are very liberal. There is no cap on issuance of number of permits in their favour. These buses can play in the whole of Delhi. No routes are defined.

According to officers of Directorate of Transport examined by this Commission, Inter-state Stage Carriage, buses, ferry, passengers as per contract entered into with third parties about which State

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Transport Authority is not informed. According to these officers, such Contract Carriage buses can ply as chartered buses, carry passengers and can also use the same to ferry schools children on the same day. The offending bus has permanently painted the name of the school as "Birla Vidya Niketan School" in bold letters. The officers of Directorate of Transport, Delhi admitted that such Contract Carriage buses cannot print permanently the name of the school whose children they ferry. They are, however permitted to put a board as 'School Bus' only for the duration school children are on board.

Shri Nawani also admitted that the Department has access online to the Department which issues fitness certificates, and therefore, can easily know the validity data of fitness certificate. It was not done because the department does not consider the expiry date of fitness certificate. AT the time of issuing permit they only see valid fitness certificate on that date. The date of fitness certificate may expire even the next day is not taken into consideration while issuing permit. This is a clear violation of Section 39 read with Section 192, Motor Vehicles Act. The said provisions lays down that if the vehicle operates

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without the fitness certificate, it will be deemed to be operating without registration. In spite of the knowledge to the Transport Department that the offending had no fitness certificate and still plying on the road, no action was taken. This is a clear case of negligence.

Mr. Nawani also admitted that the permit holder / owner of the offending bus has now been found to be resident of Noida and not of Delhi. Had the antecedents of the owner of this bus been got verified from police permit could not have been issued to him because he is not resident of Delhi. To obtain Interstate Contract Carriage Permit from the Transport Department of Govt. of NCT of Delhi one has to be resident of Delhi.

Shri S.M.Ali, Addl. Commissioner of Transport, Govt. of NCT of Delhi and Head of Enforcement admitted in his deposition before the Commission that this offending vehicle bearing No. DL 1PC 0149 was challaned by the Enforcement staff of Transport Department only once on 04.12.2009 for not carrying the certificate of registration. According to him the Enforcement staff has 30 teams divided into 10 teams in one shift, out of which one team is kept reserved

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and the remaining 9 are posted in 9 revenue districts of Delhi. Shri Ali filed Duty Deployment Schedule of the Enforcement team of the Transport Department as per which Shri Radhey Shyam was incharge of the Enforcement team of 5 personnel in South West District on Mobile duty between 5.00 P.M. to 11.00 P.M. on 16.12.2012 in the area of Sangam Cinema in R.K.Puram. for taking action against TSR drivers.

Admittedly, this team was in the vicinity of Ravi Dass Camp in R.K.Puram, Sector-3, from where this bus had started its journey at about 9.00 P.M., taking the route from Venkateshwar Mandir Marg -then proceeding to Sector-4 R.K.Puram - thereafter it took left turn to Vivekanand Marg- again turned left on the outer Ring Road at Municka towards Hauz Khas and turned around and took Mr. Ram Adhar, a passenger from Munirka Sector-4 R.K.Puram Sabzi Mandi Market. Bus then reached IIT flyover, here Mr. Ram Adhar was thrown out after being assaulted and robbed of his mobile and Rs.1500/- cash as deposed by him before the Commission. Bus then proceeded further towards Chirag Delhi and took 'U' turn from under Panchsheel flyover and proceeded towards Munirka at outer Ring Road. Victims of this gang

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rape and assault incident boarded bus from Munirka Bus Stand at about 9.20 P.M.-bus turned towards Malai Mandir and went over RTR flyover and then proceeded on the flyover NH-8 T Point towards Mahipal Pur Road. The bus then took 'U' turn below Mahipalpur flyover back towards Dhaula Kuan on-NH-8. The bus then proceeded towards Dwarka by taking left turn and crossed two under passes and then took 'U' turn from foot of the Dwarka flyover . proceeding back on NH-8 towards Mahipalpur -Thereafter bus took another 'U' turn under Mahipalpur flyover where victims of this ghastly incident were thrown from the moving bus on the deserted part of road near the bushes. Bus thereafter proceeded to R.K.Puram via Vasant Gaon on the Outer Ring Road and took left turn from IIT Hostel on Africa Avenue and then took left turn on Venkateshwar Mandir Marg Road and reached Ravi Dass Jhuggi Camp at about 10.06 P.M.

Admittedly one Enforcement team was on mobile duty near Sangam Cinema at R.K.Puram. As pointed out above, it was its duty to check such buses for violation of permit conditions, in as much as per police case and as per testimony of Shri Awrinder

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Pratap Pandey, one of the victim of the incident, conductor of the bus was calling for passengers to board the bus for Dwarka or Palam mor, after the Bus was unauthorisedly stopped by the driver at the Bus Stop Munirka. This Mobile team could have checked the bus as it has tinted glasses, curtain and conductor was seeking for the passengers in violation of permit conditions. But the Enforcement team did nothing except stationing itself from 5.00 P.M. till 11.00 P.M. at one place i.e. near Sangam Cinema Hall. Had the Enforcement team taken round of its area it could have challaned this bus and ensure the services of a TSR from Munirka to Dwarka to the victim.

This bus was prosecuted and challaned on 18.03.2011 under Section 66(1)/192A of Motor Vehicle Act when its permit had expired on 08.03.2011 for picking and dropping of passengers in the area of Sarita Vihar. It was again challaned on 21.05.2011 under Section 66(1) and 192A when it was picking and dropping passengers at the DTC bus stop at Ashram in violation of permit conditions. It was thirdly challaned on 30.11.2011 under the same offence for unauthorisedly picking and dropping passengers near Modi Mill flyover on Outer Ring Road while

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> charging Rs.10/- per passenger. This again was in violation of the permit conditions. The permit holder and owner of the bus was also challaned for permitting unauthorized driver for driving the offending bus without driving licence. Bus was then challaned on 14.02.2012 when the offending bus was unauthorisely overtaking the other commercial vehicles in violation of directions of the Hon'ble Supreme Court given in CWP No.13029/85 which tantamount to violation of permit conditions. Owner of the bus was also challaned for permitting the unauthorized driver to drive this bus without driving licence. Bus was then challaned on 18.05.2012 when its permit had expired on 08.03.2012. The bus was picking and dropping passengers at Kondli bus stop while going towards Kalindi Kunj having 60 passengers. The permit had already expired on 08.03.2012 and fitness certificate was also not valid. It was lastly challaned on 21.07.2012 when it was picking and dropping passengers at Maharani Bagh Bus Stand while going from the side of Ashram to Noida. Permit of the offending vehicle had already expired on 08.03.2012 and the fitness certificate was also not with the driver. But at no point of time traffic

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police informed the Directorate of Transport about these challans.

Police challaned the bus under Section 66(1) read with 192A of the Motor Vehicle Act and after impounding it sent the challan to the Court of Metropolitan Magistrate concerned. The Metropolitan Magistrate after imposing the requisite fine passed the order of release of the bus to its owner after the fine was paid, despite the fact that the permit of bus had already expired on 08.03.2012 and the bus was plying without permit. Metropolitan Magistrate ought to have passed the release order only on production of renewed permit but this was not done in the present case. Had it been done possibly the offending bus would not have been on Delhi road on that fateful night. ACP (Traffic) had suspended the permit for few days when the permit had already been expired. He should have mentioned in the order that the bus was plying without permit. It should have been impounded till permit was renewed. Similarly, the State Transport Appellate Tribunal while hearing the appeal against the order of ACP (Traffic) should have ensured that the bus ought not to ply on the road without a valid permit. Because of above, we find that there were

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lapses on the part of these authorities by passing routine orders.

It is indeed surprising that the enforcement staff of the Transport Department who has been entrusted with duty to enforce rules and regulations of the Motor Vehicle Act failed to intercept this offending vehicle which was running without permit from 08.03.2012 to 02.11.2012 and without fitness certificate for some period as already mentioned above. The DCP Traffic has claimed that the Transport Department of Delhi Govt: does not furnish any information regarding the Contract Carriage buses to whom permit has been given with details of date of issue, expiry date of permit, name of the permit holder with address despite making requests in this regard.

DCP Traffic stated that only the copies of suspension order of the permit suspending permit for a few days by the ACP Traffic are sent to the Secretary State Transport Authority and Enforcement branch but no other information regarding challans of such buses are sent to the State Transport Authority. Similarly it has been stated by the Secretary, State Transport

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Authority, Ms. Ranjana Deswal, that while renewing permit which had since long expired of Contract Carriage Interstate Bus, no feed back is obtained from Delhi Traffic Police. This is very serious lapse on the part of State Transport Authority. There should be complete coordination between these two agencies for the proper and effective enforcement of the provisions of Motor Vehicle Act, Central Motor Vehicle Rules, Delhi Motor Vehicle Rules, Rules of Road Regulations etc.

Had there been coordination between these two agencies, permit of this offending bus would have been cancelled long back. It would not have been renewed.

It is indeed an irony that offending bus whose permit had expired as early as 08.03.2012 continued to ply on Delhi roads as Chartered Bus to ferry staff of "Netambit Info Sources & E-Services (P) Ltd. Noida" from various places in Delhi upto Noida and back from 01.04.2012 till 15.12.2012 and also continued to transport school children of "Birla Vidya Niketan, Pushp Vihar, New Delhi", apart from unauthorisingly plying against permit

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conditions picking and dropping passengers whenever driver/conductor so wished.

Mr. Dinesh Yadav, owner of this bus has also 9 other buses. How he was able to obtain Interstate Contract Carriage Permit from Delhi, although he was not resident of Delhi is very surprising. This he managed without having got documents furnished by him regarding his residence, verified from the Enforcement branch of Transport Deptt. of Delhi Govt. or from Delhi Traffic Police. It is serious lapse.

This bus has permanently painted the name of "Birla Vidya Niketan school" which was in violation of permit conditions. Names of the school can be placed on a board which can be displayed during the journey period of the school children. The bus with permanent painted School name had been plying on roads of Delhi even at night time but the Enforcement officers of Transport Department did not care to take action."

Commission had the occasion to examine Ms. Minakshi Khushwah, Principal of "Birla Vidya Niketan School", Pushp Vihar, New Delhi who had

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engaged 6 buses from Mr. Yadav including this offending bus for ferrying school children on different routes. It has been explained that this bus had been engaged vide agreement dated 29.01.2009 effective from 16.03.2009 to 31.03.2013. As per this agreement painting of school name and its logo was prohibited. Yet it was conspicuously painted on this bus which was never objected to by the management of school. As per this agreement, buses of 2008 Model were to ply only upto 31.03:2012. Admittedly as per certificate of registration copy of which was with the school this bus was manufactured in the year 2007 and registered on 01.03.2008. Therefore, even if bus was treated to be of 2008 model it could only be used for ferrying school children upto 31.03.2012. This bus admittedly had tinted glasses and yellow curtains which is prohibited as per direction of the Supreme Court of India. This was another breach of the permit which should have been taken note of not only by Delhi :police and Enforcement branch of Transport Deptt. of Govt. of Delhi but by School authorities also.

Management of "Birla Vidya Niketan" had also violated guidelines of the Hon'ble Supreme Court referred to above. Management of the school cannot

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be said to be vigilant when it allowed the school children to be ferried by a bus without permit. It is an admitted fact the permit of the bus expired on 08.03.2012. It was renewed w.e.f. 03.11.2012. This bus was in the service of this school from July 2012 till morning of 17th December, 2012. Had the management and officers of the school who are entrusted with the duty of engaging transport vehicles for school children been vigilant and cautious of their duty this bus could not have been engaged. School Authority as reported by its staff did not bother to know whether the bus was plying with or without permit.

Similarly management of "Netambit Info Sources & E-Services (P) Ltd. Noida" whose registered office is in Hauz Khas, New Delhi, was negligent in engaging this offending bus whose permit had expired on 08.03.2012 and had not reported this lapse to the transport department, govt. of Delhi or Delhi Traffic police. Shri Sharda Prasad Sina, Asstt. Manager who appeared before this commission rather claimed that they were only concerned with registration certificate of the bus. They had nothing to do with the Bus permit or its being driven by a driver having or not





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having valid driving licence. He also stated that office had demanded permit from Sh. Yadav verbally but he showed utter reluctance. It is in fact a serious lapse on the part of an private organization. It could compromise the safety of women employees. The management should be careful in engaging transport for its employees after verifying the antecedents of the driver and the owner of the transport.

Failure to intercept the offending bus for violation of Supreme Court directions

Supreme Court had issued various directions to the Govt. and its agencies that no vehicle i.e. private cars, commercial vehicles, Interstate Contract Carriage buses, Stage Carriage buses should be allowed to ply on roads with tinted glasses and curtains so that inner portion of the vehicle remained visible from outside to check any unlawful activity being committed inside the vehicle.

Admittedly, this offending bus DL-1PC-0149 was being parked on every evening in the Ravi Dass Camp in Sector-3, R.K.Puram after finishing its daily routine of picking and dropping school children of "Birla Vidya Niketan" and the staff of "Netambit Infosources & E-Services (P)Ltd.". Beat No.7 of

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Police Station R.K.Puram falls in this area. If the Beat personnel were vigilant enough they would have detected this bus which was having black color tinted glasses and yellow color curtains. Similarly daily route of the bus for picking school children from their respective bus stops upto Pushp Vihar. Thereafter this bus used to pick up the staff of "Netambit Infosources & E-Services (P)Ltd." starting its journey from Ravi Dass Camp at about 8.00 a.m. taking the route from R.K.Puram, Sector-3 - Malai Mandir -Municka - Hauz Khas Metro Station - Panchsheel -Chirag Delhi - Nehru Place - Lotus Temple - Captain Gaur Marg - Lajpat Nagar - Ring Road - Ashram Chowk - DND Fly over - Noida Sector-132 and used to take its back journey on the same route after 6 O' clock. In the meanwhile it used to drop school children from Pushp Vihar to their respective destinations. The concerned Beats of various police stations of the South District and South East Districts could have detected this offending bus having tinted black glasses with yellow curtains, and could have detained the same.

Similarly, if the school authorities of "Birla Vidya Nikefan" had been vigilant to ensure that the bus

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hired by the school for ferrying school children meticulously complied the Supreme Court directions this lapse could have been detected and reported to the concerned authority by the management. Similarly had the management of "Netambit Info sources & E-Services (P)Ltd." reported this fact to the concerned authorities perhaps concerned authorities would have ensured that this bus removes the tinted glasses and curtains from the bus. The traffic police posted on various traffic signals should have noticed the bus being plied on Delhi Road in violation of Supreme Court's directions and should have taken action to remove the dark film and curtains but no action was taken. Similarly the Enforcement branch of Transport Deptt., Govt. of NCT of Delhi ignored to notice the violation. Had these authorities and persons scrupulously, honestly and diligently followed directions of the Supreme Court by ensuring that, the bus ply's on Delhi roads with transparent window glasses and without curtains, the culprits in the bus could not have dared to commit such brutal assault/gang rape on the unfortunate brave heart, with clear glasses chances of being seen from outside were many.

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On the fateful night of 16.12.2012 this bus had started its journey at about 9.00 P.M. from Ravi Dass Camp in Sector-3 of R.K.Puram and Beat No.7 and 8 of R.K.Puram Police Station, Beat No.9 of Hauz Khas Police Station, Beat Nos.13, 12, 11, 2, 3, 4 and 1 of Vasant Vihar Police Station and Beat No.9 of Vasant Kunj Police Station had fallen on the route taken by this offending bus up to Mahipal Pur. As per the daily diary register of the Police Station many police personnel were supposed to be on duty but none of them detected and intercepted this bus.

It has come in the Chargesheet that the internal lights of the bus were switched off when the bus was near Vasant Gaon before taking NH-8 flyover. If we take this fact into consideration, then on the fateful night of 16.12.2012 beat personnels of R.K.Puram, Hauz Khas and Vasant Vihar could not have seen any unusual event happening inside the bus as lights of the bus were still on, till Vasant Gaon comes after their beat. They could not feel the necessity to intercept this bus.

However, when the bus reached in the area falling in the jurisdiction of Vasant Kunj (North) Police Station

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covering Beat No.9 internal lights of the bus were already switched off. This should have attracted the attention of any police official in Beat No.9 of Police Station Vasant Kunj North. Bus then took turn from Mahipal Pur flyover towards Dhaula Kuan for taking turn towards Dwarka. This area falls under Beat No.2, 1 and Beat No.5 of Police Station Delhi Cantt. Police personnel on duty in these Beats of Police Station Delhi Cantt. should have intercepted the bus as it was plying with internal lights switched off. It appears that the dastardly crime of gang rape and serious assault of both victims had taken place in this part of the journey.

It has come in the evidence of DCP (Traffic) that on the fateful night Constable Sukhbir Singh No.2783/T was on duty from 3.00 P.M. to 11.00 P.M. on 16.12.2012 under the bridge of Rao Tula Ram Marg and on the Outer Ring Road T Junction, another Constable namely, Shri Dinesh No.1753/T was on duty at the Indian Oil crossing signal between 3.00 P.M. to 11.00 P.M. and Constable Bhoop Singh No.5238/T was similarly on duty on the route coming from Dwarka towards Raksha Sampada Air Port Signal. Commission, therefore, is of the opinion that police personnel of these areas were not vigilant in

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intercepting this bus before this brutal crime was committed.

As per police version, this offending bus had taken a second turn from Underpass Mahipalpur flyover which was captured by CCTV camera of Airport . Hotel at about 9.54 P.M. on 16.12.2012 just couple of minutes before two victims were thrown off of the bus at the foot of Mahipal Pur flyover towards Dhaula Kuan side in front of GMR Gate near the bushes. It has come in the evidence of male companion of "Nirbhaya" that within two minutes after he and "Nirbhaya" were thrown out of the moving bus in serious condition, hearing his shouts for help one motorcycle rider came to his help, who gentleman happened to be the patrolling officer of Gurgaon Expressway NH-8 employed with "EGIS Infra Management India (P)Ltd.". He informed the control room of his company on walki talkie. Shri Ram Pal Singh, Patrolling Officer of "EGIS Infra Management India (P)Ltd." was on Control Room duty at KM-24 towards Plaza NH-8 and it was he who had received the wireless message from Shri Surender Singh who was pillon rider with Shri Raj Kumar at 10.08 P.M. According to Shri Ram Pal

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Singh, the message on wireless was not very clear and audible, therefore, he spoke to him on his mobile at 10.09.38 P.M. He was conveyed the message that the patrolling team had found a boy and girl without clothes lying near bushes while going towards Delhi after crossing Mahipalpur flyover infront of GMR Gate. He had spoken to his manager on his mobile at 10.11.27 P.M. who instructed him to inform the Delhi Pólice Control Room. He, therefore, transmitted this information to Delhi Police Control Room on No.100 at 10:14:19 P.M. He had similarly instructed the Patrolling Officer Jeet Singh who was on Bolero vehicle standing near IGI Airport at Rao Tula Ram Marg flyover to rush to the spot at about 10.14 P.M. Shri Jeet Singh after reaching at the spot reported back at 10.20 P.M. that a large crowd had assembled, and therefore, another call was made to the Delhi Police Control Room. According to Shri Ram Pal Singh, within two minutes of his making the second call he received a call from the PCR van to apprise the exact location of the site.

Inspector Arun Chohan of Central Police Control Room Police Headquarter testified that lady Constable Poonam had received a call from the Justice Usha Mehra Former Judge Delhi High Court

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Control Room of "EGIS Infra Management India (P)Ltd." Toll Plaza Gurgaon at 10.21 P.M. on 16.12.2012 about this incident. This call was transferred to South West Net because operator was of the yiew that the area of Mahipal Pur falls under South, West Net. Operator of the South West Net immediately transferred this information to PCR Van Zebra-54 manned by H.C. Ram Chander at 10.24 P.M. as well as to P.S. Delhi Cantt.

H.C. Ram Chander No.8753/PCR was incharge of PCR Van Zebra-54 with base point at Sanjay T Point which is 2.5, km from Mahipal Pur flyover who received the information of this incident from the Police Control Room at about 10.24 P.M duly recorded by him in the Call Register maintained by him. According to Shri H.C. Ram Chander he reached the site, at 10.31 P.M.

From the aforesaid testimony of various personnel of EGIS Infra Management India (P) Ltd., Police Control Room and Incharge of PCR Van Zebra-54 it is clear that since the staff of Gurgaon Expressway had immediately informed the Delhi Police Control Room and Shri H.C.Ram Chander, Incharge PCR Van Zehra-54 had reached the site at 10.31 P.M., patrolling

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staff of Gurgaon Expressway could not have taken the injured to any hospital without taking the Delhi Police into confidence.

Commission is, therefore, of the opinion that Delhi Police Control Room personnel and of Police Control Room Van Zebra-54 responded in time. Shri H.C. Ram Chander in his testimony has explained that after he had arranged bed sheet to cover the victim, he removed them to Safdarjung Hospital reaching there at 10.55 P.M. Therefore, no fault at their end can be found.

Commission has received many e-mails from general public criticizing that the Incharge of Police Control Room Van had not removed the injured who were in critical condition to the nearest hospital which could have saved the life of the raped victim. Commission was provided with the notification dated 27.04.2000 issued by the Home Department, Govt. of NCT of Delhi vide which work relating to post mortem and medico-legal examination in the hospitals in the NCT of Delhi was redistributed. Safdarjung Hospital is the designated hospital for all police stations of South West District except police stations Jafra Kalan, Dabri and Najafgarh. Therefore, the incharge of Police

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Control Room Zebra-54 which was posted in the South West District was supposed to take the victim to Safdarjung Hospital, this case being the medico-legal case of gang rape.

Commission, therefore, feels and recommends that for future guidelines; instructions should be issued that the public and any police personnel can remove such injured persons to the nearest hospital, be that private hospital who have been given land on subsidized rates. It should be mandatory on the part of those hospitals not to delay medical treatment of such patients /injured requiring medico-legal examination by giving them immediate necessary medical treatment without waiting for arrival of the local police.

Similarly Commission recommends that Govt. should issue directions to the Police Commissioner Delhi who should further issue standing order to all police stations that no public person who helps any victim in removing him or her to a hospital be harassed or detained for questioning in police station. This is very necessary because the general perception is so strong in the minds of the public that in case they help a victim found at the road side in removing

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him/her to hospital they would be unnecessarily harassed and suspected as offender. Rather such help by the public should be applauded.

Whether there was any lapse for giving immediate treatment

It has come on record in the evidence of H.C. Ram Constable Yogender Kumar Chander and No.2101/SD who was on duty at Safdarjung Hospital that the victims were brought to the hospital at about 10.55 P.M. or so. Shri H.C. Ram Chander with the help of his gunman took the male victim to the casuality of the hospital as he was in serious condition. He informed the doctor on duty that the victim of gang rape was lying in the PCR Van in serious condition and she be attended immediately. He was asked to take the victim of rape to the Gynae Ward which is about 200 meters from there. It was thereafter that they took the rape victim to Gynae-Ward leaving the male injured in the Causality.

Dr. Rashmi Ahuja, Senior Resident in the Deptt. of Obs. & Gynae has testified that rape victim was brought to the Gynae Ward at about 11.15 P.M. on the stretcher of the hospital. Dr. Ahuja has also deposed

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that the victim had narrated the incident briefly regarding the gang rape in the bus. She consoled her and gave her warm sline and shifted her to the MLC Room where she was examined at 11.30 P.M. Necessary treatment was being given simultaneously and sent her for X-ray, Ultrasound, other tests where after she was shifted to the O.T. at about 2.00 A.M. Commission feels that there was no undue delay on the part of the doctor at Safdarjung hospital in giving necessary treatment to the patient.

Response of the Delhi Police

Commission has received thousands of e-mails from the general public including ladies throughout the country in response to the public notice issued by the. Commission. In some of these mails women have shared their experience about insensitive response of police personnel in our country who adopt all tricks of the trade in dissuading the victims of molestation, sexual assault and rape not to report or register their complaints. It was also reported that when complaints are registered, these women and their families are harassed or are forced to tone down the gravity of offence or to compromise the same without

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registering complaint into FIR emotionally blackmailing them that their life will be ruined and it will be stigmatic. This wide spread and all pervasive perception of general public cannot be said to be ill founded.

Commission has looked into the Call record register of Police Headquarter, South West District Control Room (South West Net), South District Control Room (South Net) and the corresponding DD registers of the concerned Police Station of South District and Delhi Cantt. Police Stations of South West District as illustrations of insensitivity and callousness on the part of some officers of the Delhi Police in responding to cases of sexual assault/ rape reported to the police control room.

According to CW-21, SI Prahlad Singh, Duty Officer South West Control Room, Dwarka, South West Net, a wireless message had been received at 10.26 P.M. about this incident and the PCR Van Zebra-54 was transmitted this information. DD 23A was recorded at Police Station Delhi Cantt. at 10.25 P.M. that a girl and a boy without clothes were lying in front of GMR Gate at the foot of Mahipal Pur flyover which information was entrusted to SI Jagmohan who as per

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this report started for the site with Constable Avtar Singh No.1586/SW.

SI Jagmohan recorded his arrival back in the Police Station vide DD report 9A at 8.15 a.m on 17.12.2012. In this report SI Jagmohan has recorded that on reaching spot nobody was found injured nor any complainant was found. From the Police Control Room he learnt that the injured had been removed to Safdarjung Hospital. Thereafter he reached the hospital. SI Jagmohan was examined as CW-10 . He testified that he did not find anybody at the spot. He was on his motorcycle without any pillion rider which is contrary to DD report 23A. He, therefore, returned back to the police station at about 11.15 P.M. He apprised the SHO Shri Ramesh Kumar who contacted the QST and also asked him to find out location of GMR Gate. According to him, the mobile. caller /informant of DD23A was not reachable. He then contacted the Control Room South West District on telephone which had no information. This is contrary to what SI Prahlad Singh, Duty Officer of South West Control Room has deposed before the Commission as CW-21. According to him neither SHO Ramesh Kumar nor SI Jagmohan had asked him

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about the whereabout or location of GMR Gate on NH-8. According to SI Jagmohan, SHO directed him to go to Safdarjung Hospital at about 12.30 A.M. on the intervening night of 16/17 December, 2012. He immediately left the Police Station on his motorcycle with Constable Avtar Singh and reached hospital at about 1.00 A.M. This version of SI Jagmohan is again contrary to DD report 23A, as per which Constable Avtar Singh was supposed to accompany SI Jagmohan at 10.25 P.M. itself. This only show that SI Jagmohan had left the Police Station only at about 12.30 A.M. on the night intervening 16/17th December, 2012 which is two hours after the DD report 23A was entrusted to him. This also shows insensitiveness and callousness on the part of SI in responding to wireless message regarding such serious incident involving rape victim and assault on male companion.

From the testimony of SI Jagmohan it appears that according to him he had reached hospital at about 1.00 A.M.. According to him SHO Ramesh Kumar also reached there after about 5 minutes. DD Report 9A falsify the version of SI Jagmohan. Therefore, his saying that SHO reached after him is a blatant lie.

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This further proves that he was careless and his seniors also did not take him to task because police has never been serious or taking action in sexual harassment and molestation cases. This can be illustrated from the following facts:

The South District Control Room (South: District Net) Message Register has recorded a wireless message at Sr. No.92 at 6.39 p.m. on 16.12.2012 that a rape has been committed on 6-7 years girl in House No.145, A block near shop of Ramesh in Kusumpur Pahari. The caller telephone No. has been given as 9266601468. This message was transmitted to the Police Station Vasant Kunj North vide DD report 39A at 6.39 P.M. on 16.12.2012. This report was entrusted to SI Mahesh Bhargava for necessary action. The learned counsel for Delhi Police has brought to our notice that this. incident reported to Vasant Kunj (North) vide DD No. 59B, was attended by HC Kailash Chand; 310/SD, who had made a DD-3B in DD Register B at 2.00 AM on night intervening 16-17.12.2012 mentioning therein that no such incident could be verified. This explanation to say the least rather compounds the apathy and

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irresponsible and unsensivity of the Delhi Police in taking care of child rape belonging to poor strata of society.

That this incident earlier recorded as DD-39A at 6.39 PM on 16.12.12 was entrusted to SI Mahesh Bhargava through Constable Beer Singh, No. 1639/SD. In this report; the place of incident of rape of 6-7 year girl was mentioned as House No. 145, A-Block, Kusum Pur Pahari near the shop of Ramesh. The caller's mobile no. was given 9266601468. The Commission feels when the exact house number and mobile number was mentioned in the DD report, entrusted to SI Mahesh Bhargava, it was the duty of the Police Officer to enquire thoroughly and sincerely the matter, but he failed to do so. SI Mahesh Bhargava was duty bound to perform his duty faithfully and sincerely which he failed to do so. HC Kailash Chand in his DD report 3B has not mentioned : as to at what time, SI Mahesh Bhargava has gone to the shop of Bittoo. If he had cross checked with the records of PS, recorded as DD report 39A entrusted to SI Mahesh Bhargava,

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then only he would have known whether this incident of rape was alleged to have been committed in House No. 145, A-Block, Kusum Pur Pahari, near Shop of Ramesh or whether it was a different incident. It appears that when no response was received by the caller of the incident from the police another call was made by him to the Police Control Room, which message again was passed to Police Station Vasant Kunj at 11.51 P.M. on 16.12.2012. This was recorded as DD Report 59B. In this DD report the incident was described as that a rape of 5-6 years old girl near the shop of Bittoo in Kusum Pur Pahari has been committed with caller telephone No.9958413787. This message was recorded at Sr. No.174 at 11.49 P.M. on 16.12.2012 in the register of South District Control Room (PCR Net). This report was also entrusted to SI Mahesh Bhargava. As already mentioned SI Mahesh Bhargava recorded his arrival entry in the Police Station Vasant Kunj North at about 5.45 P.M. on 17.12.2012 as DD report 53B. In this DD report he does not say a word as to what he did with the two reports entrusted to him regarding rape of girl child of

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about 6 years committed in Kusum Pur Pahari when the address of the house with nearby shop was mentioned along with mobile phone of two callers of the same incident, one recorded at 6.39 P.M. and the second at 11.51 P.M. on 16.12.2012.

That in his deposition before the Commission (c) he took completely false stand that these two reports of alleged rape of girl child pertained to the incident of sodomy which was recorded as DD report 35A resulting in FIR investigated by Inspector Raj Kumari. Commission fails to understand that when report of sodomy was recorded as separate incident in DD report 35A and report of rape of girl child was recorded as DD report 39A at 6.39 P.M. and other recorded as DD report 59B at 11.51 P.M. how these report could have been of the same incident. No such record in the shape of statement of caller nor any witness has been placed on record to justify the stand of SI Mahesh Kumar that these incidents pertained to one incident only. This only shows that Delhi Police is in the habit of suppressing rape cases which are

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and not worth investigation justifying the perception of pubic at large. It has been noticed that an incident was reported in Wireless Logbook of South West Control Room and Diary register at around 1.15 a.m. on 17.12.2012 where 2-3 men had beaten and raped a woman in the bus and thrown her out after snatching her bag. This entry can be seen at Serial No.83 dated 17.12.2012 and exhibited as CW21/1. It was kept for verification on the grounds that they were unable to contact the husband. She was neither medically examined nor the vehicle was traced and the culprits identified and arrested at required by law.

Aforesaid illustrations show that the perception of public at large regarding lack of sensitiveness and immediate response to the reports of sexual assault are not ill founded.

DD Report 6A was recorded in the Vasant Vihar Police Station at 1.12 A.M. On receiving wireless message from Police Control Room about this incident it was entrusted to SI Subash Chander as he was already in the area.

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This Police Station had also received telephonic message from the Duty Constable Yogender from Safdarjung Hospital at 1.20 A.M. which was recorded as DD Report 17A regarding this very incident which was also conveyed to the SI Subash Chander. SI Subash after going to the site at Mahipalpur could not have reached Safdarjung hospital before 2.00 A.M.

It can thus be seen that SI Jagmohan of Delhi Cantt: had reached Safdarjung Hospital at about 200 A.M. although he was entrusted with DD report 23A regarding this incident at 10.25 P.M. on 16.12.2012. Similarly when SHO Ramesh Kumar was apprised of this incident by the Duty Officer at 10.25 P.M. regarding lodging DD report 23A his response appears to be casual and not as required. According to him SI Jagmohan had returned back to the Police Station at about 11.15 P.M. on 16.12.2012 and had told him that despite thorough search he could not locate the site as mentioned in the DD report 23A. It was about 12.20 A.M. on the night intervening · Shri Ramesh Kumar then contacted the Quick Response Team 29 and

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also the caller of the message DD report 23A for apprising the exact location of GMR Gate but could not get any response. It was only at about 12.20 a.m. that he learnt that PCR Van Zebra 54 has already removed the injured to Safdarjung hospital. It was then that he sent SI Jagmohan to Safdarjung Hospital. He also reached there at about 1.10 a.m. Soon thereafter ACP M.S.Mallik followed by staff of PS Vasant Kunj also reached there. According to him there was confusion regarding jurisdiction of the commission of crime. The investigation was started by PS Vasant Kunj, therefore, he returned back to Police Station Delhi Cantt.

From the testimony of Inspector Ramesh Kumar it appears that his response to the serious offence was not as required of personnel of the rank of SHO. When incident was reported at 10.25 P.M. on 16.12.2012 vide DD report 23A in police station he could not have taken about two hours for starting from the Police Station to Safdarjung hospital. If the place of occurrence did not fall under his jurisdiction he should have conveyed this information long back so that the concerned

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police station could have responded immediately.

The Duty Officer of Police Station Vasant Kunj had received the telephonic/wireless message regarding the incident in question at 12.41 P.M. from the Police Control Room which was entrusted to SI Mahesh Bhargava for necessary action. Shri Mahesh Bhargava was examined by the Commission as CW-17. According to him on receipt of this DD Report when he was in the police station he called back the informant of telephone on his mobile mentioned in the report. But the receiver informed him that no such call had been made by him. He thereafter reached the site of DD report 4A at about 1.00 a.m. and thereafter reached Safdarjung hospital at about 1.30 a.m. after learning that the injured has been removed to the hospital. Since he had taken off the message he made enquiries from the injured Shri Awninder Pratap. On learning that it was a case of gang rape he informed Inspector Smt. Raj Kumari who also reached the hospital at about 1.45 a.m. Investigation of

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this case remained with him till 3.30 a.m. Thereafter it was transferred to SI Subash Chander of Vasant Vihar on the direction of senior officers. According to him he had reported back to the Police Station Vasant Kunj North at about 7.30 a.m. He however recorded his arrival only at about 5.45 P.M. on 17.12.2012 as DD report 53-B. Perusal of this DD report 53-B makes a pathetic reading. .In this DD report he gave an incorrect version of this incident in as much as according to him the injured Awninder Pratap Pandey had become unconscious after having been hit by a heavy weapon on his head. SI Mahesh Bhargava came to know in the hospital that it was a case of gang rape and victim was lying admitted in Gynae Ward. Even the incident of gang rape was recorded in the log book of Incharge PCR Van Zebra 54. Yet when he was not investigating this case he recorded totally incorrect and false version without recording statement of Shri Awnindra Pratap Singh and without even starting the Case Diary which every Investigating Officer is supposed to maintain. Thus response of the Police Officers

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of PS Delhi Cantt. and of SI Mahesh Bhargava of PS Vasant Kunj North show that response of police in responding to reports of rape case and their attitude dealing with rape cases is condemnable and is not as required.

Commission, however, has no hesitation to place on record the fact that the entire team of South District Police from the level of Constable upto the top level officers did their best to unearth and solve this almost blind case and putting the accused to trial without loss of any further time. This action, we are sure will prove a real deterrent to other prospective criminals.

The Commission also hopes and expects that in future also cases of sexual assault and rape will be investigated expeditiously in a time bound schedule with sensivity which these cases deserve and charge sheet be filed within one month of the arrest of the accused duly vetted by officer not less than the rank of DCP.

Our Parliament has passed the Act 22 of 2002 with effect from 01.07.2002 substituting Rule 4 of Order 18 of the Civil Procedure Code to the effect that in every civil case the examination in chief of witness shall be

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on affidavit and evidence i.e. cross-examination and re-examination of the said witness (Rule of Evidence Examination in Chief) by affidavit has been furnished shall be taken either by court or by Commission appointed by it.

Order 18 Rule 4 CPC is to sub serve larger purpose of cutting down disposal time of recording evidence thereby expediting disposal of civil cases by dispensing with lengthy procedure of the court regarding recording evidence of every witness including parties to the suit.

This Commission is of the strong view that when the affidavit prepared by counsel of interested parties in civil suit irrespective of the value of suit i.e. of unlimited pecuniary jurisdiction can be treated in law as good evidence i.e. examination in chief, there should be no fault or objection if the statement of prosecutrix victim of sexual assault/rape recorded by Judicial Magistrate under Section 164 Cr.P.C. at the stage of investigation within a day or two of the incident cannot be treated as her examination in chief. This will not only advance object of speedy trial but also lessen the trauma of the victim of sexual assault/rape which she repeatedly suffers in

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narrating horrible incident over and over again to the police, to the doctor, to the magistrate, to the Session Judge repeatedly.

Therefore, the Commission recommends that necessary amendment in Section 231(1) of Code of Criminal Procedure, 1898 and Indian Evidence Act, 1872 should be made. This would ensure that the victim will not feel trauma and agony of narrating horrifying incident again and again in presence of accused and team of defence counsels. This will also go a long way to inculcate a sense of security and fearlessness in the mind of victims of sexual assault and of rape and will curtail delay in trial. This will also ensure that the prosecutrix will not be declared hostile which is one of the major cause of acquittal.

Commission has noted with great concern and anguish a recent trend in the higher judiciary suggesting and then allowing the convict to marry the victim of heinous crime of rape instead of awarding sentence prescribed under law commensurate with the gravity of the offence. This implies permitting compounding of offence which law has declared to be non-compoundable. This trend, if allowed to continue

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would result in undermining the dignity and honour of women in general and women of sexual assault in particular. This will encourage kidnapping, sexual assault and rape of those women and girls who might spurn uncalled for advances made by such prospective rapist and result in victims being coerced and forced to marry the rapist. This misplaced sympathy bestowed on the criminal instead of being deterrence will propel such offence.

Commission had the occasion to summon data regarding cases of rape, sexual harassment and molestation for the period calander year 2009 to calander year 2011 from National Crime Record Bureau, Ministry of Home Affairs. These data were supplied by the Chief Statistic Officer of the National Crime Bureau. As per record of the National Crime Bureau 39, 47 and 76 cases of rape were reported in Chennai for the years 2009, 2010 and 2011 respectively. In Kolkata cases of rape registered during these years were 42, 32 and 46. Number of rape cases registered in cities of Mumbai in these years were 182, 194 and 221 respectively. City of Delhi tops the list with figure of 404, 414 and 453 in these corresponding years and if we include cases of rape in

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the City of Delhi including rural areas which are beyond the municipal limit, the figure of rape cases for these 3 years would be 469, 507 and 572 respectively. These are the cases actually registered in the police station and do not reflect the actual incidents of rape during these respective years and which go unreported or are not allowed to be reported by the police. We, therefore, find that as compared to Chennai rape cases in the city of Delhi are more than 6 times. As compared to Kolkata rape cases registered in Delhi are more than 9 times and more than 50% as compared to city of Mumbai. Because of this statistic data City of Delhi is called 'Rape Capital' of the country.

The cases of molestation registered for the calander years 2009, 2010 and 2011 in the City of Chennai were 42, 45 and 73 respectively. Whereas in Kolkata they were 201, 226 and 254. In Mumbai such cases were 400,475 and 553. Whereas in Delhi cases of molestation were 491, 550 and 556 respectively. It could thus be seen that cases of molestation registered in the city of Mumbai and Delhi as compared to Kolkata were almost 50%.

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The cases of sexual harassment for the calendar years 2009, 2010 and 2011 in the City of Chennai as registered were 10, 23 and 121 respectively. These cases in the city of Kolkata were 90, 133 and 144. In the city of Mumbai such cases registered for these 3 years were 101, 138 and 162. In Delhi the corresponding figure of cases of sexual harassment registered were 113, 73 and 149 respectively which are less than the cases registered in the city of Mumbai and almost equal as compared to City of Kolkata. There was appreciable increase in cases of sexual harassment in the city of Chennai in the year 2011. Taking cases of rape registered in the Union Territory of Delhi as a whole comprising of the city area as well as rural areas beyond municipal limit, the data given by National Crime Record Bureau were 469 cases of rape registered in the year 2009 with increase of figure of 507 in the year 2010, with further. increase of figure of 572 in the calendar year 2011.

National Crime Record Bureau has reported that out of 469 registered cases of rape in the Union Territory of Delhi 456 cases were such in which offenders were known to the victims, giving percentage of 97%. Similarly out of 507 registered cases of rape in the

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year 2010, 96% of 487 cases offenders were known to the victims. Similarly out of 572 registered cases of rape in the calander year 2011 offenders were known in 558 cases giving percentage to 98%.

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indifferen Commission had called for figures of rape cases for the calendar year 2012 from Delhi Police. According to Delhi Police 706 cases of rape were registered in the calendar year 2012 upto 30.12.2012. Out of 572 registered cases of rape, as per Delhi police 23 were related as father and step father, 6 as husband or exhusband, 12 as uncle or maternal uncle, 6 as cousins, 16 brother in law, 1 father in law. All these relatives ar added and gives figure of 64. 131 cases were categorized as friends, lover, relative friend, servant-1, landlord- 12, tanents-5, co-workers/employer-16, tutor-3, doctor-1, police personnel-2 and priest-1. As per police data other known persons uncategorized as other known persons stands as 115 and neighbor as 207. When asked about the possible category of known persons we do not able to know about the persons categorized 115 whether really known to the victim, Similarly in these days of nuclear families we generally do not know our neighbours and it will be indifferent to evaluate that child victims of 3 - 7 years

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which cases are uncommon would be knowing their neighbours. Commission, therefore, feel that neighbours and other known persons should not be counted as known persons. Thus, 207 neighbours and 115 other known persons and 14 unknown persons fall under class different from relatives and known persons. This gives percentage of 58.7%. From this angle we feel that out of 572 cases of registered rape in the year 2011, only 41.3% were non-relatives or known to offenders. It is, therefore, unfair to label 98% offenders of rape as known to the victim as they would give a wrong impression. Delhi Police has also sent a break up of 706 cases of registered rape for the year 2012. As per this in 25 cases father and step father was the accused, one was brother, in two cases ex-husband, 5 cases uncle, 3 cousins, 19 brother in law, 3 father in law, 1 step son, giving total figure of . 59 relatives: In 200 cases were friends, lovers, relative friends, 11-landlords, 17 - employer and co-workers. 1- tutor, 2 doctor, 2-priest making total of 233. Thus in 292 cases out of 706 offenders were relatives and known persons. This gives percentage of 41.36%. We cannot categorise other known persons as known person when all possible categories have been given of known persons. Similarly 207 categorised as

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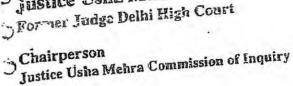


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neighbours can not be called to be known to victims in most of the cases. How many of them were known could be seen only by careful analyzing statement of the prosecutrix. Thus it is unfair to label 98% of the offenders to be known to the victims of sexual assault. It is hardly 41.3% giving latitude out of neighbor categorized as known persons which is not more than 50%.

In view of the above, claim of the Police Commissioner Delhi in the Press Conference that 98% of offenders of sexual assault were known to the victims cannot be said to be correct. It gives a wrong perception to the public at large that rapes are committed by known persons and police cannot check those incidents.

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2) Reference No. II Suggest measures to improve the safety and security of women

- a. We may analyse the reality what is being faced by the women in the society.
 - Over the years, radical changes have been introduced in the laws pertaining to women, which not only recognize their rights, but also afford protection against exploitation. Inspite of all this, due to lack of understanding about the realities being faced by the women -at home- at place of work or in public spaces often lead to inequality and injustice to women. This suffering in a way can be traced to deep-rooted social values in an essentially male dominated Indian society. Social and economic inequalities also contribute in no small measure to the continued denial of human rights to women in general. Gender equality in most cases boils down only to a myth.
 - c. Women constitute half the world population and perform nearly 2/3rd of its work. They receive 1/10th of the world's income and less than 1/100th of the world property. This is reflected in the 1980

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UN report. In India dignity of women still need much to be desired where almost everyday there are cases of rape and gang rape. We take pride in talking of our Constitution making special provisions in favour of women. While such provisions do exist but the question is - have the women been able to reap the benefits provided to them under the Constitution of India. The answer is not encouraging. Internationally also, the World. Conference on Human Rights (1993) at Vienna declared that human rights of women and of the girl child are inalienable, integral and indivisible part of the universal rights and condemn gender based violence and all forms of sexual harassment and exploitation.

d. The international instruments like Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) and the Beijing Declaration directed all State parties to take appropriate measures to prevent discrimination of all forms against women besides taking steps to protect the honour and dignity of women. Though we have entered the new millennium the status of the women have not improved. The

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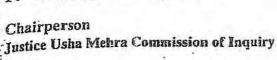


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discrimination stems not so much from legislative insufficiency as from the attitudinal bias of the society.

March 8th is observed as the International Women's Day . It is an important occasion for us to ponder over the progress achieved towards gender equality and provide protection to women. Prohibition against sex discrimination was first articulated in the United Nations Charter of 1945 which was later reiterated in the Universal Declaration of Human Rights of 1948. Since then virtually all human rights instruments have reinforced and extended protections against discrimination. The International Covenant on Civil and Political Rights adopted in 1966 guarantees equal protection of the law to both sexes. The International Convent on Economic, Social and Cultural Rights also adopted in 1966 promises women equality of status. The Fourth World Conference on Women, held at Beijing brought us forward by reaffirming gender equality as a fundamental pre-requisite for social justice.

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f. Today the fact is that women's exploitation is a reality and gender justice a fragile myth. Discrimination against the female starts when she is still in the womb through female foeticide. Women to a great extent through laws have secured many of the rights but have been unable to defend themselves from commission of crimes of sexual harassment and rape against them. For a woman, having undergone a criminal assault, all material wealth and status symbols meaningless. Rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. It is rightly said while murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless woman. Fight for justice by women is not a fight against any individual or authority. It is a fight: against traditions that have chained them. A fight against attitude that are ingrained in the society. This is a fight against proverbial "Lakshman Rekha" which is different for men and different for women. Men must rise to the occasion. They must recognize and accept the fact that women are

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equal partners in life. They are individuals who have their own identity.

- g. With a view to convert the equality of women from de jure to de facto, educating the female would play an important role. So would creating awareness among them about their rights and responsibilities, the recognition of their vital role and the work they do at home. Protection from harassment and discrimination has remained a distant goal to be achieved. The problem, therefore, needs to be examined in the context of rights for establishment of a just and equitable social order where women are not exploited physically or mentally. No law, custom, tradition, culture or religious consideration should be invoked to excuse discrimination against women.
- h. We should first construe as what leads a person to commit such a heinous crime in the first place. Over the years various laws have been introduced, but still those failed to act as deterrent against such heinous crimes which not only causes physical harm to the victim, but also violates her privacy and causes huge mental trauma. So how

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can one combat this growing menace of rape and sexual harassment?

i. Need for a sea change in the people's mindset

- i. Despite stringent laws and other forms of deterrent in place, the occurrences of rape have increased every year. And this is just considering those that are reported. So why are the perpetrators of such crimes not afraid to commit them? One of the main reasons is the people's 'mind-set'.
- ii. In India, discrimination against the girl child begins even before she is born. Female foeticide is rampant in India. The male child is so coveted that parents do not hesitate to kill their own girl child. Even if some parents are not so cold-blooded, they do not stop provocation until a male child is born. A boy studying in University who was the youngest sibling in the family once remarked that the fact he has six elder sisters is because his parents were so desperate to have him. In some cases, the husband does not hesitate to divorce his wife for the flimsiest of reason that she cannot bear a male child, when it is scientifically proven that it is the husband's Y

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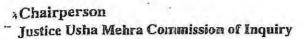


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chromosome that is the determining factor for the child to be a boy or a girl.

- obvious. A boy right from his childhood sees that he is always given preference over his sister, whether it is in better food, better clothes or even showered with more love. While such discrimination is more common in rural areas and less among the affluent families in the urban areas/metros, the gender discrimination in affluent families take a different form. While boys would have every freedom to go out to discos, have their own cars (is umar mein aish nahi karega toh kab karega), seldom does the girls are pampered in a similar manner.
- iv. Girls seldom have their own aspirations, and gender equality only remains a myth. The girls also do not always have the freedom to pursue their higher studies, and instead married off at an early age. Even if some of them succeed to pursue higher education, seldom do they get the opportunity to have a career out of it. A girl in college who went on to become a CA was married off after finishing her CA studies. But

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since her husband and in-laws were not very eager to allow her to work, she was forced to be a home-maker. Such a mind-set gets ingrained in the children from an early age that women-folk can be taken for granted and they are not supposed to have any individual aspirations. Everything should be geared to the male members, father, uncles, brothers before marriage, and husbands, in-laws and sons after marriage.

v. Wrong influence of films. Since childhood a child comes across numerous Hindi/ regional movies where the Hero is shown to pursue the Heroine and even if the Heroine initially is supposed to snub the hero's advances, she does it with a smile on her face and ultimately relents. The underlying message that is portrayed is that the Heroine's NO is to be perceived as YES. Such thinking perhaps gets embedded in the young minds such that it muddles the chasm between real and reel life. Later on when he pursues the woman of her interest in real life and if the woman spurns his attention he either forces himself upon her or kills her.

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- vi. Responsibility of school is much wider than just passing exams and getting good marks. More often we see that the parents-teachers meeting are limited to just making the parents aware about their child's academic development. There is rarely any discussion about the child's behavioural changes and other developments. Teenagers are faced with big changes as they grow up, while some are able to cope on their own others are not. Here the peer group plays a very important role. Children who are introverts are not always encouraged to discuss their problems and even if some approach the teachers, they are either scolded or rebuked in front of their peers. This is a glaring lapse on the part of the school in that the children recoils even more.
- harassment. This is another myth we continue to live with. Nothing could be more hilarious than this saying since the woman was wearing revealing clothes, de facto she was asking for it. In fact this is the message which we get if we speak to the parents of the accused in rape and

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sexual harassment cases. If a boy can have the freedom to choose what clothes to wear, why cannot the girl have the same liberty? And just because she had dared to wear a jeans or skirt, it does not give any one the right to think that she's available and so deserves to be raped or harassed.

viii. People's attitude towards the rape victim is such that she's to blame. Even after the rape has occurred, the attitude of the people makes it far worse for the victim and her family. Her family is immediately ostracized. The message is the girl must have done something wrong to deserve the act of rape. It does not end there. Even if the girl shows enough courage and goes to report the case to the Police Station, her ordeal gets even worse. The police ask unnecessary questions, why she was out of her home late at night, etc. and so delays the entire process and makes the prosecution case weak. If the case stands for trial, she is then forced to face further humiliation where the defense attorney asks all sorts of uncomfortable questions, which only

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dissuades other rape victims to come forth and file their cases.

ix. Women generally do not report the violence and harassment they face. In a study in conducted on the women who said they were "flashed" (faced indecent exposure from men), 71.2% did not react. And when they react, they confront the doers themselves. In 58% cases of groping, women confronted the perpetrator but only 0.7% complained to police. The ratio of cases reported is negligible: 0.8% for harassment by comments or jokes, and 0.6% for flashing. Stalking is reported more often, but only relatively, 7.7% women say they have complained. The study says many women dismiss their experiences as "minor"; many stay quiet fearing retaliation from the accused. Of the women who faced comments or obscene gestures, 21% did not report in fear of hurting family reputation". women...feel ashamed about sexual harassment they may face on a bus," explains Nandita,

i) In a study conducted by International Centre for Research on Women (ICRW) in collaboration with UN Women, Delhi Covernment and NGO (Jagori).

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Bhatla, senior technical specialist, ICRW, "Or that they deserve it because they dared to tip-toe outside the 'boundaries' drawn for them by men." 99% women agree that sexual violence should be reported to "any authority". Yet, only 7.9% knew of the existence of a helpline; of them, 37% told the surveyor they "didn't remember the number" and another 31% said 100. Only 6% (of the 7.9%) knew the "1091 helpline number. The above points clearly illustrate the fact the occurrence of rape is not because of the circumstances but our outdated and wrong mind-set which muddles the mind at a very young age and it only gets worse as the boy becomes an adult. So there is an urgent need for a sea-change in the mindsets of people as a whole.

Measures to Improve Safety and Security of Women:

 In a Study (1) conducted, 90% women polled said they had experienced violence in public spaces at some point. But 60% experienced it within the last six months.

(i) Study by International Centre for Research on Women (ICRW) in collaboration with UN Women, Delhi Government and NGO (Jagori).

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 More than half 51.6% faced comments, jokes and obscene gestures while 20.6% were touched or groped.

In order to alter the mind set of people, mere cosmetic changes: are not enough and so it would be quite some time. before we witness any perceptible change in the overall attitude of the people towards womenfolk. May be this would not happen in the present generation, but it is expected the situation would become better in the future by imbibing the proper value in today's children and youth. Before that time we need to ensure that this menace is curbed and ensure the safety and security of women. What are the ways to achieve that:

- a) Creation and Implementation of a

 Distress Signal Service for Women:
- Concept: This would be a service where, on the pressing of a single button on a mobile phone/band on the wrist or

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elsewhere, a distress signal would be sent out immediately to the nearest Police Control Room, PCR van, and Local Police. As a result, the police are able to track the location of the person in real time.

- ii. Technology: We are given to understand that Unstructured Supplementary Service Data (USSD) is a protocol used by GSM cellular telephones to communicate with the service provider's computers. USSD can be used for location-based services. Since this technology already exists, it simply needs to be tweaked to be an effective tool for prevention of crimes.
- number will need to be assigned (for example, 911) to this cause, and every user can save this number on a convenient speed dial to access it easily in distress situations. However, after a designated cut off date, all mobile phones can be manufactured with this number already inbuilt. We are given to

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understand that this technology can then be used even with zero battery, a locked phone, as well without any balance/credit on pre-paid mobile phones.

iv. Without Exception Policy: Once the distress signal is activated, each call has to be monitored and followed through, without exception. For crank calls, appropriate fines can be put in place. (Eg. Habitual offenders can be punished with imprisonment etc.).

b. ONE STOP CENTRE for Rape Complainants:

- i. There is a long-standing need of a ONE STOP policy and it's implementation which is put into place for victims of sexual abuse.
- ii. This Center is an all encompassing protocol for the provision of medical, legal, and rehabilitative services for the victim all under one roof.

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- iii. This Center will allow for eradication of discrepancies and delays that are inevitably faced in the subsequent trial of such cases, and provide for immediate medical as well as emotional care-taking of the victim.
- iv. The following protocols must be readily available and present at each centre identified as a One Stop Center in designated hospitals to be notified by the Central and State Governments:
 - A trained Police Officer: of the Inspector rank, or above, preferably a lady police officer;
 - A woman counsellor/ representative of a concerned NGO;
 - Medical Expert: preferably woman, who are to be assigned cases of this nature;
 - 4. Trained Nurse
 - Forensic Support: to carry out the examination of the victim to collect necessary forensic evidence;

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- Designated Judicial Magistrate
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- 7. In this regard the first task is for the closest PCR van, or the police personnel at the closest police station, to escort the Complainant victim, directly to the nearest designated Government or Private Hospital having 'One Stop Centre'.
- There must be at least two Hospitals –
 both Government and Private that
 are identified as "One Stop Centres"
 in each Revenue Districts.
- The necessary examination shall be conducted by the Medical and Forensic experts immediately upon the Complainant's arrival at the Hospital.
- All hospitals to be equipped with a Sexual Assault Forensic Evidence Kit ("Safe Kits"). This kit shall contain a prerequisite set of items used by medical personnel for gathering and preserving physical

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evidence following an allegation of sexual assault which can be used in rape investigation. The contents may include-

- Instruction;
- Bags and sheets for evidence collection
- Swabs for collecting fluids from the lips, cheeks, thighs, vagina, anus, and buttocks
- Blood collection devices .
- Comb used to collect hair and fiber from the victim's body
- 6. Clear glass slides
- 7. Envelopes for preserving the complainant's clothes, head hair,pubic hair, and blood samples
- Nail pick for scraping debris from beneath the nails
- White sheets to catch physical evidence stripped from the body
- 10. Documentation forms
- 11. Labels

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- Proper medical care and comfort shall be provided to the Complainant.
- 13. Legal assistance by the State/ District Legal Service Authority be readily available to the victim, if she so needs.
- 14. Family members of the Complainant to be called after the examination of the Complainant, if she so required.
- 15. Results of the examination are to be procured immediately, and under no circumstances after more than 24 hours after the examination has taken place. Such cases must be treated as urgent at both private and government hospitals.
- 16. Results of the examination are to be shared with Complainant, in the company only of those she herself allows, immediately upon procurement.
- 17. After the examination Judicial Magistrate/ Metropolitan Magistrate

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be called for recording the Complainant's statement under Section 164 Cr.P.C. The said statement be read as her Examination-in Chief at the trial.

- 18. The NGO counsellor must provide necessary mental and emotional counselling to the Complainant, including therapy to those who suffer from post-traumatic stress.
- vi. International Example: OSCC is a One Stop Crisis Centre set up in almost every hospital of Malaysia, Bangladesh and South Africa. Such a Centre provide:
 - Medical treatment and examination;
 - Collection of specimen sample;
 - 3. Collection of statements;
 - Counseling;
 - 5. Shelter;
 - Legal Assistance in those countries for expeditious investigation and trial;

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j. Policing for Maintenance and Law and Order:

- i. Police plays an important role in protecting the women from intended crime. For that purpose police has to be sensitised right from the Constable level to the level of Inspector/SHO. These are the people who came in direct contact with the people. Therefore, sensitization of police at all levels is necessary.
- ii. The police force not only needs to be sensitised but the change has to be made at the time of recruitment of officers and police constables manning the police station. At the time of selection for the post of police constable, more emphasis be placed on his attitude.
- iii. Mandatory sensitization training to be given to new police recruits constabulary and continuous refresher course upto the rank of Inspectors/SHOs so that crime against women are handled with utmost care and sensitivity.
- iv. It would be important to consider a range of training courses that start off with basic training for all police officers and a mixture of training and education for police officer and

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specialist teams/depts. Police officer need to have greater education element as part of the training course, as it provides a learning process to deal with unknown outcomes and to deal with circumstances that require a complex synthesis of knowledge, skills and experience to solve problems that have unique features.

- law or operational procedures, but there are many more aspects that are complex to deal with social/cultural issues that have no clear answers or parameters. Training at all levels need to engage with these aspects.
- vi. This knowledge should be incorporated as part of the basic introduction for new recruits. Those police officers already in service would need to have specific periodical training.
- vii. Increase the number of police personnel. All Police Stations should have atleast 1/3rd Women Officers and atleast one female Inspector besides Sub Inspector and Constables. Special Female Police Teams be created where a woman victim of molestation, harassment or rape can approach without

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hesitation irrespective of any question of jurisdiction.

- viii. Increase the night patrolling by Police officials on Motorcycles, on foot or through PCR vans.
- ix. To set up a few dedicated police, squads, each consisting of one plain clothed police woman and a support team of a few constables to back her up. Operate those squads, at random, in buses/auto/parks/malls/theaters/taxies/mar kets etc. at different times of the day, most certainly at late nights, across the city to trap eve-teasors (i.e. the potential molesters/rapists) and do the needful.
- x. The victim of crime when she makes complaint to a Police officer irrespective of the question of jurisdiction that Police Officers be that of a traffic police or otherwise must listen to the complaint of the victim. The victim should not be told to approach the police of appropriate jurisdiction. The issue of jurisdiction should be sorted out within the police fraternity. For the victim of the crime policeman represents the entire police force.

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- xi. Compulsory registration of FIR in case of complaint of any sexual related offences. Police personnel who refuses to register FIR or tries to persuade the victim to drop her complaint must be suitably punished. This action would give encouragement to women to come forward and lodge their complaint with the Police.
- xii. Any and all complaints made at any police station should be registered as zero FIRs, irrespective of jurisdiction. The zero FIR can be shared amongst police stations electronically and transferred to the concerned police station, depending on appropriate jurisdiction.
- xiii. The Police station at which the complaint is made must forthwith have a medical examination conducted of the victim of sexual assault or victim of rape as part of the immediate protocol, without any delay.
- xiv. The locations of all PCR vans should be shared with the public and people should know the approximate areas in which PCR vans are being deployed.

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xv. The PCR vans doing patrolling duties should not be stationed at one particular place. They should be seen moving from one place to another frequently so that people around that area feel safe and act as deterrents to the criminals because of the presence of the Police.

For no more than 10 minutes the PCR van a should stand at one place.

xvi. Number of PCR vans on round are stated to be only 554 with the police as a result of which police is not in a position to post PCR vans in all the areas which are vulnerable. Therefore suggestion is to increase the number of PCR vans to al least 1600 so that there is effective patrolling in almost all the areas of the NCT. The area of its patrolling should be divided in to small zone say about 3 k.m. and the PCR van should move all the time in that area including at night time.

xvii. We have been informed that there are very few ambulances attached to the PCR vans. In fact for saving the life of victims there should be atleast one ambulance if not more attached to each police station. We are told that there are

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total 161 territorial police stations in Delhi. Each Police Station should have one PCR Van with ambulance facilities.

xviii. The need based designated deployment of police personnel will reduce the crime rate and provide for safer localities, even for those that lie on the peripheries. Security should be looked at as a right, not a luxury that can/cannot be afforded.

xix. For the protection of women in the public places at least in vulnerable areas CCTV cameras with recorders be installed immediately to help control crime and help investigation of the crime. State should ensure installation of CCTV cameras at all public places. Further, the firm who installed the cameras be made responsible to ensure that these CCTV camera should remain operational all the time.

xx. Area which are more prone to crimes, can be identified via the process of crime mapping by police and adequate measure to prevent crimes by increasing street lights functional 24 x 7,

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constant patrolling by the police etc. in these areas.

- with recorders with a link to the police headquarters and to the nearest police station.

 When Police personnel know that they are being observed, they are less likely to act carelessly and rudely. CCTV recording be preserved for atleast one month.
- xxii. Every Police Station should install CCTV camera inside and outside the Police Station.
- xxiii. Police officials should be equipped with mobile phones duly fitted with a electronic device so that the Police officers can locate the whereabouts of their patrolling personnel on duty be that PCR Mobile Van, Motor Cycle or on foot.
- xxiv. Police officials should be posted at all bus stands, Malls, Cinema Halls, Railway Stations and Commercial Markets etc.
- xxv. The Police should exhibit in all public places boards indicating and cautioning that act of eve-teasing, passing of lewd remarks and

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vulgar gestures is an offence punishable under law.

General of Police vs. S. Samuthiram decided on 30.11.2012, 2012 (11) JT 485 has given similar directions but till date these have not been complied with by the State Government, Union Territories or the Police. Supreme Court in the said case has also directed Persons in-charge of the educational institutions, places of worship, cinema theatres, railway stations, bus-stands have to take steps as they deem fit to prevent eve-teasing, within their precincts and, on a complaint being made, they must pass on the information to the nearest police station or the women's Help Centre.

to a police officer as her his/her beat, but these police officers seldom visit the rural/far-out areas or do so only on receipt of an information of crime from village Pradhan/Chowidar. A rationalization of allocation of beats to police officers with less beat of villages in a beat needs to be undertaken immediately, so that at

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least every village/settlement is visited on an alternative day by a police officer to instill a sense of security and confidence amongst the citizens of the society and to check the depredations of criminal elements. It is suggested that the beat police officers of the village/far-out area must visit during the daytime so that their movement is visible to everyone to have a desired positive impact. The police officer must meet respectables of the area and if there is a girls/women school in the area, s/he must visit the school to talk to the teachers to find out about their problems. This duty of visiting the rural areas should not only be left to beat officers, but senior officers like SHOs/SDPOs and even S.P./District must visit such areas on a regular basis, as per a schedule, ; to instill a sense of confidence in public at large.

k. Technology Policing:

 No amount of human dependence can stop a crime from being committed as it is logistically not possible, therefore, we need to apply requisite technology.

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> ii. Various national and international examples are available, wherein it has been observed that installation of Close Circuit T.V. Network helps in preventing illegal/criminal activity in a particular area. In Delhi, a beginning was made in this direction, but that effort is. floundering at best and has yet to gain any significant momentum. There are many commercial establishments like Malls, cinema houses, hotels, hospitals and in some case even Resident Welfare Associations and Market Welfare Associations, which have installed CCTV Network in their areas. The availability of recording from privately owned CCTV Network has been a big support to the Delhi Police in solving many a heinous crime, as is evident in the present rape case. Presently, the owned CCTV Networks privately operating their own platforins i.e. their technical specifications are different from the police/State installed CCTV Network systems in markets or borders and the police cannot plug into these systems in real time to examine a situation, as it develops within the area of coverage of privately owned CCTV network.

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> Therefore, the technical department of Government of India need to be tasked to issue standard technical specifications for such privately owned CCTV Networks and Delhi Police must issue instructions to such commercial establishments, where there is large footfall, to install CCTV Network mandatorily as per the laid technical specifications so that Delhi Police Control Room can connect directly into these private networks to augment their surveillance capability. The CCTV network will be maintained privately and must have at least 30 days recording storage facility and the live/recorded feedback will be made available to Delhi Police through password/firewall; whenever required for law and order purposes. This integration of CCTV Network systems can be extended on All India basis' also. It is strongly suggested that a beginning must be made from metropolitan cities immediately.

During recording of evidence this commission,
 was informed by the police man posted at

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> Duty Room at Safdarjung Hospital that he was not having either the mobile phone or the wireless set in the said police post. He had to depend on the extension line of the exchange of the Hospital Authority. It is surprising that in the present day scenario when technology has advanced so much the police personnel are not provided with even a mobile phone or some other instrument by which they can communicate with their police station immediately in the hour of need. Immediate communication is very important to stop the untoward incident. In the absence of means to communicate, even if a beat constable wants to protect a helpless women, he cannot contact his police station and call for reinforcement. Therefore, such police officer should be equipped with mobile phone having facility to contact his police station only. It is strongly recommended that mobile phone should be provided to the all mobile duty police officers keeping in view the safety of women.

 iv. Installation of CCTV Cameras in public places and public transport and increase in vigilance

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will help reduce crime as it will deter criminals. It is an expensive option but will act as a major deterrent in reducing not only rape but petty crime as well. Most countries including UAE and some Middle Eastern countries have CCTV cameras installed in public places and public transport so they can monitor day to day activities in an efficient manner and hence keep a tab on crime. Crime in the Middle East is lower than most countries not only because of their strict laws but also because of scientific monitoring at public places through electronic gadgets. Cost of installation of these cameras can be justified in the drop of crime rates.

- v. All States and Union Territories to have
 Woman helplines properly and routinely supervised and checked, handled by women only.
- vi. Separation of Investigation Branch from normal Policing: There is an urgent need for separation of investigative staff and law and order/patrolling staff in every police station of Delhi and in the NCR Region. It has been

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observed that the same sub-inspector is required to perform multifarious duties in the area, pertaining to patrolling investigation of cases, appearance in the court and law and order Bandobust. Due to this variegated deployment, the officer fails to develope any specialization in a particular kind of crime, which results in inferior quality of investigation. This also hampers trial in the court as due to law and order arrangements and other duties, many a time, the officers fails to appear in the court at the given time, resulting in unnecessary adjournment and delay in finalization of the case. Because of the unscientific investigation, by inexperienced police officials, the accused get an advantage followed by acquittals.

vii. The Hon'ble Supreme Court of India in Prakash Singh Vs. Union of India & Ors. (2006) 8 SCC 1 had given a direction that "the investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people.

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viii. Having separate investigating branch of the Police though under the same police station but the Police official of that branch known as investigating branch should not be used for normal policing. The investigating branch should be equipped with all essential equipments. Those police official who are to be posted in the investigating branch must be given scientific training on to how to collect the evidence during investigation particularly in case of sexual assault. The said investigating branch of the police must have at least one officer having knowledge of forensic science.

- ix. The investigating branch should have a van under their control fully equipped with photographic equipments, forensic support equipments and a person who knows how to lift the finger prints and how to preserve the evidence collected at the site of crime.
- x. More forensic laboratories are required. There are only two forensic laboratories in Delhi, one is meant for the CBI and the other is with the Delhi Police. Both these are overloaded with

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work. In the absence of a report from the forensic laboratories, criminal cases are delayed.

- xi. This specialized training must be imparted to the police officials who are to be posted in this branch which is very necessary. Before posting, his skills and the background of the police officer must be tested. Collection of evidence in a scientific manner during investigation is very crucial for success of the prosecution case.
- xii. Peter Neyroud, Resident Scholar, Jerry Lee Centre for Experimental Criminology, Institute of Criminology, University of Cambridge has mentioned about Professor Allyson MacVean, research on the investigation of serious sexual assault, by recommending that the right place to start is with basic training, because so many rape and sexual assault cases flounder with the failure at first reporting and the loss of evidence from an unprofessional first responder.
- xiii. Serious sexual assault investigation lacks scientific approach. Therefore, there is need for

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all police officials, from constables upwards, to have a basic training in the handling of scientific reports and investigation of serious sexual assault cases. This training would need to include such content as:

- 1. The law;
- The specific cultural/gender challenges of an investigation;
- 3. Family liaison;
- Investigation challenges and intelligence;
- Case examples;
- Police policy and procedure, etc.;
- National standards and local issue.
- xiv. Focus should be on specialist teams. These teams have to investigate serious sexual assault cases. Pursuant to the Order passed by the Delhi High Court it is learnt that nine vans were purchased by Delhi Police for specialized investigation. These vans are equipped with scientific instrument for lifting the fingerprints

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well as medical instruments all fitted in the van but unfortunately the persons who are manning the same have not be given this specialized investigation training to investigate sexual offence cases. This will be done if the investigation branch is separated from the normal policing as mandated by the Supreme Court in the case of Prakash Singh.

xv. Since the investigation of criminal cases is done by the police officers who are also deployed for normal policing as a result, the disposal of cases gets delayed. As the investigators are neither having any professional orientation nor having scientific knowledge, the prosecution cases become weak in the court. Many a time it is seen that even the investigating officer is not available on the day of recording of evidence because of his/her emergency duty in maintaining law and order. If there is a separation between normal policing and investigating branch then such eventuality will not arise. Justice Usha Mehra 4Fc. her Judge Delhi High Court

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xvi. It is strongly recommended that investigating agency should be separated from the normal policing and they should be given scientific training. However there should be full coordination between the two wings as said by Supreme Court in Prakash Singh Case.

xvii. Ministry of Home Affairs, Government of India, had issued Office Memorandum No.F.No:15011/48/2009 SC/ST-W dated September 04, 2009, to all State Government as well as to the Union Territory Administration. The Home Ministry vide this Memorandum recommended various steps for the safety and security of women. One of the step suggested in the said memorandum is;

- Increase the number of beat constable, specially on sensitive roles;
- Increase Police patrolling, especially during the night;
- Increase the number of women in the mobile police vans;

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- Increase the number of police help booth/kiosks, especially in remote and lonely stretches;
- Install street lights on all roads, lonely stretches and alleys; and ensure street lights are properly and efficiently working.
- 6. "Unfortunately, these recommenda-tions have remained on paper. The strength of beat constables have not been increased. In the instant case of 'Nirbhaya', the route which the offending bus took there was hardly a beat constable/PCR Van available through out the area covered by this bus. Therefore, it is very essential that the strength of the police constabulary be increased alongwith increasing the number of PCR vans. It would also not be out of place to mention that where 'Nirbhaya' and her companion were thrown in a lonely area near the bushes there were no proper lights on the road as 'a result the companion of 'Nirbhaya' could not see the details of the offending

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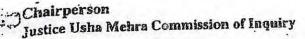
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bus. It is expected that the State Government and the Union Territory Administration will look into it and provide proper and functional street lights on all the roads in order to protect the safety of women.

1. Community Policing:

The concept of Community Policing should be initiated in the National Capital Territory as well as in the National Capital Region. Community Policing means friends of police. It is police public partnership where . Community members empowered and with the help of police oversee the neighborhood. Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. This way these Community people provide opportunities to effectively

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contribute to the prevention and detection of crime. The Community people or colony people can provide useful information leading to solving of crime. They can also act as check and prevent the abuse of power by the police because of easy accessibility to police higher personnel. Community policing is holistic and proactive concept essentially involved in: Beat and night patrols. They also help in traffic, crime prevention, assistance in law and order maintenance and involvement in prohibition work.

ii. Samarth Yojna Community Policing Experiment, are in vogue in Coimbatore City of Tamil Nadu rightly called the 'Manchester of South India' which had witnessed two communal holocausts, religious and ethnic riots, rampant violence, inhuman brutality and increasing criminal activities etc. In this background an experiment was initiated to bring the situation under control. Therefore Smarth Yogna Community policing was initiated.



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- iii. The main objective of such experiment was to perceive and resolve the communal problem and also to win the confidence of the people whose faith and confidence in the police had gradually eroded.
- iv. Area Committees should be formed and they should be taught all aspects of community policing which help them to trace and resolve small local issues. Regular meetings must be held with the committee members to discuss and solve current problems and also provide valuable information to the police on criminals in the locality.
 - Workshops and Seminars should be arranged on attitudinal change of Police Officers.
- vi. By having Community Policing city can be divided into number of beat zones and each beat zone should be manned by number of constables called Beat Officers. Make them more responsible and responsive to public needs. These policemen who are part of the police should be encouraged by senior

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officer to attend to problems of the community in order to gain goodwill of the people. Complaint boxes can be fixed at different locations to receive information from public who may prefer to remain unidentified and yet participate in their effort to assist the police.

- vii. Wide Area Net work can be introduced linking all police station and offices with the internet connectivity and email services.

 This facility will bring police closer to the public.
- viii. School children should also be encouraged to visit the police station in order to remove the fear of police from the mind. This way it will add to transparency, awareness and better understanding of the police force as to how police functions at the police station and highlight responsibility of citizen vis-àvis police working.
- ix. Suggestion for Improving Security/Police
 Co-ordination and Woman Safety in
 National Capital Region:

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- 1. So far as rural areas are concerned, senior officer of the district of the rank of Deputy Commissioner or DSP must tour the village attached to their district frequently in order to discuss the problems faced by rural women and make them acquaint with the law for their benefit and apprise the people of the stringent punishment which can be imposed for violating dignity and honour of the women.
- 2. The NCR is witnessing rapid economic development manifested in expanding industrial zones. habitation, nodes and educational institutions. In this backdrop, systematic thinking must go into planning the spatial positioning of police stations and outposts, while planning the land use. Very often, settlements develop and expand without factoring in security needs, resulting in placing of police stations and other security infrastructure at non-strategic locations.

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- 3. Highway policing needs to focus on the make travel safe and to apprehend criminals escaping after committing crime. To this end, measures like installation of camera at Toll Collection Points (which should not be used for overseeing of collection of monies, but should focus towards the vehicles and occupants of the same) more dense highway patrolling, pertinent placement of police outposts and period surprise checks in tandem with transport department can be adopted. Adoption of High security number plate system alongwith the GPS system can be very effective in tracing vehicles involved in committing crime.
- The existing zonal integrated police network may be strengthened and more effectively utilized for sharing information regarding crime.
- Wireless still continues to be the backbone of the police communication.
 Inter-district and inter-state wireless

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systems need to be integrated. The wireless based communications can be made more effective by stationing of representatives of different states at their respective control rooms. For the incident response mechanism in these control room, the United Kingdom's MIRSAP (Major incident room standard administrative procedure) model can be studied.

- Mandatory security requirements for the new colonies and housing schemes need to incorporate electronic surveillance and access control measures.
- 7. Mobile tracking and analysis is a major contemporary tool in crime prevention and detection. In this context, an effective mechanism needs to evolved for real time sharing of location information and other details by mobile service providers with police authorities. This is most important for

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information requirement arising after routine office hours and on holidays.

- Periodical regional and sub-regional meeting need to be organized more frequently for information sharing and coordinated operations.
- In order to provide uniformity, vision, objective, operations, resources, special police/ security unit can be created within the National Capital Region Planning Board ("NCRPB"). Chapter 12 (Social Sector) of the . Regional Plan 2021 (Document of the NCRPB itself mentions, "There is need to set up a central coordinating agency/. institutional mechanism, with similar police, administrative system (including uniform laws wherever required), to control and monitor criminal activities on regular basis in the region. The Document further states, "in view of the similarity in the pattern of crime and operation of interstate criminal gangs in Delhi and its surrounding area, there is

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a need to prepare a perspective plan for police modernization in NCR. This entails improvement of human as well as material resources of police in the jurisdiction of the States in the NCR.

x. So far as National Capital Region is concerned no rules and no policy has been put in place as to how police has to interact with each other. What data can be obtained as of right and in what circumstances they can enter jurisdiction of other region. All these have to be laid down so that in the absence of framed rules apprehension that accused after having committed the crime walks over to other State then it becomes difficult to trace him because of procedural problem and valuable evidence is lost.

xi. Neighbourhood Watch Scheme:

 Neighbourhood watch scheme, involving local residents is found to be quite popular in other countries. These schemes imply a certain level of social cohesion and that all the participating residents share the objective of preventing and

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reducing crime by increasing the level of "natural surveillance" in a specific area, thus performing informal crime control. This mechanism would work best if police takes active participation and are involved. In Japan crime rates have fallen. Much of this success is due to a vast net work of community based, crime control organizations operating in neighborhood school and work places.

- Police officers must hold frequent interaction sessions with resident of the area. Senior officer's visit will put the Beat Constables on alert who would perform better.
- Create an eagle eye force of retired and responsible citizens to watch over their neighbourhood.

xii. Overview Committees

State Government and the Union Territories should constitute Overview Committees. These be constituted in NCT of Delhi by the Lt. Governor consisting of some respectable

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people of the society, professionals, senior govt. officers etc. to overview the functioning of police stations. Their recommendations/report should have weightage at the time of confirming/promoting the police officers of that police station.

m. Sharing of Information between Department of Directorate of Transport Authority and the Police:

i. Several crimes can be avoided if there is proper communication and coordination between these two departments. If a bus does not have a permit, for example, the police must, as soon as the offending bus is challaned, intimate the Transport Authority, and vice verse by the Department of the Directorate of Transport Authority by intimating to the DCP Traffic, Delhi as to how many buses/ commercial or contract vehicles have been issued permits with their date of expiry. Similar information with regard to Taxies and TSRs should also be given to the Traffic Police.

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- ii. Before issuing the permits the department of the Director of Transport must get the details and antecedents of the owner and of the driver verified from the Police. information will be of great help for the traffic police to know which are the vehicles plying on the road without permit thus unauthorizedly. The offending vehicle in question was plying in Delhi without permit, from 9th March, 2012 till atleast 02nd November, 2012. The owner of the offending bus had given wrong address. He is the resident of Noida but by furnishing incorrect address of Delhi got the permit. Had this been verified by the Directorate of Transport the permit would not have been given consequently the present incident my not have happened. Therefore, it is necessary that both the departments must share vital information.
- iii. Similarly, the Traffic Police challaned the offending bus for six times but did not inform the department of the Directorate of Transport, that the offending bus was plying

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on the Delhi Road without permit. Had this information been given the Directorate of Transport might not have renewed the permit on 03.11.2012 of the offending bus and perhaps 'Nirbhaya' might not have met this fate

n. Awakening the Collective Conciousness

(i) Background:

- The International Center for Research on Women's (ICRW) findings on men's attitudes to women in public spaces only shows how much work is still required. The Report points out:
 - a. Two in five of the surveyed men felt women who step outdoors at night 'deserve' to be sexually harassed.
 - b. Three in four men felt that women "provoke" men by the way they dress;
 - 56% men thought women should avoid taking up jobs that require them to go out at night;
 - d. 65% felt women should go out only when they are accompanied by men.

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- e. 30% said a woman is raped when she does something to put herself in that situation.
- 2. The changing role of women and the unchanging way in which men perceive women produces a conflict that is central to the problem of harassment, feels sociologist. Yogendra Singh. "Women have been under subordination in both rural and urban areas. This is true even of corporations," says Singh, adding, "I have come across studies on women in enterprises which suggest that males in upper management posts discriminate against women."
 - 3. The notion of "male primacy" in a "repressive culture" plays a strong role in leading men to assume that they are entitled to overpower women, according to Dr Shekhar P Seshadri, professor of child and adolescent psychiatry, NIMHANS.
 - Nandita Bhatla, senior technical specialist, ICRW, says, "We need to think about how to prevent it (sexual violence against women).
 At the core lies the fact that men are brought

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up to believe that they have the right to discipline and punish women for what they consider right or wrong behaviour for them. They are anchored in deeply-engrained patriarchal norms, so it is acceptable that men set the norms and if women deviate, they should be ready to face the consequences."

- "....... The discourse should change from protection of women to freedom of women,"
 Dr. Shekhar P. Seshadri says.
- 6. In a survey conducted in six developing countries across four continents to map attitudes and practices related to gender equality. Researchers from the International Centre for Research on Women (ICRW in US and India) and Instituto Promundo in Brazil, who led the survey, interviewed more than 8,000 men and 3,500 women, aged 18 to 59, from these countries. Indians, who are known to excel in competitive examinations globally, were ranked last on the 'gender equitable men' scale. Only 17% of Indian men qualified to the 'highly

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equitable' (gender-just) category. On sexual violence, 24% said they had committed some form of it in their lives. Although Indian men were the most sexually and physically violent at home, however, they were not involved in violent or criminal behaviour outside. Only 4% Indian men had participated in robbery and 7% had been involved in fights with weapons.

ii. With this background, Sensitization of all sections of society on a mass scale is imperative. The campaign should be continuous. Prominent and distinguished personalities like popular political leaders/icon, film stars, cricketers to come forwards to spread the message of gender equality. Further, they should emphasise that treating woman with dignity is what is required but offending the dignity of the woman and sexual offences are punishable. All forms of media, TV, TV scrolls, messages, print, painting of messages on buses, trains, all public places and sending SMSs to all mobile subscribers by Government periodically should be done to

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spread the message in order to change the mind set.

- iii. What is required in such campaigns is short messages of 10-15 seconds like we have on issues like pulse polio, dowry problems, MGREGA scheme etc. similarly by these campaigns women dignity should be highlighted.
- iv. Mass media should not be allowed to screen contents which lower the dignity of woman or which portraits dignity of women in poor light.
- v. In order to change the attitude of the men we have to create awareness that woman is not a subject of mutilation any time but is equal and has to be respected and she has right to live with dignity.
- vi. It is necessary that parents should teach their children how to respect the female and should not degrade her honour at home. Allow her to go to school instead of asking her to lookafter the house and brothers. This must be stopped because this discrimination ultimately make the male superior and that attitude is depicted in the public and streets. If parent are made to

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understand that the girl child has the same status as the boy and she can also be economically independent perhaps the male child automatically would start respecting the female as equal partner.

vii. Prevention must begin by identifying and addressing the underlying causes of violence rather than its symptoms. Prevention programs and societal transformation must go hand in hand. Such transformation involves culture, community life, as well as in the structures that sustain the value system.

wiii. Laws are not enough to combat the growing menace of sexual harassment and rape committed on women. A wider social movement to change the mind set of the society is needed. Men have to join in this fight against discrimination. We have witnessed young boys and girls coming on the street after 16th December 2012 gang rape and clamouring for justice and safety of women. Such collective consciousness has to be raised in order to save and protect the women from heinous crime.

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- ix. Inclusion of men is an important aspect of raising the collective consciousness. It is important to develop programs to engage men and rallying them as allies. Some international examples are mentioned below:
 - 1. A Maine Coalition, Against Sexual Assault or MECASA believes engaging men are an essential tool of primary prevention. Involving men as partners and leaders in ending sexual violence is crucial to stopping this violence before it occurs. Engaging men means involving men in conversations about and action against aspects of dominant traditional masculine culture, which is a societal factor contributing to sexual violence. Engaging men is central to empowering bystanders and primary prevention efforts where everyone is an ally and takes responsibility for ending sexual violence.
 - Men can Stop Rape (MCSR) is an international organization that mobilizes men to use their strength for creating cultures free from violence, especially

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men's violence against women. Since its inception in 1997, MCSR has led the call to redefine masculinity and male strength as part of preventing men's violence against women.

- x. Inclusion of Community Leaders: Respective community leaders or leaders of self-styled Community. Panchayats, leaders of various religions can be of great help in preventing such crimes by regularly speaking on crime against women. They can help in preventing crime against women by preaching that it is against religion, humanity and is a punishable offence.
- xi. No custom, tradition or religion gives sanction of any form of violence against women nor it should be allowed to outweigh the obligation to eradicate violence against women. Practice of hiding behind cultural and religious traditions that permit violence against women perpetuates a climate of legal and moral impurity. Responsibility of States to protect women and girls from violence must take precedence over any such custom. State must

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take comprehensive measures to eradicate the culture of impunity.

xii. Social awakening can be created by educating people through advertising, discussions/ seminars. Producers of entertainment channels can be asked or by law mandated to run gender sensitization ads or other socially responsible programmes before or after their popular programme in order to sensitize the public towards basic humanity, empathy, respect and sensitivity towards women, saying that women are equal and their dignity cannot be touched and that there is stringent punishment. Such advertisement sensitize the people be given with every popular Serial shown on the TV. To a great extent it will help in changing the mindset of the people.

o. Public Participation Programme:

i. Public participation program is to focus on increasing empathy towards rape survivor and motivating men to intervene as bystanders in sexual assault situation. To encourage

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bystanders to help the victim of sexual assault police can play important role by educating the bystanders how to intervene as a bystanders in risky situations and also assuring them that they would be given full protection and no harassment would be caused to them. This way willingness to intervene can be created amongst the bystanders. At present people watch crime being committed be that in public transport or on road but no one intervenes for fear of police, that police may not involve them and subsequently for going to Court number of time. To avoid harassment they don't intervene. But if police by their conduct create. confidence that bystander would not be harassed perhaps many bystander would intervene and thus save a woman for sexual harassment.

ii. General Public should also be encouraged to help prevent crime against women by being vocal and refusing to accept injustice on streets. People should be encouraged to help victims rather than be mere spectators of crime. Normal people who help victims or show

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courage to oppose injustice should not be penalized by calling them to police station and/or in the court.

iii. Importance of men's initiative to control violence cannot be overlooked. Men's group to be motivated to take initiative by group discussions, education campaign and rallies beside holding workshops in school and colleges as well as work places. These actions to be conducted in collaboration with women's organizations that should involve in preventing violence against women and providing services to the abused women, and of course with the help of police and administration. Such group should focus to sexual assault prevention programs in college campus.

iv. For this media must come forward to make this programme a success. Motivational program be shown on TV, in cinema halls, in newspapers focusing on bystander intervention. Motivational speeches by religious leaders, bollywood personalities etc. will also help in motivating the public.

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v. There has been increasing tendency on part of criminals to use firearms as compared to earlier times and it has also been seen that criminals are using more sophisticated weapons such as pistols for committing crimes/assaults. The availability of these kind of sophisticated weapons with criminals give them matching fire power and there has been increase in such instances of use of these weapons against the police also. It has been learnt that this manufacturing of high quality sophisticated semi automatic pistols/firearms has taken the form of an industry in some part of the country. The government of India may develop a strategy so that police of different states act in a concerted manner and take action at the source of the manufacturing of the weapons beside apprehending those criminals who are carrying and using such weapons so that these spread of sophisticated weapons can be checked at the root itself before it spreads to take larger area endangering safety and security of citizens and attains alarming proportions.

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p. Education to play vital role

- i. Education per se is not only learning a particular subject and pass an exam and getting promoted to the next class. It has a much larger role than that. It gives us a clear understanding to differentiate between right and wrong. Alas our present education system has failed in this respect. What we are more interested in the child's percentage in exams and whether the child has got admission in a particular school or college. It is more of a status symbol rather than a way to a better development of the child's overall personality.
- ii. It would not be out of place to mention that crime like rape started after we lost spiritual and cultural heritage. Supreme Court in the case of Dalip Singh Vs. State of U.P. (2010) 2 SCC 14 observed that " for many centuries Indian Society cherished two basic values of life i.e. "Satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha & Mahatama Gandhi guided the people to ingrain these value... However, the post independence period has seen drastic changes in our value-system. The

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materialism has overshadowed the old ethos..."

The net result is present day materialistic and individualistic culture with no moral values, causing tension in Society and decline in state of health, morality and fitness of people.

- British Parliament on 02.02.1835 said "I have traveled across the length and breadth of India and have not seen one person who is a beggar, who is a thief. Such wealth I have seen in this country, such high moral values, people of such caliber, that I do not think we would ever conquer this country, unless we break the very backbone of this nation, which is her spiritual and cultural heritage. Therefore, I propose that we replace her old and ancient education system, her culture, for if the Indians think all that is foreign and English is good and greater than their own, they will lose their self-esteem, their native culture and they will become what we want them, a truly dominated nation".
 - iv. What is immediately required to be provided is proper and qualitative education including moral values to students. The Constitutional Bench of Supreme Court in the case of Uni

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Krishna vs. State of U.P. reported in 1993 (1) SCC 645 declared that education is fundamental right of children. Long thereafter the Parliament by 86th Constitution Amendment Act 2002 added Article 21A in the Constitution formalizing education as a fundamental right of citizens. Article 21A reads as under:

- 21A Right to Education: The State shall
 provide free and compulsory education to
 all children of the age of six to fourteen
 years in such manner as the State may, by
 law, determine.
- Long thereafter Parliament passed the Law called "The Right of Children to Free and . Compulsory Education Act 2009" (called the "Act"). The object and reasons of the Act is quoted as under:
 - a. that every child has a right to be provided full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards;

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- b. The proposed legislation is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all.
- the 'National Education Policy-1986'.

 Para 8.21 of the policy reads "Yoga as a system which promotes an integrated development of body and mind, 'Yoga' will receive special attention. Efforts will be made to introduce Yoga in all Schools".

 Para 8.4 of the Education Policy, stressed the need to make readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values. Para 5.33 of the Policy says "Efforts will be made to delve into India's ancient fund of knowledge and to relate it to contemporary reality.
- Pursuant to the Act 2009, the Govt. issued
 Notification on 31.04.2010 wherein it

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decided that "NCF 2005" shall be the 'National Curriculum Frame Work of Education' under the Act. The 'NCF 2005' which specifically provides that health and physical education shall be a compulsory subject, which includes Yoga and physical education as they contribute to: the physical, social, emotional and mental development of children. The NCF 2005 says " as a core part of the. curriculum, time allocated for games andyoga must not be reduced or taken away under any circumstances...". It must continue to be compulsory subject and needs to be given equal status with other subjects.

5. Therefore, in view of Article 21A and the 2009 Act, Yoga has become compulsory subject and is also now a Fundamental Right of all students. But fact is that there is no implementation of the same in many Govt. and Private schools. No marks are awarded for yoga in the final progress report which is clear from the Publication

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Department of NCERT. NCERT has not printed any syllabus as well as Text book on Yoga. Yoga practice inculcates values of life automatically. Proper guidance to perform Yoga to students are extremely useful for their physical and mental and emotional health.

- Indian women aware of some of her rights and her position in the society but due to attitude of the men, this important section has remained deprived of their freedom in full. The fight of women for their rights is not a fight "against men". It is a fight against unjustified traditions and the male created LAXMAN REKHA which women are not supposed to cross.
- vi. Educational Institute is a place where students develop their thinking and learn how to behave besides studying. Therefore, educational institute is the first place after home where teaching can be given to the student which help them to respect the

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opposite sex. In private as well as Govt. schools there should be moral science classes.

- vii. It is pertinent for young children to learn that rape is an act of violence. This is important for boys to know that rape is violation of someone's right and for girls to believe and internalise that there is no shame attached to the act of rape.
- viii. Many girls and boys are not aware of the beneficial laws made for women and punishment for committing crime against them. Therefore, awareness campaigns should be conducted especially at school and college levels so that boys become aware of the fact that crime against women is visited with deterent punishment.
- ix. There is need to give proper counseling to girls, so that they can freely report the crime against them.
- x. Social awareness among students to come to the rescue of victim instantly as they know about such incident rather than remaining unconcerned about it. We need to introduce

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some lessons on moral values in Ist and 2nd Class syllabi in the Physical Education.

- xi. To eradicate this evil it is necessary to reorient the entire thinking and educational process in the society to make women equal partner. For this educational system has to be revisited and curriculum should have moral and cultural values.
- xii. More educational institutions for girls education with moral education have to be opened. Quality education to be imparted in the rural areas. Educational curriculum needs to be revisited with the objective of removing all kinds of stereotypes related to gender value and moral education to be made compulsory in all schools. Educational programme/seminars for parents along with children to be organized by schools where they could be taught to be free with each other. It will be easier for the children to reach out to their parent regarding whatever they face in the society.

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- xiii. Gender education to be made mandatory in all schools be that private, public or Govt. Special classes and after school hour classes if take place particularly if girl students, then it should be the responsibility of the schools to ensure that teachers and girl students reach home safely.
- xiv. Primary School teacher should teach kids to understand, recognize and alarm the teacher and parents of any kind of physical or mental abuse.
- xv. Responsibility should be fixed on the administration operating in rural areas to ensure that parent of girls students must send their daughters to school. Therefore, Compulsory Education Act which has been passed must be implemented in the spirit in which it was passed.
- xvi. The role of educational institution and imparting of education to women help to a great extent, making them bold and aware of their rights and help in overcoming prejudice and practice based on traditional notions.

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q. Role of Government in Policy Making:

- i. The Government can play an all important and persuasive role in the sensitization of the populace at large to meaning of gender equality;
- This can be done through the recognition that tools of training and gender sensitization can be used to change behavior and attitudes which are largely 'learned' and not inherent.
 To use these to teach the "unlearning' of norms that culture and environment perpetuated over centuries that men and women have internalized thereby perpetuating gender inequalities.
- iii. In the framing policy, it pertinent for policy makers to recognize that not only is Gender equality imperative for a safe society but it's also smart economics. It is not unknown that gender equality can enhance economic efficiency and improve other development outcomes. Much literature already exists on the subject, suffice to say, that promoting equality with allow women same/similar access as men to education, economic opportunities, and

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productive inputs that will in turn enable them to generate broad productivity gains; help improve women's absolute and relative status and lastly create a level playing field- where women and men have equitable chances to become socially and politically active, make decisions, and shape policies which in turn is likely to, over time, lead to more a representative, and inclusive society.

- iv. In fact, the World Bank Gender Equality and Development Report, 2012, states, "....... in a globalized world, countries that reduce gender based inequalities, especially in secondary and tertiary education, and in economic participation, will have a clear advantage over those that delay this action."
- v. It is worth mentioning that within months of taking office, President Obama created the White House Council on Women and Girls with the explicit mandate to ensure that every agency, department, and office in the federal government with the policies they draft, the programs they create, and the legislation they support takes into account the needs and aspirations of American women and girls. The

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Obama Administration has worked tirelessly to promote equality; enhance women's economic security; and ensure that women have the opportunities they need and deserve at every stage of their lives, from obtaining training and education, to succeeding in the workforce.

- vi. What we need is a paradigm shift in the attitude of men towards women, and even of women towards themselves.
- vii. Gender equality can only be achieved with the propagation of trainings and proper gender education for Men, Women, Children and the Administrative, Judicial, Executive branches of our country, including the Police Force. The focus must be on sensitizing men and strengthening women, in the following manner-
 - Explicating the difference between consent and no consent. That consent can be withdrawn at any time prior to OR during the act.
 - That both parties have a right to say both yes and no.

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- 3. That each individual de hors of their gender has the full and complete right over their bodies and that no one has a right to take that away.
- 4. That Rape is an act of violence and not a sexual act.
- 5. Only full and complete consent makes it sex.
- Sex turns to violence when the consent is withdrawn.
- Women must be encouraged to come out and report violence without any guilt and shame.
- Women must be encouraged/ supported to carry on lives as usual without any guilt and shame. They must be encouraged and supported to live an unblemished life.
- Celebrate the sexual freedom of women.
- 10. Educate society on the fact that real progress is only possible, even from an economic perspective, when an all-inclusive society contributes to growth.
- 11. These points need to be driven home to every man, woman and child. It must be a combination of good laws, their proper

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enforcement, and a collective social inheritance of the knowledge that while sex is a fact, gender is a construct of the mind. All those constructs that constrict, inhibit, and subjugate, must be done away with, and the fact of equality must be embraced. This needs to be a multiple-pronged effort.

r. Role of Society:

i. The Society has a role to play. The victims and their family should be given support and not shunned by the neighbours, school/colleges, relatives and colleges. For this community leaders, teachers and police should make consistent efforts to create awareness that it was not victim's fault. It is the rapist who should be ashamed and shunned from the Society. State should make provision for her rehabilitation.

s. Role of Media:

 Safety and security of women can be improved through media preferably through electronic media. Media has done a great job as a watch dog for the community and, therefore,

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becomes an important avenue to sensitize the community at large. Since television has now reached the remotest village in the country, awareness programmes on the line of other social issues can easily be transmitted. Advertisement for any product be that household or eatable are made popular by TV and those programmes have made the children and youth addicted to the same, then why not the media should bring about change in the youth regarding the respect for women and for their equality. Programmes to be telecast on television and radio should convey that women are not to be subject to physical harm/violence. It is a heinous punishable, with stringent punishments and even death penalty can be imposed.

ii. Since media is almost a mass persuasion tool in the power that it has to shape people's thoughts and opinions, it is imperative to discourage movies, advertisements and sitcoms that objectify and/or stereotype men and women. For instance, the media can play a major role in discouraging the oft perpetuated

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and age old concept of glorifying men who indulge in casual sex, praising women that portray the 'coy' and 'sati savitri' image. By sequiter therefore, there is denigration of women that are 'progressive', as belonging to 'India' as opposed to "Bharat". It is imperative that the media play a role in breaking the causal link between sexuality and morality.

- iii. Nobel laureate, Amartya Sen says, "The idea of the self-sacrificing women has been so praised, idealized and idolized, that out of deprivation has been created a heroism that doesn't serve the interest of the women very much. I felt that self-sacrifice survived only by what Marx would have called 'false consciousness' on the part of the women that is, a belief that their interests are already looked after by the family, which is not the case...."
- iv. It is imperative for the media to encourage the inculcation of a judgement free society that encourages not only freedom, independent thinking but one that is gender neutral and without prejudices.

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- v. There should be mandatory statutory warning before the commencement of any film, sitcoms and TV serials/Daily soap that sexual assault and rape are heinous crimes, punishable with stringent punishment.
- India even to the far flanged villages, the regulatory authority should designate advertisement time, especially on popular channels for the propagation of safety of women. These advertisement must reiterate constantly that rape is not a sexual act, but a crime that will result in strict and stringent action inescapable legal consequences.
- vii. Media can be a medium to root out evils. It is through this medium that we have the potential to reach the Indian masses, sensitizing them towards women be that at home, office or in public space.

t. Empowerment of Women:

 Empowerment of women lies in the progress of the society. The key to her empowerment lies in economic independence. To achieve the



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same we have to ensure that all girls above the age of 5 years are compulsorily sent to school, be that in the metropolitan city or in the rural area.

ii. In order to empower them they have to be made economically independent. For that steps have to be taken by the States as well as private industrial organizations and NGOs to help in the employment of women.

u. Regulating the Liquor Vendors :

i. In Delhi, large number of liquor vends have been allowed to come up in small markets attached to residential colonies, thus defeating the very purpose of developing such markets within residential colonies. The purposes of developing such markets in residential colonies was to fulfill the basic needs of the colony within a walk-able distance, so that even children and old people can visit such markets without crossing roads. Allowing such liquor vends in these small markets has resulted in congregation of antisocial elements around such liquor vends, thus preventing the residents of the colonies to visit the markets

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freely for their basic requirements. This practice needs to be checked and such liquor vends in colonies attached to residential areas must be removed/regulated.

ii. There should be prohibition on alcohol and if it is not possible because of revenue the State earns, it should be regulated. A news item appeared in the Times of India, Delhi Edition, dated February 18, 2013 publishing that a four decade old .DTTDC shop in the heart of . Patparganj in East Delhi on persistent protest from residents of Pandav Nagar is ordered to be shifted. The grievance of the residents was that shop is situated barely 100 meters away from school and the only park where the residents go for their evening stroll. Shop like this has a bad influence on growing children. Residents were afraid going to that area because of several cases of snatchings and sexual assault passing of lewd remarks by men sitting there in an inebriated state. The very fact that the shop was located near the school and a public place like park should have been stopped long time back because it was in

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violation with the directions given by the Supreme Court. Women do not feel safe when the liquor shops are in the residential colonies or in the colony markets. Therefore, while allotting liquor license, condition must be imposed that the area where the shop is to be opened does not fall in residence or local market or market adjoining or adjacent to the residential area.

- stipulated in their license condition that they will install CCTV camera, as per stipulated technical specification, inside and outside their liquor vends and will maintain recording of the CCTV footage for at least one month at their premises so that incase of any requirement, due to any incident of crime and to check sale of liquor to juvenile / unauthorized persons, police can access recording of the outlet.
 - iv. Many of the sexual harassment and crimes are under the influence of alcohol. Global Scientific Research proved that there are linkage between patron of alcohol abuse and

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crime. Alcohal is by a wide margin, the biggest law enforcement problem world-over. The data supplied by National Institute on Alcohal Abuse and Alcoholism, National Institute of Mental Health- USA and Task Force Report; Drunkenness, President's Commission on Law Enforcement and Adminstration of Justice USA shows that most of the crimes including homicide, domestic violence and sexual abuse are alcohol related crimes. Extreme alcohol consumption becoming an increasing is problem. Research material shows incidents of domestic violence and violence on streets are under the influence of alcohol and the abuser name the effects of alcohol as their main cause of violence.

v. Responsibility be affixed on the liquor vendors that cycles, car, scooters are not allowed to be parked near their shop because people after purchasing liquor start consuming there and then, thereafter they start misbehaving on the streets. Girls and women find it difficult to pass through in front of liquor shops because of lewd and teasing remarks passed by some of

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them under the influence of alcohol or otherwise.

- vi. Scientific Research have also proved that
 Alcohol have an extremely harmful effect on
 human body. Consumption of certain alcohol
 beverages (particularly laced with caffeine)
 cause an aggressive behaviour.
- vii. That there is definite linkage between the consumption of alcohol particularly caffeine i.e. "substance abuse" and rise in crime including those relating to aggressive sexual behaviour. The research shows that substance abuse is common in slum cluster and rural localities. Therefore, authorities must check the demand and supply of illicit liquor.
- viii. Licence of liquor shops, pubs and bars should be minimized and given strictly as prescribed under rules and should be generally discouraged or a cap on maximum number of licence in a district, town be made. It should be made a condition of the liquor licence that vendors shall engage security staff with arms be posted outside this shop. CCTV camera

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should be installed inside and outside the shop with minimum 15 days backup and it must be transferred to the Central Control Station of the police. Liquor shop do not adhere to timing, these remain open till late nights. Neither police nor PCR vans standing nearby take any action nor Revenue Department bothers even when complaint is made by neighbours.

v. Need for Proper and Adequate Number of Public Transport:

i. There is shortage of public transport, therefore, in order to keep the city safe State has to regulate the transport sector. It is the State Deptt, which has to enforce the law because if there are shortage of public transport like DTC buses, and cluster buses people are forced to take contract/ tourists buses who pick the passengers in violation of their permit conditions and law. They ply in impunity in Delhi as well as in other places. Therefore, more public transport is required. The

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> Government of NCT as well as of NCR should increase the public transport. The Times of India's reported on 26.01.2013 that in 2012, 44151 vehicles were challaned, 4,906 were impounded but not a single permit was cancelled with the result safety of the citizen. was bargained. The Transport Department of Delhi Govt. issue driving licence to all drivers of the City for private and commercial vehicles. Both kinds require a personal skills test as well as verification through address and birth proofs, apart from a medical certificate for a commercial licence: For public transport vehicles, the DL is supplemented with a Public Service Vehicle (PSV) badge which should be issued after police verification. These safety measures have to be strictly followed by the State Department. There is rampant violation of these rules which is clear from the fact that when there are 78,500 autorickshaws plying in Delhi only 61,110 driving licences have been issued to auto drivers. Similarly Transport Department has to ensure that buses with permits only ply in Delhi and that no tourist bus is permitted to pick the passengers

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unauthorisedly. So far as contract buses are concerned if they pick passengers unauthorisedly Directorate of Transport should be held responsible because of failure on the part of its enforcement staff.

Although the introduction of Delhi Metro Services has significantly improved the public transportation system, but those areas outside. the purview of metro creates a problem. In the case in hand, the fact that there was no immediate access to metro services available to the victim girl in the near vicinity, she was forced to look for other mode of transport. And in the absence of DTC bus services, which after 9.00 PM becomes very irregular, commuters have to depend on private buses or autos, whose menace has been growing with each passing day. Thus, not only there is need for more DTC buses, but errant auto drivers who refuse to go at their own whim and fancies should be punished under stringent existing provisions of law. Neither the police nor the Directorate of Transport take any effective action against the erring auto rickshaw drivers.

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One of the conditions of their licence/permit is that they will not refuse any passenger but this condition is flouted by auto rickshaw drivers with impunity and no action is taken, with the result the women have to depend on private buses which is not safe for them. Hence deterrent action should be taken against auto rickshaw drivers when they refuse to take the passenger to their destination and more public transports should be made available to the public so that there is safety of women traveling in public transports.

iii. Moreover, it must be made mandatory for entire public transport system to have a speed tracking and GPS module and CCTV camera with panic button to be installed in a place which cannot be tampered with. Also special late night transport system, on the line of University (U Special) be introduced for women commuters only, and it must be fitted with GPS, CCTV camera and women security Officer. In case of working women like in call centres/BPOs who are allotted night shifts, the office administration where women are

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working should ensure the pick and drop arrangement for these women and that no women employee should be left alone with the cab driver.

iv. The Transport Department of the Delhi
Government and the Traffic Police must ensure
compliance of permit conditions. This will
help in the safety of the women traveling in
public transport and contract carriages.

w. Toilet Facilities :

i. In slums as well as rural areas, there is no provisions for toilets facilities for the women. Due to this reason, it has been observed that they have to venture out to isolated spots in late night hours or early morning, under the cover of darkness. Alternatively, they undertake their daily hygiene activities in semi built or partially exposed areas within the slum clusters. This makes them very vulnerable to crime of sexual nature, which sometimes ends in serious assault also it has been claimed by Delhi Policy that majority of cases of sexual

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assault happen in slum, JJ Colonies / unregistered colonies.

ii. There is an urgent need for the Government of India to make proper toilet facility in such colonies for security of women so they can attend to basic human requirements with dignities. These facilities need to be extended to other cities and rural areas of villages also so that vulnerability of women on this account can be obviated.

Justice Usha Mehra (Retd.) Chairperson Commission of Enquiry

> S.M.Aggarwal Convener

New Delhi Dated: 22/02/2013

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3) Some Salient Suggestions in Brief:

- a. Creation and Implementation of a Distress Signal Service for Women: It is imperative to create and implement a system of sending a distress signal through wrist bands, mobile phone(even when there is no battery/zero balance) which we are given to understand is possible. This single button should be connected directly to the Police Control Room, nearest PCR van, and/or Local Police, consequently the police would be able to track the location of the person in distress in real time. This technology already exists and needs to be tweaked to make it more sophisticated.
- b. Creation and Implementation of One Stop
 Centres for Rape Complainants: One Stop
 Centers has to be established in the designated
 hospital in each of the concerned Revenue
 Districts/Districts to be notified by the Central
 and State Government respectively. Through this
 Center under one roof, the Rape Complainant will
 get the facilities of a qualified lady
 Doctor/gynecologist/qualified nurse, counselor,
 police officer (preferably a lady to record her

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statement) and forensic support, legal Support (through the legal service authority) and rehabilitative services. Each hospital should be equipped with Safe Kits. This will enable the immediate medical exam of the Complainant which needs to be an immediate protocol. A judicial/metropolitan Magistrate to be available on call to record her statement under Section 164 of the Cr.P.C. in the One Stop Centre.

c. Amendments in the Cr.P.C. and Evidence Act:
Once the statement of the Rape Complainant is recorded under Section 164 Cr.R.C by Judicial Magistrate or Metropolitan Magistrate, it should be treated as her Examination-in-Chief, at the time of trial. The cross examination of the Complainant, in appropriate cases may be permitted through video Conferencing. Hence, consequential amendments in Section 231(1) of Cr.P.C and the Evidence Act need to be carried out on the pattern of Rule 4 Order 18 Code of Civil Procedure, which was substituted by Amending Act 22 of 2002 w.e.f. from 1-7-2002. This will curtail the delay in recording evidence and reducing the trauma of the Rape Complainant.

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- d. Installation of CCTV Cameras: There is an urgent need to implement the installation of CCTV Cameras (and GPS systems where relevant) at public places and vulnerable roads, police stations (both inside and outside); Public transport (both government and private); school buses, liquor vends etc.;
- e. Separation of Investigation Wing from Routine
 Police Force: For effective and efficacious
 investigations and expeditious disposal of
 criminal cases, there must be a separate
 investigation wing from regular policing. They
 should be provided with Vans duly fitted with
 scientific and forensic gadgets/equipments.
- f. Better Policing: There is a need to enhance the strength of the police personnel, PCR Vans and the Ambulances attached to the Police Stations. There is also the need to enhance the number of women in the police force. All Police Stations should have atleast 1/3rd Women Officers from the rank of constable upto to the rank of inspector. Increase the night patrolling by Police officials through PCR vans, motorcycle and on foot, which

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should remain mobile. Special Female Police Teams to be created so that Rape Complainants can approach her with ease. communication and for proper patrolling, beat constable should be provided with mobile phones..

- Blurring of Police Jurisdiction/Registeration of Zero FIRs : All complaints made at any police station should be registered as zero FIRs, irrespective of jurisdiction. The zero FIR can be shared amongst police stations electronically, thereafter transferring the same to P.S. of appropriate jurisdiction, where the Zero FIR can be converted into regular FIR. Non-registeration of FIR should be made an offence. . . :
- h. Crime Mapping/Better Street Lighting : Areas which are more prone to crimes, can be identified via the process of crime mapping by police and adequate measures taken to prevent crimes by increased street lighting functional 24 x 7.

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i. Gender Sensitization:

- i. Gender sensitization to include sensitization that rape is not a sexual act and is an act of violence.
- ii. Sensitization of police at all levels through proper/specialized training and in particular at the time of induction and subsequently through regular refresher courses. At the time of induction their attitude to gender issues, in addition to their other skills, be looked into.
- iii. Educational curriculum to be revisited to include gender sensitization, beside moral science classes.
- iv. In order to change the mindset of the populace at large, involvement of Media is very important and their services must be utilized. Media should repeatedly depict/telecast the social message that Rape/sexual assault are crime and punishable severely.
- Community Policing: Initiation of the concept of Community Policing, neighbourhood watch and the oversight Committees.

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- k. Government to implement Gender

 Empowerment Policies: The Government must
 devise and implement policies that create more
 independent economic opportunities for women
 and for the empowerment and upliftment of the
 status of women.
- Enhancement of Public Transport: Enhancement
 of public transport and sharing of information
 between the transport authorities and police.
- m. Regulation of Liquor Vends: There should be no liquor vends adjacent to or in the colonies attached to the residential colonies. Further, in the liquor license, it should be mandatory to install CCTV camera, as per stipulated technical specification, inside and outside their liquor vends;
- n. Toilet Facilities: Creation of Toilet facilities in the rural areas and JJ Colonies.
- o. Highway policing needs to focused on to make travel safe and to apprehend criminals escaping after committing crime. To this end, measures like installation of cameras at Toll collection points, more dense highway patrolling, pertinent placement of police out-posts and periodic

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surprise checks in tandem with Transport Department, can be adopted. Adoption of High Security Security Number Plate System along with instllation of the GPS and CCTV with recorder can be very effective in tracking vehicles.

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New Delhi

Dated: 22/02/2013