

POLICE ORDER No. 285/88

Subject—Allegations against policemen of rape, molestation and misconduct towards women

Of late, the conduct of police personnel towards women has come under severe criticism in different forums of public opinion. There have been allegations of policemen indulging in rape, molestation and subjecting women to indignity and misbehaviour. Some of these allegations were unfortunately found to be true. Such acts are allegedly committed in course of normal performance of statutory duties, such as search, arrest and detention in police lock-up, etc.

The Criminal Procedure Code contains specific provisions for protecting the dignity and honour of women appearing before the police as witnesses or accused persons. Atrocities on women while in police custody or in police-station invite public wrath and cause distress towards the police. There is, therefore, urgent need for prescribing a few general guidelines for the police to treat women with dignity, respect and consideration.

Policemen generally come in contact with women in the following situations in course of performance of their duties:—

- (a) Examination of women as witness or accused
- (b) Search of person
- (c) Arrest
- (d) Detention in police lock up
- (e) Police remand.

It is necessary that the following guidelines are scrupulously followed to protect the dignity and respect of women.

(a) Examination of Women as witness/accused

Proviso to section 160 (1) Cr.P. C. lays down that no male person under the age of fifteen years and no women shall be required to attend examination as witness or accused at any place other than the place in which such male person or women resides. This provision is also applicable to a woman accused of an offence. While examining a woman at her residence a relative or friend of the woman should be asked to remain present throughout the period during which the statement is recorded.

Pregnant women require special protection and care by society. Special care should be taken to up keep the dignity and decency of the pregnant women by the Police officers while discharging the duties.

(b) Search

Section 51 (2) and 100 (3) Cr. P. C. make it obligatory that in case of personal search of a woman the search shall be made by another woman with strict regard to decency. In cases of search of the woman or search of premises occupied by the woman it must be ensured that atleast one of the two independent witnesses to the search is a woman of that locality.

(c) Arrest

U/s 46 (1) Cr. P. C. a policeman making an arrest is required to actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. If a woman is to be arrested her submission to custody shall be presumed on an oral intimation of arrest. Unless circumstances otherwise require or unless the Police Officer arresting is a female, the Police Officer shall not actually touch the woman for making the arrest.

Ordinarily no woman shall be arrested after sunset and before sunrise. Police Officer making the arrest beyond the above period must record reasons in the Station Diary and Case Diary and communicate the reason to his immediate superior officer without any delay.

In matters of bail, liberal view should be taken and where it is not possible to release the woman on bail, steps should be taken to remand her to judicial custody without any delay.

While escorting the woman prisoner to the court from the jail or from the place of arrest to the police-station one of her relatives or friends may be permitted to accompany the escort party. Woman police or woman Home Guards wherever available should be utilised as escorts.

(d) Detention in police lock up

If for good and sufficient reasons an arrested woman is to be detained in police custody it must be ensured that she is detained in the female lock up of the P.-S. If a separate lock up for female is not available she should be detained in a separate room and under no circumstances in the male lock up with other male prisoners. The male or female relative/friend of the arrested woman should be permitted to stay in the premises of the P.-S. in such a manner that the place of her detention is within the relative/friends view. Wherever women Police or women Home Guards are available, their services should be utilised in guarding the accused woman at the Police-Station.

(e) Police lock up

The Investigating Officer should not ordinarily ask for remand to police custody. Before any such request is made to the Court a gazetted Police Officer must satisfy himself about the guard and the arrangements made for the safety of the arrested woman.

These guidelines should be scrupulously followed and senior Police Officers must ensure their implementation by carrying of frequent surprise checks.