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NR 28 GR 750-3A

No.U6-193743/2019/PHQ,
Police Headquarters,
Thiruvananthapuram,
Dated: 03-01-2020.

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CIRCULAR No. 01 /2020

Sub:- Information given by women in cognizable cases and the recording of statement of women – instructions – reg.

The information given by women in cognizable cases and the recording of statement of women are regulated by special provisions under the Code of Criminal Procedure, 1973. It has been brought to the notice of the undersigned that some officers are violating the mandatory conditions stipulated under Cr.P.C. while recording the statements of women especially u/s 161 Cr.P.C. for the purpose of investigation. Women witnesses/complainants are summoned to Police Stations, which is illegal.

02. It is true that as per s.161(2) Cr.P.C. every person including a woman who is called upon to answer questions u/s 161(1) Cr.P.C. is bound to answer truly all questions relating to such case put to him/her by such officer, other than questions the answer to which would have a tendency to expose him/her to a criminal charge or to a penalty or forfeiture. It is also to be remembered that any person who is being examined by the Police is having legal and human rights that are to be duly respected by police officers in the course of investigation and interrogation.

03. The following points regarding the information given by a woman and in recording the statement of women under the Code of Criminal Procedure, 1973 etc., shall be strictly complied with by all officers concerned:-

Section 154 Cr.P.C.

1. If the information u/s 154(1) is given by the woman against whom an offence under section 326-A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 375, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer and such woman shall be provided legal assistance and also the assistance of a healthcare worker or women's organisation or both.
2. If such woman is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such woman's choice, in the presence of a special educator or an interpreter or a medical officer, as the case may be
3. The recording of such information may, as far as practicable, be videographed.

Sections 160, 161 and 162 Cr.P.C.

1. No woman shall be summoned to any police station and required to attend as a witness at any place other than the place in which such woman resides (Proviso to section 160(1)).

2. Where the statement of a woman against whom an offence under section 294, section 354, section 354A, section 354B, section 354C, section 354D, section 375, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted shall be recorded, by a woman police officer or any woman officer.
3. The statement made under section 161(3) may also be recorded by audio-video electronic means.
4. Police Officers shall not require women to sign the statements recorded u/s 162(1) Cr.P.C.

04. The above legal provisions are to be strictly adhered to by all officers concerned and any deviation from the mandatory procedure prescribed by law shall be viewed seriously by initiating departmental action.

W 31/1/2020
LOKNATH BEHERA, IPS.,
Director General of Police &
State Police Chief.

To
All District Police Chiefs and SHOs.

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