

# **The Gender Sensitisation Police Project**

**Karnataka State Police**



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# PROTECTION SYSTEMS FOR CHILDREN

'Child Protection' is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and ensuring that no child falls out of the social safety net and that those who do, receive necessary care, protection and support so as to bring them back into the safety net. While protection is a right of every child, some children are more vulnerable than others and need special attention. The Government recognizes these children as 'children in difficult circumstances', characterised by their specific social, economic and geo-political situations. In addition to providing a safe environment for these children, it is imperative to ensure that all other children also remain protected. This is because Child protection is integrally linked to every other right of the child.

The Juvenile Justice (Care and Protection of Children) Act , 2000 recognizes children in need of care and protection and those in conflict with law and has made provisions for the state to set up various systems that ensure their protection and rehabilitation.

## **Juvenile Justice Board (JJB)**

JJBs are constituted to deal with matters relating to juveniles in conflict with law. The JJB is to consist of a Metropolitan Magistrate or a Judicial Magistrate of the First Class, and two social workers, of whom at least one is to be a woman.

JJB conducts the inquiry against juveniles who is alleged to have acted in conflict with law. The procedures for dealing with the juvenile are required to be child friendly and rehabilitation oriented. The inquiry is required to be completed with 4 to 6 months and delay beyond this period leads to termination of proceedings in non-serious offences. Pending inquiry the juvenile is to be placed at the Observation Home.

## **Observation Home**

Observation Home is the Home where a juvenile, who is alleged to have committed an offence, is kept pending inquiry against him by the Board. Observation Homes for temporary reception of juvenile has been set up in every district or group of districts separately for boys and girls.

Observation Homes have been set up depending on the number of cases either at the district or for a group of districts. The Observation Home for girls is at Davanagere District.

## **Special Home**

Special Home is the Home for reception of juvenile, if found guilty on conclusion of inquiry against him by the Board and sent for institutional care. The Special Home in Karnataka has been set up at Sumanahalli, Bengaluru.

## **Child Welfare Committees (CWC)**

CWC are constituted to deal with matters relating to a child in need of care and protection. The CWC is to consist of a Chairperson and four other members, of whom at least one is to be a woman and another, an expert on matters concerning children. Any child in need of care and protection may be produced before CWC by police / Special Juvenile Police Unit, any public servant, CHILDLINE or any other voluntary organisation, any social worker or public spirited citizen so authorised by the State Government, or by the child himself/herself. Pending an inquiry before CWC, the child in need of care and protection is to be kept in a Children's Home.

## **Children's Home**

Children's Homes have been set up in every district or group of districts for the reception of children in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation. Children in the age group of 7 – 18 yrs are housed in separate homes for boys and girls.

## **Shishu Gruha**

Shishu Gruha's have been set up in Bengaluru, Davangere, Bellari, Hubballi and Kalburgi for the reception of children in the age group of 0 – 6 years who have been abandoned or relinquished. Post enquiry the children are declared fit and given in adoption.

## **Special Juvenile Police Unit (SJPU)**

In accordance with Sec. 63 of the Juvenile Justice (Care and Protection of Children) Act, 2000 - SJPU's have been set up at the 41 Police Units in Karnataka with the ADGP (Training) as the State Nodal Officer.

The Addl. SP at the Districts and DCP (Crime & Traffic) at the Cities have been designated as Unit Nodal Officers. The SJPU at the DPO/COP is headed by a Sr. Child Welfare Officer (PI – DCIB at districts and ACP – CCRB at cities) and assisted by two staff. Every police station has three Child Welfare Officers (PSI – L&O and two assistants) the handle and documents all cases relating to children.

## **The Childline - 1098**

Is a free 24x7 emergency phone outreach service for children in distress. Children or concerned adults can access service of Childline report a case of a child in distress or for information relating to children.

Government of India has formulated the 'Integrated Child Protection Scheme' which bring together existing multiple child protection schemes such as Juvenile Justice Program, the Integrated program for Street Children, Adoption Process, Child Help Line Services, under one umbrella. The objective of the scheme are based in the principle of 'Best Interest of the Child and Protection of Child Rights'. The main objectives of the scheme are:

- \* To institutionalise essential services and strengthen structures
- \* To enhance capacities at all levels
- \* To create database and knowledge base for child protection services
- \* To strengthen child protection at family and community level
- \* To ensure appropriate inter-sectoral response at all levels
- \* To create public awareness.

The District Child Protection Unit set up in 30 districts of the state. Headed by the District Child Protection Officer the DCPU is responsible for coordinating, implementing and managing the Integrated Child Protection Scheme.

# SPECIAL JUVENILE POLICE UNIT

## What is Special Juvenile Police Unit?

The Special Juvenile Police Unit (SJPU), is a progressive introduction to the Juvenile Justice Act 2015. Based on the core principal of 'treatment to children in conflict with law' States Parties are required to establish laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law. The SJPU seeks to address the above and other concerns related to children, by making incremental and positive changes to the very nature of police-child interactions.

## Juvenile Justice Act 2015

**Section 2 (55).** *“special juvenile police unit”* means a unit of police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107.

### **Section 107. Special juvenile police unit:**

1. In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organizations.
2. To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of Deputy Superintendent of Police or above and consisting of all police officers designated under subsection (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.
3. All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their function more effectively.
4. Special Juvenile Police Units also include Railway police dealing with children.

## Guiding Principles of Special Juvenile Police Unit

- \* UN Convntion on the Rights of the Child (1989)  
“State Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”
- \* UN Minimum Rules for the Administration of Juvenile Justice : Beijing Rules (1985)  
“ Stress on management of police action towards respecting the legal status of the juvenile, promoting the well-being of the juvenile, avoiding harm to her/him and calls for training of the police as well as setting up of special police units for the same.”  
“Come out very strong against illegal detention of children, deprivation of right to life and liberty while in custodial care.”
- \* UN Guidelines for Prevention of Juvenile Delinquency : Riyadh Guideline (1990)  
Represents a comprehensive and proactive approach to prevention and social reintegration; Countries are recommended to develop community-based interventions and programs to:
  - Assist in the prevention of children coming into conflict with the law
  - Recognise that depriving children of their liberty should be utilized only as a means of last resort.

## Why Special Juvenile Police Unit?

Because:

Police Station is the first point of contact for children who make contact with the system – as a victim or an offender.

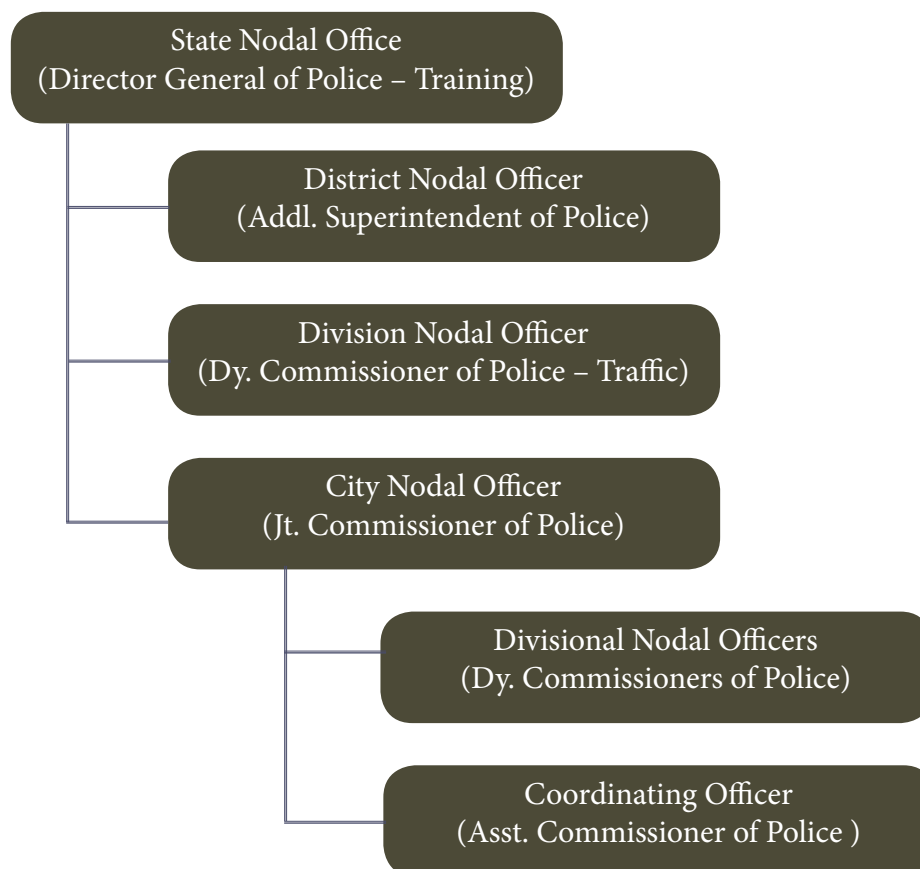
- \* Children are defenceless and require special protection
- \* No uniform definition of the term 'CHILD' in the Law.
- \* Uphold and safeguard rights of children
- \* Acceptance of International laws and statutes.

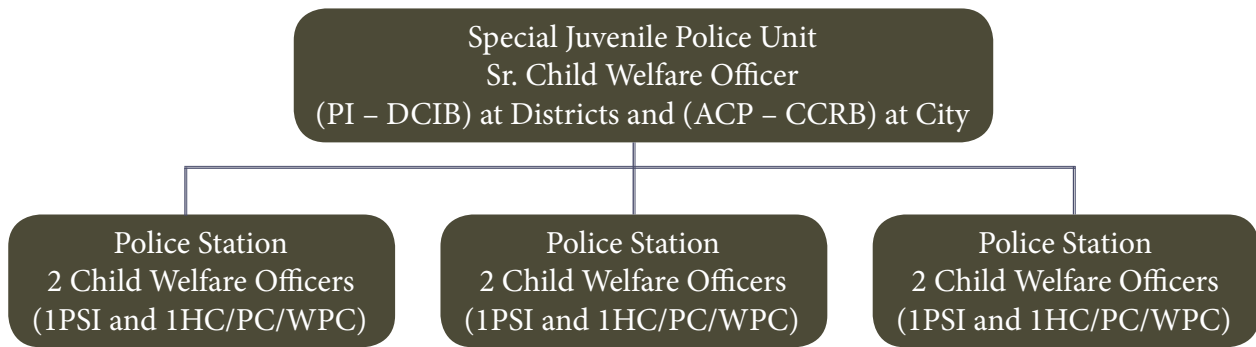
## Objectives of the Special Juvenile Police Unit

The primary objectives of SJPU are:

- \* To humanise front line interventions relating to all children.
- \* To establish more humane, integrated and child rights respecting police practices in responding to and dealing with children.
- \* To encourage and facilitate greater community participation in preventing children from coming in conflict with law and protecting children in difficult circumstances.

## Structure of Special Juvenile Police Unit





## FUNCTIONS OF THE SPECIAL JUVENILE POLICE UNIT

- a. The Special Juvenile Police Unit and Child Welfare Officer at the police station will handle cases of both juveniles in conflict with law and children in need of care of protection with the assistance of the social worker at the Special Juvenile Police Unit to ensure child sensitive handling of cases.
- b. The Special Juvenile Police Unit shall coordinate and function as a watch-dog for providing legal protection against all kinds of cruelty, abuse and exploitation of children and report instances of non-compliance for further legal action.
- c. The Special Juvenile Police Unit shall take serious cognizance of adult perpetrators of crimes against children and ensure that they are apprehended immediately and booked under the appropriate provisions of the law.
- d. The Special Juvenile Police Unit shall maintain a data base of all cases related to children, map vulnerable issues/ area and organise outreach – community programs to prevent crimes against children.
- e. The Special Juvenile Police Unit shall ensure the registering, linking and monitoring of information regarding missing children received at the police station, and shall investigate immediately.
- f. The Special Juvenile Police Units shall work with voluntary organisations, local governing bodies, community based organisations in identifying juveniles in conflict with law as well as reporting cases of violence against children, child neglect, child abuse and exploitation.
- g. The Special Juvenile Police Unit shall maintain a list of NGOs/voluntary organisations in their respective jurisdiction, and shall monitor the activities to prevent all crimes against children specifically trafficking, illegal adoption and detention of children.
- h. The Special Juvenile Police Unit to establish & maintain contacts with experts from various fields with the right credentials for their assistance/cooperation in child related matters, as and when required.
- i. The Special Juvenile Police Unit shall ensure that the child is treated with decency and dignity during investigation, enquiry, search, etc. and the right to confidentiality and privacy of the child shall be upheld.
- j. Police officers and social workers shall ensure that no child/juvenile is tortured or harassed in order to extract information and he or she is not compelled to confess or give testimony.

- k. The Child Welfare Officer or the social worker shall ensure that the juvenile or child is provided with immediate medical attention, basic needs and create a child-friendly atmosphere at the time of first contact.
- l. The Special Juvenile Police Unit shall explain to the child/juvenile the charges against him/her in a simple language and manner that he/she understands clearly.
- m. The Child Welfare Officer shall ensure that no photograph or the identity of the juvenile or child is revealed to the media, no Dossiers/Search Slip etc. shall be opened by the police station and no biometrics/finger prints of the child is obtained.



## PROCEEDING OF THE GOVERNMENT OF KARNATAKA

**Subject: Setting up of Special Juvenile Police Units (SJPU) in Karnataka, monitoring & review of its functions - reg**

**READ: Letter No.DGP/Trg/82/GSPP/2011 dated 29-12-2011 from the Director General of Police (Training).**

### Preamble:

1. The Convention on the Rights of Child adopted by the General Assembly of the United Nations on 20<sup>th</sup> Nov 1989 and ratified by India on 11<sup>th</sup> December 1992, emphasises on the reintegration of juveniles into mainstream society and the care and protection of children in difficult circumstances, with a view to furthering their right to survival, development, protection and participation. To give effect to this commitment, the Juvenile Justice (Care and Protection of Children) Act 2000 (56 of 2000) and the Amended Act 2006 (33 of 2006) was enacted.
2. The Hon'ble Supreme Court of India, in its order dated 12<sup>th</sup> October 2011 has directed the Home Department and the Director General of Police of the States/Union Territories to ensure, that Special Juvenile Police Unit comprising police officers designated as Juvenile or Child Welfare Officer is created in every District and City to co-ordinate and upgrade the police treatment to juveniles and the children as provided in sub-section(3) of the Section 63 of the Act.
3. Pursuant to Section 63 of the Juvenile Justice (Care and Protection) Act 2000 and Amendment Act 2006, and also as per the earlier Orders of the Hon'ble Supreme Court of India, the Karnataka State Police, with the partnership of Department of Women and Child Development has taken initiative to set up "Special Juvenile Police Units" in the State to ensure the protection to both children in need of care and children in conflict with law and to provide proper inputs.
4. A meeting was convened on 9<sup>th</sup> April 2007 under the Chairmanship of Hon'ble Justice V.Gopala Gowda to discuss the problems of Juvenile Justice Board and as per their suggestions a circular dated 12-06-2007 has been issued to constitute Special Juvenile Police Units in the Police Stations and also another circular is issued dated 30<sup>th</sup> December 2008 by DGP Training in this regard.

Section 63(2) of the said Act lays down that in every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'Juvenile or the Child Welfare Officer' who will handle the juvenile or the child in co-ordination with the Police. Section 63(3) also prescribes setting up of a Special Juvenile Police Unit in every district and city to handle the case of children. Accordingly, the DGP (Training) in his proposal read above has requested for constituting 40 Special Juvenile Police Units throughout the State for this purpose. Hence, the following order.

**ORDER NO.HD 393 PCC 2011, BANGALORE, DATED 31-01-2012**

The above proposal has been examined in detail by the Government and sanction is hereby accorded for setting up of Special Juvenile Police Units in all the following district and 4 commissionerates in the State.

S.N.	Name of Unit	- SIPU Setup at with Name of Senior Child Welfare Officer
1.	West Division - Bangalore City	Shri Lokeshwar, PI, Upparpet Police Station
2.	South East Division - Bangalore City	Shri Subbanna, ACP Madiwala Sub-Division
3.	Central Division - Bangalore City	Shri Jagadeesh, PI Ashoknagar Police Station
4.	East Division - Bangalore City	Shri Shivamurthy, ACP Shivajinagar Sub-Division
5.	North Division - Bangalore City	Shri Ravikumar, PI RMC Yard Police Station
6.	North East Division - Bangalore City	Shri Puneeth Kumar, PI Kodigehalli Police Station
7.	South Division - Bangalore City	Shri Veerabhadre Gowda, ACP Banashankari Sub-Division
8.	Koppal District	Shri Shivanand Pawad Shetty, PI DCIB - District Police Office
9.	Bidar District	Shri H.N.Patil, PI DCIB - District Police Office



10.	Tumkur District	Shri K.R.Raghavendra, PI DCIB - District Police Office
11.	Gulbarga District	Shri Bashir Patel, PI DCIB - District Police Office
12.	Gadag District	Shri JR Nikham, PI DCIB - District Police Office
13.	Dharwad District	Shri H.D.Mudareddy, PI DCIB - District Police Office
14.	Hubli- Dharwad City	Shri B.S.Savishankar Naik, ACP - CCRB
15.	Ramanagar District	Shri C Vasanth, PI DCIB - District Police Office
16.	Belgaum District	Shri Sunil Soudi, PI DCIB - District Police Office
17.	Kolar District	Shri V.Lakshmaiah, PI, DCIB - District Police Office
18.	KGF	Shri V.Shivareddy, PI DCIB - District Police Office
19.	Bagalkote District	Shri Shamaraj Sajjan, PI DCIB - District Police Office
20.	Yadgiri District	Shri Md. Ismail, PI DCIB - District Police Office
21.	Raichur District	Shri. A.T.Patil, PI DCIB - District Police Office
22.	Bangalore Rural	Shri.Konappa Reddy, PI DCIB - District Police Office
23.	Chikkaballapur District	Shri.Venkatachalapathi, PI DCIB - District Police Office
24.	Mysore District	Shri.Ramdass, PI DCIB - District Police Office
25.	Hassan District	Shri.Jagadish C.D., PI DCIB - District Police Office
26.	Mandya District	Shri.S.P.Chandrashekar, PI DCIB - District Police Office
27.	Kodagu District	Shri.Bosaiah P.B., PI DCIB - District Police Office
28.	Chamarajanagar District	Shri.Manjunath M., PI DCIB - District Police Office

29.	Davanagere District	Shri.Arjuman Banu, PI DCIB - District Police Office
30.	Shimoga District	Shri.Nityanand, PI DCIB - District Police Office
31.	Chitradurga District	Shri.V.M.Santosh, PI DCIB - District Police Office
32.	Bellary District	Shri.Eshwar Naik, PI DCIB - District Police Office
33.	Dakshina Kannada (Mangalore)	Shri.Vinay S.Nayak, PI DCIB - District Police Office
34.	Chikmagalur District	Shri.Anne Gowda, PI DCIB - District Police Office
35.	Udupi District	Shri.Ganesh Hegde, PI DCIB - District Police Office
36.	Uttara Kannada(Karwar) District	Shri.R.N.Byrappa, PI DCIB - District Police Office
37.	Haveri District	Shri.A.S.Mallagathi, PI DCIB - District Police Office
38.	Bijapur District	Shri.Siddeshwara, PI DCIB - District Police Office
39.	Mysore Commissionerate	Shri.Shashi Kumar, ACP - CCRB
40.	Mangalore Commissionerate	Shri.Subash Chandra, ACP - CCRB

2. Government further orders that the following police officers shall be the designated officers in charge of functioning and monitoring of the Special Juvenile Police Units.

- a. Director General of Police (Training) shall be the State Nodal Officer for all the Special Juvenile Police Units in the State.
- b. Additional Superintendents in the Districts, Deputy Commissioner of Police (Crime & Traffic), Mysore, Hubli, Dharwad & Mangalore and the Deputy Commissioner of Police at the divisions in Bangalore City shall be the District/Division Nodal Officers respectively.
- c. Each Special Juvenile Police Unit shall be headed by an Officer not below the rank of Police Inspector designated as 'Senior Child Welfare Officer (Sr. CWO)' and two police constables shall be deputed to the Special Juvenile Police Units to handle cases and assist in documentation and reporting.



- d. At each police station one Police Sub-Inspector and one Head Constable or Police Constable shall be designated as 'Child Welfare Officer (CWO)'. All cases of children shall be handled by designated Child Welfare Officers only as per Circular No. 105/GSPP/ADGP/R&T/2008 dated 30<sup>th</sup> December 2008.
- e. The two Social Workers appointed at the District Child Protection Unit shall also assist the Senior Child Welfare Officer at the Special Juvenile Police Units and the Child Welfare Officers at the police stations in handling cases relating to children.
- f. At Bangalore city the Joint Commissioner Crimes (West) shall be the Nodal Officer and the Asst. Commissioner of Police - City Crime Branch (Women and Narcotics) shall be the Co-ordinating Officer for all Special Juvenile Police Units in the city as per Circular No. CRM(3)/482/COP/BC/2011 of Commissioner, Bangalore City.

3. Training of Child Welfare Officers & Senior Child Welfare Officer and setting up of Special Juvenile Police Units shall be carried out by the GSPP (Gender Sensitisation and People Friendly Police Project) Team working under DGP (Training).

4. Each Police Station shall maintain two separate registers to record crimes against women and children as prescribed in DG & IG Circular No.3/DG&IGP/2011 dated 28<sup>th</sup> March 2011. Senior police officers visiting the police stations shall check and sign these registers along with other mandatory registers at the police stations.

5. Bi-monthly meetings to review functioning of each Special Juvenile Police Units shall be held by the District/Divisional Nodal Officer with the assistance of the Senior Child Welfare Officer. In Bangalore City the review shall be held by the Joint Commissioner-Crimes (West). The following officers shall participate:

- a. All Child Welfare Officers (CWOs) at the Police stations.
- b. Officials from the Dept. of Women and Child Development and District Child Protection Unit.
- c. Chairperson and Members of the Child Welfare Committee.
- d. Chairperson and Members of the Juvenile Justice Board.
- e. Superintendents of Children's Home in the District/City.

- f. Social Workers at the District Child Protection Unit.
- g. Representatives of Childline/Nodal Agency.
- h. Representatives of Hospital Based Child Response Unit for cases related to child abuse, wherever.

6. The agenda for the quarterly review shall be as follows:

- a. Each Child Welfare Officer shall report the cases of the children handled by them at their respective police stations. Cases of the children must be handled by the Child Welfare Officers only.
- b. Register as prescribed in DG & IG Circular No.3/DG&IGP/2011 dated 28<sup>th</sup> March 2011 has been maintained (Register should be brought for the monthly meetings by the Child Welfare Officers for verification by Senior Child Welfare Officers and GSPP Team).
- c. Monthly report on the cases of children has been submitted as per the Circular dated 28<sup>th</sup> March 2011. Hence forth a copy of that report should be sent to DCRB, CCRB and SCRB also.
- d. All data/ report pertaining to missing children to be submitted and reviewed.
- e. ~~Social workers participating shall give feedback on the cases handled.~~
- f. In case of transfer, retirement or promotion of Child Welfare Officers at any station immediately action shall be taken by the District/Divisional Nodal Officer to designate other police personnel as CWP in his/her place
- g. The minutes of the meeting shall be recorded by Sr. Child Welfare Officer and sent to the District/Divisional Nodal Officer with a copy to Director General of Police (Training), Department of Women and Child Development Department, and Project Director - Integrated Child Protection Scheme within seven days of the meeting.



7. The Director General of Police (Training) and the Director, Department of Women and Child Development Department, Project Director - Integrated Child Protection Scheme shall jointly monitor the functioning of the Special Juvenile Police Units and organise half-yearly review meetings with the all the Senior Child Welfare Officers.

By Order and in the name of the  
Governor of Karnataka

  
(M.M.HIREMATH)

Under Secretary to Government  
Home Department (Crimes)

To:

1. Director General & Inspector General of Police
2. Secretary to Government, Dept. Of Women and Child Development
3. Director, Dept. Of Women and Child Development
4. Director General of Police (Training)
5. Inspector General of Police - All Ranges through DG & IGP
6. All Commissioners of Police through DG & IGP
7. All Superintendents of Police through DG & IGP
8. Project Director - Integrated Child Protection Scheme through DG & IGP
9. All Special Juvenile Police Units through DG & IGP.
10. GPA to Principal Secretary to Government, Home Department
11. GPA to Secretary to Government, Home Department
12. PA to Joint Secretary to Government, Home Department
13. Spare copies/Section Guard File



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂ: ಡಿಜಿಪಿ/ತರಬೇತಿ/ಎಸ್‌ಜೆಪಿಯು/16/2013

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತರಬೇತಿ,  
ಕಾರ್ಲೆಟನ್ ಭವನ, ಅರಮನೆ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31/05/2013.

ವಿಷಯ: ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ.  
(ಬಾಲ ನ್ಯಾಯ (ಆರೈಕೆ ಮತ್ತು ರಕ್ಷಣೆ) ಕಾಯ್ದೆ-2000 ಕಲಂ-63ರ ಅನ್ವಯ)  
ಉಲ್ಲೇಖ: ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಆದೇಶ No:HD 393 PCC 2011,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31/01/2012.

\* \* \*

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಸರ್ಕಾರದ ಆದೇಶದಲ್ಲ ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ (SJPU) ಸ್ಥಾಪನೆ ಹಾಗೂ ಕಾರ್ಯವಿಧಾನಗಳ ಬಗ್ಗೆ ತಿಳಿಸಲಾಗಿದೆ. ಇದಕ್ಕೆ ಮುಂದುವರಿದಂತೆ,

1. SJPUನ ಜಿಲ್ಲೆ/ನಗರ/ವಿಭಾಗ ಮಟ್ಟದ ನೊಡಲ್ ಅಧಿಕಾರಿಗಳಾದ ಪ್ರತಿ ಜಿಲ್ಲೆಯ ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು ಮತ್ತು ಮೈಸೂರು, ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ, ಮಂಗಳೂರು ನಗರಗಳ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರು (ಅಪರಾಧ ಮತ್ತು ಸಂಚಾರ) ಹಾಗೂ ಬೆಂಗಳೂರು ನಗರದ ವಿಭಾಗಗಳ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರಗಳ ಕರ್ತವ್ಯಗಳು ಈ ಕೆಳಗಿನಂತಿವೆ.

- ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಮತ್ತು ತಾಣಿಯಲ್ಲನ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ವರ್ಗಾವಣೆ ಮತ್ತು ಇತರೇ ಕಾರಣಗಳಿಂದ ತೆರವಾದಲ್ಲಿ ಹೊಸದಾಗಿ ಬಂದ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಖತ ರೂಪದಲ್ಲ ಪ್ರಭಾರವನ್ನು ಸಲ್ಲಸುವಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು.
- ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು ತಾಣಿ ಮತ್ತು ಘಟಕಗಳನ್ನು ಪರಿವೀಕ್ಷಣೆ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ ಮತ್ತು ತಾಣಿಯಲ್ಲರುವ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ರಿಜಿಸ್ಟರ್ ಗಳನ್ನು ಪರಿಶೀಲನೆ ನಡೆಸುವುದು.
- ತಾಣಿಗಳಲ್ಲ ಮಕ್ಕಳ ಮೇಲೆ ಹಿಂಸೆ ಆದ ಘಟನೆಗಳು ಗಮನಕ್ಕೆ ಬರುತ್ತಿದ್ದು, ಇನ್ನು ಮುಂದೆ ಇಂತಹ ಘಟನೆಗಳು ಆಗದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು ಹಾಗೂ ಘಟನೆಗಳು ಜರುಗಿದರೆ ಸಂಬಂಧಪಟ್ಟ CWO & Sr. CWO ರವರ ಮೇಲೆ ಸೂಕ್ತ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸುವುದು.
- ಪ್ರತಿ 2 ತಿಂಗಳಿಗೊಮ್ಮೆ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು SJPU ಅವಲೋಕನ ಸಭೆಯನ್ನು ನಡೆಸಿ ಸಭಾ ನಡವಳಿ ಮತ್ತು ವರದಿಯನ್ನು ಸಲ್ಲಸುವುದರ ಬಗ್ಗೆ ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡುವುದು.

➤ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ಮ್ಯಾಪಿಂಗ್ ವರದಿಯನ್ನು ಅವಲೋಕಿಸಿ ತೊಂದರೆಗೊಳಗಾದ ಮತ್ತು ತೊಂದರೆಗೊಳಗಾಗಬಹುದಾದ ಮಕ್ಕಳ ಸಮಸ್ಯೆ ಹಾಗೂ ಸ್ಥಳಗಳನ್ನು ವಿಶ್ಲೇಷಿಸಿ ಸದರಿ ಮಾಹಿತಿಯ ಆಧಾರದ ಮೇಲೆ ಮಕ್ಕಳ ಸಮಸ್ಯೆಗಳ ನಿವಾರಣೆಗೆ ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಘಟಕ/ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ ಹಾಗೂ ಇತರ ಇಲಾಖೆಗಳ ಸಹಯೋಗದೊಂದಿಗೆ ಅಗತ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು ಮತ್ತು ಈ ಬಗ್ಗೆ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳಿಗೆ ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ನೀಡುವುದು.

➤ ಆಯಾ ತಾಣಾ ಮಟ್ಟದಲ್ಲಿ ಜನ ಸಂಪರ್ಕ ಸಭೆ, ತೆರೆದಮನೆ ಹಾಗೂ ಇತರೆ ಮಕ್ಕಳ ಸಂರಕ್ಷಣೆಗೆ ಸಂಬಂಧಿಸಿದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಆಯೋಜಿಸುವ ಬಗ್ಗೆ ಸೂಕ್ತ ಸಲಹೆ ಸೂಚನೆಯನ್ನು ನೀಡುವುದು.

2. ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳಾಗಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಜಿಲ್ಲಾ ಅಪರಾಧ ಮಾಹಿತಿ ಘಟಕದ ನಿರೀಕ್ಷಕರು (PI, DCIB), ಕಮೀಷನರೇಟ್‌ಗಳಲ್ಲಿ ಸಹಾಯಕ ಪೊಲೀಸ್ ಆಯುಕ್ತರು, ನಗರ ಅಪರಾಧ ದಾಖಲಾತಿ ಘಟಕ (ACP, CCRB) ಹಾಗೂ ಬೆಂಗಳೂರು ನಗರದಲ್ಲಿ ಉಪ ವಿಭಾಗದ ಸಹಾಯಕ ಪೊಲೀಸ್ ಆಯುಕ್ತರು (ACP) ರವರನ್ನು ನೇಮಕ ಮಾಡಲಾಗಿದೆ. ಇವರ ಕರ್ತವ್ಯಗಳು ಈ ಕೆಳಗಿನಂತಿವೆ.

➤ ತಾಣಗಳ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳಿಗೆ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳನ್ನು ಬಾಲ ನ್ಯಾಯ ಕಾಯ್ದೆ ಮತ್ತು ಬಾಲ ನ್ಯಾಯ ನಿಯಮಗಳಂತೆ ನಿರ್ವಹಿಸಲು ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ನೀಡುವುದು.

➤ ಆಯಾ ತಾಣಾ ಮಟ್ಟದಲ್ಲಿ ಜನ ಸಂಪರ್ಕ ಸಭೆ, ತೆರೆದಮನೆ ಹಾಗೂ ಇತರೆ ಮಕ್ಕಳ ರಕ್ಷಣೆಗೆ ಸಂಬಂಧಿಸಿದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಆಯೋಜಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಖಚಿತ ಪಡಿಸುವುದು.

➤ ಪ್ರತಿ 4 ತಿಂಗಳಿಗೊಮ್ಮೆ SJPU, CWC, JJB, CHILD LINE, DCPU, DWCD ಹಾಗೂ ಇತರ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಇಲಾಖೆಗಳ ಅವಲೋಕನ ಸಭೆಯನ್ನು ಆಯೋಜಿಸುವುದು.

➤ ತಾಣಗಳಿಂದ ಬಂದ ಮಕ್ಕಳ ಮತ್ತು ಮಹಿಳೆಯರ ಪ್ರಕರಣಗಳ ಕ್ರೂಡೀಕೃತ ಮಾಹಿತಿಯ ಮಾಸಿಕ ವರದಿಯನ್ನು ಪ್ರತಿ ತಿಂಗಳು 5ನೇ ತಾರೀಖಿನೊಳಗೆ SCRB ಕಳಿಸಿಕೊಡುವುದು.

➤ ಕಾಣೆಯಾದ ಮಕ್ಕಳ ಮಾಹಿತಿಯನ್ನು ಮಕ್ಕಳ ಜಾಡು (Child Tracking System)ನಲ್ಲಿ ತಾಣಾ ಮಟ್ಟದಲ್ಲಿ ದಿನ ನಿತ್ಯ ದಾಖಲಾಗುವಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು.

➤ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳನ್ನು ಮ್ಯಾಪಿಂಗ್ ಮಾಡಿ ತೊಂದರೆಗೊಳಗಾದ ಮತ್ತು ತೊಂದರೆಗೊಳಗಾಗಬಹುದಾದ ಮಕ್ಕಳ ಸಮಸ್ಯೆಗಳನ್ನು ವಿಶ್ಲೇಷಿಸಿ ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಅವಲೋಕನ ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸುವುದು.

➤ ಪ್ರತಿ 2 ತಿಂಗಳಿಗೊಮ್ಮೆ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳ ಅವಲೋಕನ ಸಭೆಯನ್ನು ನಡೆಸಿ ಸಭಾ ನಡವಳಿ ಮತ್ತು ವರದಿಯನ್ನು SP/DCP ರವರಿಗೆ ಸಲ್ಲಿಸುವುದು.

➤ ಪ್ರತಿ ತಿಂಗಳು ನಡೆಯುವ SP/DCP ರವರ ಮಾಸಿಕ ಅಪರಾಧ ಅವಲೋಕನ ಸಭೆಯಲ್ಲಿ ಮ್ಯಾಪಿಂಗ್ ಮಾಡಿ ವಿಶ್ಲೇಷಿಸಿದ ಮಕ್ಕಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಮಸ್ಯೆಗಳನ್ನು ಪ್ರಸ್ತುತ ಪಡಿಸುವುದು.



- ತಾಣಿಗಳಲ್ಲಿ ಪ್ರತಿದಿನ ನಿರ್ವಹಿಸಿದ ಪ್ರತಿ ಮಕ್ಕಳ ಪ್ರಕರಣದ ವಿವರವನ್ನು ಜಿಲ್ಲೆ/ ಉಪವಿಭಾಗ/ ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕದಲ್ಲರುವ ದಾಖಲೆ ಪುಸ್ತಕ (Master Register) ದಲ್ಲಿ ನಮೂದಿಸಿರುವುದನ್ನು ಖಚಿತ ಪಡಿಸುವುದು.
  - ತಾಣಿಗಳಲ್ಲಿ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳು ಮತ್ತು ಮಹಿಳೆಯರ ಪ್ರಕರಣಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ 2 ಪ್ರತ್ಯೇಕ ದಾಖಲಾತಿ ಪುಸ್ತಕ(Register) ಗಳನ್ನು ನಿರ್ವಹಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಹಾಗೂ ಪ್ರತಿ ತಿಂಗಳು ತಾಣಿಯಿಂದ SJPU ಗೆ ಮಕ್ಕಳ ಮತ್ತು ಮಹಿಳೆಯರ ಪ್ರಕರಣಗಳ ಮಾಸಿಕ ವರದಿಯನ್ನು ನೀಡುತ್ತಿರುವ ಬಗ್ಗೆ ಖಚಿತಪಡಿಸುವುದು.
- (DG & TGP Circular No. 03/DG & IGP/2011)

- ತಾಣಿಯಲ್ಲಿರುವ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ವರ್ಗಾವಣೆ, ನಿವೃತ್ತಿ, ಇತರೇ ಕಾರಣಗಳಿಂದ ತೆರವಾದಲ್ಲಿ ಆ ಜಾಗಕ್ಕೆ ಸೂಕ್ತರನ್ನು ನೇಮಕ ಮಾಡಿ ಅವರಿಗೆ ತರಬೇತಿ ನೀಡುವುದು.
- SJPU ನಲ್ಲಿ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಹಾಗೂ ತಾಣಿಯಲ್ಲಿರುವ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಬದಲಾವಣೆಯಾಗಿರುವ ಬಗ್ಗೆ DGP ತರಬೇತಿರವರಿಗೆ ಮಾಹಿತಿ ನೀಡುವುದು.


### 3. SJPU ನಲ್ಲಿ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳ ಸಹಾಯಕರಾಗಿ ನೇಮಕವಾಗಿರುವ ಇಬ್ಬರು ಸಿಬ್ಬಂದಿಯವರ ಕರ್ತವ್ಯಗಳು:

- ತಾಣಿಗಳಲ್ಲಿ ಪ್ರತಿದಿನ ನಿರ್ವಹಿಸಿದ ಪ್ರತಿಯೊಂದು ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ವಿವರವನ್ನು SJPU ನಲ್ಲಿರುವ ದಾಖಲಾತಿ ಪುಸ್ತಕ (Master Register) ದಲ್ಲಿ ನಮೂದಿಸಿ ನಿರ್ವಹಿಸುವುದು.
  - ತಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕಾಣಿಯಾದ ಮಕ್ಕಳು ಹಾಗೂ ಪತ್ತೆಯಾದ ಮಕ್ಕಳ ವಿವರ.
  - ಬೇರೆ ಕಡೆಯಿಂದ ತಪ್ಪಿಕೊಂಡು ಬಂದು ತಮ್ಮ ತಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸಿಗುವ ಮಕ್ಕಳು.
  - ತಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯಕ್ಕೆ ಒಳಗಾದ ಮಕ್ಕಳು.
  - ಬಾಲ್ಯ ವಿವಾಹ, ಬಾಲ ಕಾರ್ಮಿಕ, ಭಿಕ್ಷಾಟನೆ ಹಾಗೂ ಇತರೆ ತೊಂದರೆಗಳಿಂದ ಸಿಗುವ ಮಕ್ಕಳ ವಿವರ.
  - ಲೈಂಗಿಕ ಶೋಷಣೆ/ಲೈಂಗಿಕ ಅತ್ಯಾಚಾರಕ್ಕೆ (ಗಂಡು-ಹೆಣ್ಣು) ಒಳಗಾಗಿರುವ ಮಕ್ಕಳು.
  - ಕಾನೂನು ಸಂಘರ್ಷಕ್ಕೆ ಒಳಗಾದ ಮಕ್ಕಳು.
- ತಾಣಿಯಿಂದ CWC & JJB ಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ಪ್ರಗತಿಯ ಹಂತವನ್ನು ದಾಖಲಾತಿ ಪುಸ್ತಕ(Master Register) ದಲ್ಲಿ ನಮೂದಿಸುವುದು.
- ಮಕ್ಕಳ ಪ್ರಕರಣಗಳನ್ನು ಮ್ಯಾಪಿಂಗ್ ಮಾಡಿ ತೊಂದರೆಗೊಳಗಾದ ಮತ್ತು ತೊಂದರೆಗೊಳಗಾಗಬಹುದಾದ ಮಕ್ಕಳ ಸಮಸ್ಯೆ ಹಾಗೂ ಸ್ಥಳಗಳನ್ನು ವಿಶ್ಲೇಷಿಸಿ ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಅವಲೋಕನ ಸಭೆಗೆ ನೀಡುವುದು.
- ತಾಣಿಗಳಲ್ಲಿ ಹಾಗೂ ಇತರೇ ಇಲಾಖೆಗಳು ಪ್ರಕರಣಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಸಂಧರ್ಭದಲ್ಲಿ ಅಗತ್ಯವಿದ್ದರೆ ಹಾಜರಾಗಿ ಸಹಕಾರ ನೀಡುವುದು.
- ಬಾಲ ನ್ಯಾಯ ಮಂಡಳಿಯ ಸಭೆಗೆ ಹಾಜರಾಗುವುದು ಹಾಗೂ ಬಾಲ ನ್ಯಾಯ ಮಂಡಳಿಯಿಂದ ಹೊರಡಿಸಿದ ಸಮನ್ಸ್ ಮತ್ತು ವಾರೆಂಟ್‌ಗಳನ್ನು ಪಡೆದು ಸಂಬಂಧಿಸಿದ ತಾಣಿಗಳಿಗೆ ಜಾರಿಗಾಗಿ ಕಳುಹಿಸುವುದು, ಜಾರಿ/ನಜಾರಿ ಬಗ್ಗೆ ತಾಣಿಗಳಿಂದ ಮಾಹಿತಿಯನ್ನು ಪಡೆಯುವುದು.



- ಕಾನೂನು ಸಂಘರ್ಷಕ್ಕೆ ಒಳಗಾದ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ದೋಷರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ನಿಗದಿತ ಸಮಯಕ್ಕೆ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸುವಂತೆ ನೋಡಿಕೊಳ್ಳುವುದು.
- ವಯಸ್ಕರಿಂದ ಮಕ್ಕಳ ಮೇಲೆ ನಡೆದ ಶೋಷಣೆ ಮತ್ತು ಅಪರಾಧಿಕ ಕೃತ್ಯಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಗೆ (CWC) ತಿಳಿಸುವುದು.
- ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯ ಸಭೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿ ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳ ಬಗ್ಗೆ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರಿಗೆ ಮಾಹಿತಿ ನೀಡುವುದು.
- SJPU ನ ಮಾಸಿಕ ಸಭೆಗಳನ್ನು ಆಯೋಜಿಸಲು ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಯವರಿಗೆ ಸಹಕರಿಸಿ, ಸಭೆಯ ನಡವಳಿಗಳನ್ನು ತಯಾರಿಸಿ ಹಿರಿಯ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳ ಮುಖಾಂತರ ಸಂಬಂಧಪಟ್ಟ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ವರದಿ ಕಳುಹಿಸುವುದು.

ಈ ಮೇಲಿನ ಎಲ್ಲಾ ಅಂಶಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಪಾಲನಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ.

  
(ಎಸ್. ಮಹಾಪಾತ್ರ, ಐ.ಪಿ.ಎಸ್.,)

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು,(ತರಬೇತಿ)  
ಮತ್ತು ನೋಡಲ್ ಅಧಿಕಾರಿಗಳು,  
ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯ.

ರವರಿಗೆ:

1. ಪೊಲೀಸ್ ಆಯುಕ್ತರು ಬೆಂಗಳೂರು, ಮೈಸೂರು. ಮಂಗಳೂರು, ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರ.
2. ಎಲ್ಲಾ ವಲಯದ ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರುಗಳಿಗೆ.
3. ಎಲ್ಲಾ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರ ಒಳಗೊಂಡಂತೆ.
4. ಎಲ್ಲಾ ಜಿಲ್ಲೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕೆ.ಜಿ.ಎಫ್ ಸೇರಿದಂತೆ.

ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ:

1. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಅಪರಾಧ & ತಾಂತ್ರಿಕ ಸೇವೆಗಳು) ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
2. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಆಡಳಿತ) ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.

ಪ್ರತಿಯನ್ನು ಅಭಿನಂದನೆಗಳೊಂದಿಗೆ:

1. ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಎಂ.ಎಸ್. ಜಿಲ್ಲಾಂಗ್, ಬೆಂಗಳೂರು-01
2. ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು.

# Details of Special Juvenile Police Units in Karnataka

## Central Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Bengaluru Rural	Shri. Basavataj allappateli.	PI, DCIB	9880937902
		Smt. T. Rathna	WASI	8123282274
		Smt. B. C. Manjula	WPC 61	8050008633
2.	Tumkur	Shri. Kumarappa	PI, DCIB	9480802908
		Smt. Gayithri	WPC 77	9844029553
		Shri. N. Sudhakar Babu	HC 335	9008000520
3.	Kolar	Shri. S.Y. Mohan	PI, DCRB	9480802607
		Shri. G.Venkatamuniyappa	CHC-177	9845561957
		Smt. Varalakshmi	WPC 542	8277161639
4.	KGF	Shri. Krishna	PI, DCIB	9480802709
		Shri. Anand	HC-41	9481435172
		Smt. Iqbal Sultana Azmi	WPC 122	9945388377
5.	Ramanagara	Shri. Raghu Kumar V.	PI, DCIB	9480802810
		Shri. K. Swamy	HC 37	9242166600
		Smt. Nethra P. K.	WPC-230	9632406017
6.	Chickaballapur	Shri. Balajisingh	PI, DCIB	9480802508
		Shri. G.Srinivasa	CHC-72	9449677850
		Smt.		

## Southern Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Mysore	Shri. Gopala Krishna	PI, DCIB	9480805008
		Smt. Kumuda	WPC-30	8882444487
		Shri. Prabhakar	HC 04	9448600851
2.	Hassan	Shri. E.V. Vinay	PI, DCIB	9480804708
		Shri. A.T. Bhanu	PSI	9480804709
		Smt. H.R. Suma	WPC 821	9964178274
3.	Mandya	Shri. K.M. Harish Babu	PI, DCIB	9480804808
		Shri. Ramesh	HC 99	9844375806
		Shri. A.M. Rajesh	PC 731	
4.	Kodagu	Shri. P.K.Murlidara	PI, DCIB	9480804908
		Smt. M.B.Sumathi	WPC 77	9448585576
		Shri. U.A.Mahesha	PC 410	9741153815
5.	Chamarajanagar	Shri.Shanmugha Varma	PI, DCIB	9480804608
		Shri. Manjunatha.P	HC-137,	9611065109
		Smt. Manjula.S ,	WPC 516	9741066992

# Details of Special Juvenile Police Units in Karnataka

## Eastern Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Davanagere	Shri. K.N. Gajendrappa	PI- DCIB	8951871565
		Shri. G.R. Puttaswamy		9964341866
		Shri. Prakash		9880366189
2.	Shimoga	Shri.	PI, DCIB	9480803308
		Shri. H.D. Nagaraj	HC 699	9449472439
		Shri. G.K. Indresh	PC 1113	9060609999
3.	Chitradurga	Shri. M. Gopalnaik,	PI, DCIB	9480803146
		Shri. R. Venkatesh	PC 785	9448393199
		Shri. Sangamesh	PC 866	9902244797
4.	Haveri	Shri. T.R. Pawar	PI, DCIB	8277032700
		Shri. Malappa Jalagar	PC 960	9916239625
		Smt. Girija S. Halageri	WPC 563	9844573539

## Western Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Dakshina Kannada (Mangalore)	Shri. Amanulla. A	PI, DCIB	9480805308
		Shri. Nagarajappa	PC 360	9964321937
		Shri. Tharanath	PC 824	9480204840
2.	Chikkamagaluru	Shri. B.L. Nagendra	PI, DCIB	9480805108
		Shri. D.M. Dhinesh	HC 267	9482386490
		Smt. Pushpalatha	WPC-48	9964145551
3.	Udupi	Shri. T.R. Jaishankar	PI, DCIB	9480805408
		Shri. Chandra Sheety	HC 2127	9448626857
		Shri. Praveen Marakala	PC 1612	9964139946
4.	Uttara Kannada (karwar)	Shri. N. Anjaneya	PI, DCIB	9480805208
		Shri. Ratan T. Gunagi	HC 1288	9449359468
		Shri. Madeva Masthi Gond	HC 1483	9449776828

# Details of Special Juvenile Police Units in Karnataka

## Northern Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Belagavi	Shri.V.T. Dodamani	PI, DCIB	9480804008
		Shri. Sanju Baligar	PSI-DCIB	9480804131
		Shri. Manjunath Badiger,	PSI-DCIB	9480804308
2.	Dharwad	Shri. Siddalingappagouda Patil	PI, DCIB	9008020076
		Shri. Abdul A. Kakar		
		Shri. Virupaksha	PC 457	
3.	Gadag	Smt. Pushpalatha	PI, DCIB	9480804407
		Smt. S. S. Lamani	WPC-1147	8050826897
		Smt.		
4.	Vijayapura	Shri. A.S. Asode,	PI, DCIB	9480804208
		Shri. B.M. Pawar	HC 940	
		Shri. A.L. Doddamani	PC 1209	
5.	Bagalkote	Shri. Jayavanth A Dullari	PSI, DCIB	9480803908
		Shri. S B Biradar	Hc 770	8553642331
		Shri. Anil. L .Chavan	HC 436	9972143705

## Northeastern Range

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Kalaburagi	Shri. K.M. Satish	PI, DCIB	9480803547
		Shri. Basavaraj	ASI	
		Smt. Savita	WPC- 1191	9902203772
2.	Raichur	Shri. Mohemmed Fasiuddin	PI, DCIB	9480803807
		Shri. Hanumatharaya	HC 13	9739222842
		Shri. Basavaraj	PC 601	9900977140
3.	Bidar	Shri. Vishwanath Rao Kulkarni	PI, DCIB	9480803408
		Shri. Madan	CHC - 642	9686773678
		Shri. Harshavardhan	APC-221	9986547624
4.	Koppal	Shri. Ramesh Methi	PI, DCIB	9480803708
		Shri. Basappa Hadimani	HC 92	9449658114
		Shri. Jagadeeshwariah	PC 99	9449688319
5.	Yadgir	Shri. Y.S. Eganagoudar	PI, DCIB	9480803664
		Shri. Mahesh	APC- 111	9036664057
		Smt. Jyoti	WPC- 205	8197637339
6.	Ballari	Shri. Sri.Hanamantharaya.S	PI, DCIB	9480803008
		Shri.		
		Smt. P.Lalithamma	WPC 1036	9035630969

# Details of Special Juvenile Police Units in Karnataka

## Bengaluru City

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	West Division - Bengaluru City	Shri Bhaskar. V. B., ACP	ACP, Chickpet Sub-Division	9480801705
		Smt. Lakshmi	WPC. 11736	7204795823
2.	South East Division - Bengaluru City	Shri. Dugappa	ACP, Airport Sub-Division	9480801607
		Smt. Nagamani	WASI	9844006541
3.	Central Division - Bengaluru City	Shri. Vinay A. Gaonkar	ACP, Cubbon Park S-Division	9480801107
		Shri. D. Rajesh	PC 10834	7353333338
4.	East Division - Bengaluru City	Shri. Nurulla Sareef	ACP, Pulakeshi Nagar S-Division	9480801206
		Shri. Shivakumar	PC 11595	9964232875
5.	North Division - Bengaluru City	Shri. Ashok Narayan Pise.	ACP, Yeshwanthpur S-Division	9480801325
		Shri. A.S. Bhogesh	HC 5889	9964746581
6.	North East Division - Bengaluru City	Shri. Narayanaswamy B. M.,	ACP, Yelahanka Sub-Division	9880902400
		Shri. G.R. Manjunath	PC 8401	9738846822
7	South Division - Bengaluru City	Shri. Lokesh Kumar R. C	ACP, Banashankari Sub-Division	9480801507
		Smt. Lakshamma M. C.	WPC 6146	9663557696

## Mangalore, Mysore, Hubli-Dharwad and Belagavi City

### Sr. CWOs and Asst. to Sr. CWOs at the SJPU

S.N.	Name of Unit	Name of Sr.CWO and Assistants' to Sr. CWO	Designation	Telephone No.
				Mobile
1.	Mangalore City	Shri. G. V. Subrhamanyam	ACP, CCRB	9480802311
		Shri Gurudutt Kamath	PI	9480802329
		Shri. Shyamsundar	CHC-1332	9980010352
2.	Mysore City	Shri. C. Gopal	ACP, CCB	9480802207
		Smt. S. Sheela	WASI	9945891102
		Shri. G. S. Prasanna kumar	PC 401	9901500102
3.	Hubli-Dharwad City	Shri. B. D. Doddamani	ACP, CCRB.	9480802015
		Smt. Manjula T. Parakali	WPC 2329	9738430013
		Shri. S. I. Belagi	PC 2235	
4.	Belagavi City	Shri. Suleman Tashildhar	PI-CCIB	9448187514
		Shri. S. M. Mangannavar	PC 2013	
		Shri. A. J. Naveen Kumar	PC 1721	9845925943

# CHILDREN IN CONFLICT WITH LAW

The Juvenile Justice (Care and Protection of Children) Act, 2000 defines a 'juvenile in conflict with law' as a child who is alleged to have committed an offence and has not completed eighteen years of age as on the date of the commission of such offence.

## Apprehension/Arrest

1. In case of petty offences (punishable with fine upto ₹ 1000 only), the police may dispose off the case at the police station in consultation with the SJPU. [Rule 13(2)(d)]
2. In case of non-serious offences (punishable with imprisonment upto 7 years) child can be apprehended only if it is 'necessary and in the interest of the child'. [Rule 11 (7)(9)].
3. In case of serious offence (punishable with imprisonment for more than 7 years) child can be apprehended [Rule 11 (7)].

## Pre-production procedures

- \* Police officer or 'Child Welfare Officer' at the Police Station receives the child/juvenile.
- \* Transfer the case to 'Child Welfare Officer (CWO)' if the case is received by any other police officer at the Police Station.
- \* CWO enquires the case.
- \* CWO informs the 'Sr. Child Welfare Officer (Sr. CWO)' or the 'Social Worker (SW)' at the SJPU about the case immediately, if required ask for assistance of SW in handling the case.
- \* CWO informs the parent, relatives, friend or care giver about the child being brought to the Police Station and the charges against him.
- \* Inform Probationary Officer (Form 2) for home enquiry – a detailed report on the social background, antecedents of the child and the crime.
- \* CWO to get relevant document to certify age of the child – birth certificate/school leaving certificate/school transfer certificate/medical examination.
- \* Make entry in the Station House Diary mentioning:
  - Name and details of the child
  - Offence committed by the child
  - Date and Time the child was brought to the Police Station
  - Time of informing Sr. CWO/SW at the SJPU
  - Time of informing parents/relatives/guardians
  - Time of informing probationary officer.
- \* Make entry in the 'Children Register' as per circular DG & IGP Circular No. 03/DG & IGP/2011
- \* Explain apprehension and charges to the juvenile in a language he/she understands.
- \* CWO and SW jointly conduct preliminary inquiry and make case report – (Form 1).
- \* Discuss action to be taken with Sr. CWO and any one member of the JJB.
- \* Till the home enquiry report is received from the PO the child is placed at the Observation Home.



- \* After enquiry and prior to production before Juvenile Justice Board the child is sent to the Observation Home/ Place of Safety on a written request given by the Station House Officer to the Superintendent of the Govt. Observation Home/Officer incharge of the Place of Safety. The requisition should contain:
  - Details of the child
  - Details of the offence -
  - Crime No., if FIR has been registered
  - Request for temporary shelter

### **In case of Serious Offence**

After completion of preproduction procedures

### **Production before JJB**

- \* In case of a child apprehended for serious offence the juvenile must be produced before the Juvenile Justice Board within 24 hrs.
- \* Information from police/SJPU to be given to Juvenile Justice Board (Relevant Forms 1 , 2 and Details)
  - Date and Time the child came into police custody (photocopy of entry in the Station Diary).
  - Documents to prove age of the child (School certificate/birth certificate /medical examination report).
  - First Referral Report – complete details of the child (Form 1)
  - Copy of the letter to intimate parents regarding the child's whereabouts. In case parents have been informed through telephone copy of the bill. (Form 2)
  - Copy of the letter to intimate Probationary Officer for home inquiry.(Form2)
  - First Information Report.
  - Property Found Report.
  - Remand Application.
  - Place where child was detained prior to being produced before the Juvenile Justice Board.
  - Other information as sought in the forms.
- \* When the Juvenile Justice Board is not sitting then the child must be produced before any one member of the Board (Rule No. 11 sub-section 10).
- \* After receiving appropriate detention order hand over the child with relevant reports to the Observation Home.
- \* Order given by the member of the Board on a non-sitting day must be ratified by the Board on the first sitting day (Rule No. 11 sub-section 14).

## **In case of Non- serious offence**

After completion of preproduction procedures

### **Diversion at SJPU Level**

In the event where the offence committed by the child is non-serious in nature – an offence entailing a punishment of less than 7 years imprisonment for adults (Rule No. 10 sub-section 7 and Rule No. 10 sub-section 11)

- \* Apprehension is not necessary, unless it is in the best interest of the child.
- \* Registering of FIR and filing of charge sheet is not required.

Even before the child can be produced before the Juvenile Justice Board, when in possession of the relevant information the CWO taking cognisance of case and in consultation with Sr. CWO at the SJPU and one member of the board can:

- Release the child after warning and counselling to both the child and the parent/gurdian – if it is a case of a child who has committed an offence, non-serious in nature for the first time, or circumstances and situations have lead the child to commit the offence or he/she has been instigated by adults.

OR

- Refer the child to the CWC for care and protection – if it is a case of a child, who is involved in anti-social activities because of adult instigation/peer pressure, or if he/she is a repeated offender, or if the environment at home does not allow the child to reform.

OR

- Refer the child involve in an offence, non-serious in nature to the JJB, if the child is a repeated offender and all avenues for rehabilitation have been exhausted.

### **Diversion and disposing of case**

Information from police/SJPU to be given to Juvenile Justice Board (Relevant Forms and Details) in case FIR has been registered

- \* Date and Time the child came into police custody (photocopy of entry in the Station Diary).
- \* Documents to prove age of the child (School certificate/birth certificate /medical examination report).
- \* First Referral Report – complete details of the child (Form 1)
- \* First Information Report
- \* Letter to the Board detailing:
  - Details of the child
  - Social Background
  - Economic Background
  - Case details
  - Sections of the JJ Rules that state the offence committed by the child as non-serious
  - Request for applying principle of diversion and appropriate action to be taken.



- \* The report of the case is submitted before JJB.
- \* The JJB may summon such JCL for subsequent hearing and dispose the case.
- \* Only after disposal of case at the JJB can the case be closed at the Police Station.

### **Duties upon Apprehension**

- \* Ensure that the juvenile/child is provided with access to - Water, Toilet, Food, Emergency medical care, Phone call
- \* When the child is received between sunset and sunrise the child must be kept in a 'Place of Safety' - Observation Home or Fit Institution
- \* In case the child is to be housed at the OB/FI for temporary shelter between sunset and sunrise Form 1 of the Act to be submitted to OH and Form 2 of the Act to be given to the parents.
- \* Police should be in uniform when apprehending a child in conflict with law.
- \* Further to apprehension the police should not be in uniform for all further process and procedures.
- \* Juvenile should be escorted in the civil dress only.
- \* Apprehension and while accompany a girl child in conflict with law, women police personnel compulsory.
- \* When a child is apprehended for an alleged offence CWO to ensure that the juvenile is not beaten/abused/ill-treated and no leading child or handcuffs to be used when producing the child. In the event of torture or abuse police can be summoned by the JJB.
- \* CWO should ensure that no information about the child in conflict with law or his/her photograph is published.
- \* No MOB of the child in conflict with law to be maintained at the PS.

**FIRST REFERRAL REPORT OF JUVENILE IN CONFLICT WITH LAW**

[Rule 10(1), 18(7), 18(17)]

**Form 1**

**PART 0: CASE NUMBER : To be entered by the Assistant/ Case worker at Police Station/SJPU/ JJB**

CASE NO		FIR No /NCR No /Form 76	
---------	--	-------------------------	--

**PART 1: CHILD PARTICULARS**

**1 Name of child-Full Name**

<b>2 Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	<b>3 Language(s) known</b>	<b>4 Age</b>	<b>5 Date of Birth</b> / /
--	----------------------------	--------------	-------------------------------

<b>6 Education Level</b>	<b>7 School Name and Address /Locality</b>	<b>8 Is child disabled?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>9 Disability Type</b> (answer only if 8 is "yes") <input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing & Speech <input type="checkbox"/> MR <input type="checkbox"/> Physically challenged <input type="checkbox"/> Orthopedically challenged <input type="checkbox"/> Other
--------------------------	--	---

**10 Identification Marks**

(1)

(2)

(3)

<b>11 Who does the child stay with?</b> <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both parents <input type="checkbox"/> Other	<b>14 Address of child's place of stay</b>		
<b>12 If Other, Name of the Person</b>	City/Town/Village	Panchayat	Taluk
<b>13 If Other, Relationship</b>	District	State	PIN

<b>15 Landmark 1:</b>	<b>16 Landmark 2:</b>
-----------------------	-----------------------

**Child's Father's and Mother's Particulars**

<b>17 Father's Name- Full Name</b>	<b>18 Address of place of stay</b>		
	City/Town/Village	Panchayat	Taluk
	District	State	PIN

<b>19 Mother's Name- Full Name</b>	<b>20 Address of place of stay</b> (if same as child's or father's place of stay, mention as such - do not fill details)		
	City/Town/Village	Panchayat	Taluk
	District	State	PIN

**PART 2: CASE PARTICULARS**

**21 Type of Offence**

- Serious Offence  Petty Offence (Case can be decided at the Police station /SJPU level, with ratification of one JJB Member)
- Non-serious Offence

**22 Date & Time when reported**

		/			/		
		:					AM / PM

**23 Provisions under which the child is taken into custodial care**

**24 Reported by**

- NGO  Police Officer  
 Child Line  Government Official  
 Social Worker  Public  
 Another Child  Court

**25 Name & contact details of the complainant**

**Work Status Details (26-29) : (To be filled only if the child is a working child)**

**26 Working Child**

- Yes  No

**27 Nature of work (work sector)**

**28 Name of Establishment /Employer-Full name**

--

**29 Establishment/ Employer Address**

		Taluk	District
City/Town/Village	Panchayat	State	Pin

**30 Police Case Details**

- |                          |                            |
|--------------------------|----------------------------|
| a) Police Station        | c) Police Officer's No/ID. |
| b) Police Unit           |                            |
| d) Police Officer's Name |                            |

e) In case of Group offense mention related FIR No /NCR No /Form 76

f) FIR Date /NCR Date / Form 76 Date

\_\_\_\_/\_\_\_\_/\_\_\_\_

**31 Personal Belongings of the child**

**32 Any signs of physical abuse**

- Scars  
 Open Wounds  
 Bruises  
 Burn Marks  
 Lashings  
 Others  
 None

33 Physical State

34 Mental/ Emotional State

35 Brief case details

36 Details of where the child is placed before the child is brought before the JJB

Parent's Home     Guardian's Home     Observation Home     Fit Institution / Fit Person

a) Institution Name (to be filled only if child is placed in the reception unit of OH or FI)

**PART 3: DETAILS OF THE PERSON FILLING UP THE FORM**

Date:   /   /

Place:

Name

Seal of the Police Station / SJPU

Signature

Designation

**PART 4: Ratification by JJB Member to be filled if case of petty offence diverted at Police Station / SJPU level**

Date:   /   /

Place:

Name of JJB Member

Seal of the JJB

Attachments to this FRR: Please tick those attached

- Complaint Letter
- FIR / NCR
- Copy of Intimation letter to Parent/Guardian (Form 2)

**FIRST REFERRAL REPORT OF JUVENILE IN CONFLICT WITH LAW**  
[Rule 10(1), 18(7), 18(17)]

Form 1

Preliminary Inquiry Report (use Form 6 - Social Investigation Report)

Note:

- 1) This First Referral Report is expected to be filled by the CWO or the SJPU or the Police Officer (in case there is no CWO or SJPU at the police station) before the child is produced at Juvenile Justice Board. Social workers attached to the SJPU should assist the Police in filling up the first contact details of the child in this form.
- 2) The Complaint Letter and FIR /NCR should be attached to it.
- 3) If it is a group offence separate FRR will have to be filled for each child alleged to have committed the offence.
- 4) The preliminary inquiry report is to be prepared by the P.O. in 24 hours and submitted at the time of the hearing. In case of Group Offences, FRR will have to be completed for each of the children alleged to have committed that offence.
- 5) The **CASE NO. (Case Number)** will be assigned by the Assistant or Case worker attached to the JJB. The Assistant/ Case worker, should ensure that the correct serial number is entered.

**INTIMATION TO PARENTS/ GUARDIAN OF JUVENILE**  
[Rule 10 (1) (c) 18(1) (c) 18(17) (b)]

Form 2

To,

<Name of the Parent/ Guardian>

<Address> \_\_\_\_\_  
\_\_\_\_\_

Where as your son/ daughter/ward:

1 <b>Name of child-Full Name</b>
2 <b>Age</b>

has been taken in custodial care under:

3 <b>the provisions of JJ (C&amp;PC) Act 2000:</b>
--

4 **On Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **and at Time:** \_\_\_\_:\_\_\_\_ AM / PM

and placed in

5 <b>Institution Name &amp; Address</b>
---

He/ she will be brought before the Juvenile Justice Board at:

Place \_\_\_\_\_

on \_\_\_\_/\_\_\_\_/\_\_\_\_ at time \_\_\_\_:\_\_\_\_:\_\_\_\_.

You are hereby directed to be present at the JJB at the above mentioned place and time.

6 **Reasons for taking charge of the child:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>Y</td></tr></table>	d	d	/	m	m	/	y	Y	
	d	d	/	m	m	/	y	Y	
Place:	<b>Signature and Seal</b> <b>Officer-in-Charge of Police Station/ SJPU</b>								

**Copy to: Probation Officer of PO Act** <Name of the Probationary Officer>

# CHILDREN IN NEED OF CARE AND PROTECTION

The Juvenile Justice (Care and Protection of Children) Act, 2000 defines a 'child in need of care and protection' as a child:

- i. who is found without any home or settled place or abode and without any ostensible means of subsistence,
- ii. who resides with a person (whether a guardian of the child or not) and such person-
  - a. has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or
  - b. has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,
- iii. who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,
- iv. who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,
- v. who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,
- vi. who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,
- vii. who is found vulnerable and is likely to be inducted into drug abuse or trafficking,
- viii. who is being or is likely to be abused for unconscionable gains,
- ix. who is victim of any armed conflict, civil commotion or natural calamity;

## Pre-production procedures

- \* Police officer or 'Child Welfare Officer' at the Police Station receives the child/juvenile.
- \* Transfer the case to 'Child Welfare Officer (CWO)' if the case is received by any other police officer at the Police Station.
- \* CWO enquires the case.
- \* CWO informs the 'Sr. Child Welfare Officer (Sr. CWO)' or the 'Social Worker (SW)' at the SJPU about the case immediately, if required ask for assistance of SW in handling the case.
- \* CWO informs the parent, relatives, friend or care giver about the child being brought to the Police Station.
- \* Inform Probationary Officer (Form 14) for home enquiry – a detailed report on the social background, abuse/harassment.
- \* CWO to get relevant document to certify age of the child – birth certificate/school leaving certificate/school transfer certificate/medical examination.
- \* Make entry in the Station House Diary mentioning:
  - Name and details of the child
  - Nature of case

- Date and Time the child was brought to the Police Station
- Time of informing Sr. CWO/SW at the SJPU
- Time of informing parents/relatives/guardians
- Time of informing probationary officer.

## 2. Make entry in the 'Children Register' as per circular DG & IGP Circular No. 03/DG & IGP/2011

- \* CWO & SW jointly conduct preliminary inquiry and submit report to CWC.
- \* Discuss action to be taken with Sr. CWO and any one member of the CWC.
- \* Explain next course of action in a language he/she understands.
- \* If inquiry is not complete child to be escorted to Govt. Children's Home or Fit Institution. (Compulsory for WPC to accompany girl child)

### Production before CWC

The Child must be produced before the CWC by the SJPU/CWO within 24 – 48 hrs depending on the distance.

- \* Information from Police/CWO/SJPU to be given to CWC (Relevant Forms)
  - Date and Time the child came into police custody (photocopy of entry in the Station Diary).
  - Documents to prove age of the child (School certificate/birth certificate /medical examination report).
  - First Referral Report – complete details of the child (Form 12)
  - Copy of the letter to intimate parents regarding the child's whereabouts. In case parents have been informed through telephone copy of the bill.(Form 14)
  - Copy of the letter to intimate Probationary Officer for home inquiry. (Form 14)
  - First Information Report (against adult perpetrator, if it is a case of child abuse).
  - Place where child was detained prior to being produced before the Child Welfare Committee.
  - Other information as sought in the forms.
  - Other information as sought in the form

In the case of a CINOCAP – child marriage, child labour, abuse – rape, incest, physical abuse or in case of trafficking the same procedures holds good.



**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

<b>PART 0: CASE NUMBER :</b>										
CASE NO	C									
<b>PART 1: CHILD PARTICULARS</b>										
<b>1 Name of child</b> -Full Name										
<b>2 Alias Name 1 :</b>										
<b>3 Alias Name 2 :</b>										
<b>4 Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other				<b>5 Language(s) known</b>						
<b>6 Religion</b> <input type="checkbox"/> Hindu <input type="checkbox"/> Sikh <input type="checkbox"/> Muslim <input type="checkbox"/> Buddhist <input type="checkbox"/> Jain <input type="checkbox"/> Christian <input type="checkbox"/> Others <input type="checkbox"/> Not revealed				<b>7 Caste</b> <input type="checkbox"/> SC <input type="checkbox"/> ST <input type="checkbox"/> OBC <input type="checkbox"/> Others <input type="checkbox"/> Not Revealed			<b>8 Age</b>		<b>9 Date of Birth</b> ____/____/____	
<b>10 Education Level</b>			<b>11 School Name and Locality</b>			<b>12 Is child disabled?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No				
						<b>13 Disability Type</b> (answer only if 10 is "yes") <input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing & Speech <input type="checkbox"/> Physically challenged <input type="checkbox"/> Other <input type="checkbox"/> Mentally challenged				
<b>14 Identification Marks</b> (1)  (2)  (3)					<b>15 Personal Belongings of the child</b> (1)  (2)  (3)					
<b>16 Who does the child stay with?</b> <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both parents <input type="checkbox"/> Other					<b>18 Address of child's place of stay</b>					
<b>17 If Other, Name of the Person</b>					City/Town/Village		Panchayat		Taluk	
<b>19 If Other, Relationship</b>					District		State		PIN	
<b>20 Landmark 1:</b>					<b>21 Landmark 2:</b>					
<b>Child's Father's and Mother's Particulars</b>										
<b>22 Father's Name-</b> Full Name					<b>23 Address of place of stay</b>					
					City/Town/Village		Panchayat		Taluk	
<b>24 Father's Occupation</b>					District		State		PIN	
<b>25 Mother's Name-</b> Full Name					<b>26 Address of place of stay</b> (if same as child's or father's place of stay, mention so - do not fill details)					
					City/Town/Village		Panchayat		Taluk	
<b>27 Mother's Occupation</b>					District		State		PIN	

*Please affix photo  
of the child*

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

**PART 2: CASE PARTICULARS**

**A: CHILD LABOUR / MIGRANT/ BEGGARY CASE DETAILS**

<b>28 Date &amp; Time when referred</b>		<b>29 Referred by</b>		
	/		/	
	:			<b>AM / PM</b>
		<input type="checkbox"/> NGO	<input type="checkbox"/> Police Officer/CWO	<input type="checkbox"/> Labour Officer
		<input type="checkbox"/> SJPU	<input type="checkbox"/> Public	<input type="checkbox"/> Child Line
		<input type="checkbox"/> Another Child	<input type="checkbox"/> Child himself/herself	
		<input type="checkbox"/> Transfer from other CWC <input type="checkbox"/> JJB		
<b>30 Name and Contact details of Agency/Person who reported the case</b> (do not fill if child himself came)				
<b>31 Rescued by</b> (if different from 28)				
<input type="checkbox"/> NGO Name _____				
<input type="checkbox"/> Police (Police Station) _____				
<input type="checkbox"/> Child Line		<input type="checkbox"/> Labour Department		
<b>32 Nature of work</b> (work sector)	<b>33 Hours of Work/Day</b>	<b>34 Wage Payment</b>	<b>35 Amount</b>	
	_____ Hours	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Advance <input type="checkbox"/> No Wages	_____	
<b>36 Name of Employer</b>		<b>37 Address of Employer</b>		
		City/Town/Village	Panchayat	Taluk
<b>38 Name of Establishment</b>		District	State	PIN
<b>39 Is the child a migrant child?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>40 District from where migrated</b> (If 37, is "Yes")		<b>41 State from where migrated</b> (If 37, is "Yes")	

**B: 'FOUND' CHILD CASE DETAILS (For Abandoned, Runaways & Lost children who are found)**

<b>42 Date &amp; Time when found</b>		<b>43 Found by</b>		
	/		/	
	:			<b>AM / PM</b>
		<input type="checkbox"/> NGO	<input type="checkbox"/> Police Officer/CWO	<input type="checkbox"/> Adoption Agency
		<input type="checkbox"/> SJPU	<input type="checkbox"/> Public	<input type="checkbox"/> Child Line
		<input type="checkbox"/> Another Child	<input type="checkbox"/> Child himself/herself	
		<input type="checkbox"/> Govt / Dept Official		
<b>44 Type of case</b> <input type="checkbox"/> Abandoned <input type="checkbox"/> Runaway <input type="checkbox"/> Lost	<b>45 Name and Contact details of Person who found the child</b> (do not fill if child himself came to CWC)			
<b>46 Presented to CWC by</b> (if different from the 43)		<b>47 Location where child was found: Address with Land Marks</b>		
<input type="checkbox"/> NGO _____		City/Town/Village    District    State		
<input type="checkbox"/> Police _____				
<input type="checkbox"/> Child Line _____				

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

**C: SURRENDERED CHILD**

<b>48 Date &amp; Time when referred</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> </tr> <tr> <td style="width:5%; text-align:center;">:</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td colspan="2" style="text-align:center;">AM / PM</td> </tr> </table>	/		/				:				AM / PM		<b>49 Referred by</b> <input type="checkbox"/> NGO <input type="checkbox"/> Police Officer/CWO <input type="checkbox"/> Adoption Agency <input type="checkbox"/> Public <input type="checkbox"/> Child Line <input type="checkbox"/> Hospital <input type="checkbox"/> Parent/ Guardian
/		/											
:				AM / PM									
<b>50 Name &amp; contact of the person/NGO/Agency referring the case</b>  													
<b>51 Surrendered by</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Both Parents <input type="checkbox"/> Guardian													

**D: VOLUNTARY ADMISSION: FAMILY CIRCUMSTANCES/ SPECIAL NEEDS/ HIV /AIDS**

<b>52 Date &amp; Time when referred</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> </tr> <tr> <td style="width:5%; text-align:center;">:</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td colspan="2" style="text-align:center;">AM / PM</td> </tr> </table>	/		/				:				AM / PM		<b>53 Referred by</b> <input type="checkbox"/> NGO <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Child himself/herself <input type="checkbox"/> Govt official <b>54 Reason for Voluntary Admission</b> <input type="checkbox"/> Family Circumstances <input type="checkbox"/> Special Needs
/		/											
:				AM / PM									
<b>55 Name &amp; contact of the person/Agency referring the case if other than Parent/Guardian</b>  													

**E: CHILD ABUSE CHILD MARRIAGE**

*(Facts of child abuse and marriage come to fore during the inquiry process of other cases. The details of such cases must be reported under the case details of those respective sections). This section is to be used only those cases where the case cannot be classified in any of the other sections.*

<b>56 Date &amp; Time when referred</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> </tr> <tr> <td style="width:5%; text-align:center;">:</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td colspan="2" style="text-align:center;">AM / PM</td> </tr> </table>	/		/				:				AM / PM		<b>57 Referred by</b> <input type="checkbox"/> NGO <input type="checkbox"/> Police Officer/CWO <input type="checkbox"/> SJPU <input type="checkbox"/> Citizen <input type="checkbox"/> Child Line <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Another child <input type="checkbox"/> Child himself/herself
/		/											
:				AM / PM									
<b>58 Name and Contact details of Person who referred the child</b> (do not fill if child himself came to CWC)													

**F: CHILD CUSTODY** *(Technically child custody cases are heard in Family Courts. However Families approach CWC for advise and guidance in custody cases. There are also cases where custody is being contested by an institution.*

<b>59 Date &amp; Time when referred</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%; text-align:center;">/</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> </tr> <tr> <td style="width:5%; text-align:center;">:</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td colspan="2" style="text-align:center;">AM / PM</td> </tr> </table>	/		/				:				AM / PM		<b>60 Referred by</b> <input type="checkbox"/> NGO <input type="checkbox"/> Parent/ Guardian <input type="checkbox"/> Court <input type="checkbox"/> Police
/		/											
:				AM / PM									
<b>61 Name of Persons contesting/ claiming custody if other than Parents</b>  													

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

**PART 3: OTHER FACTS OF THE CASE**

<b>62 Physical State</b>	<b>63 Any signs of physical abuse</b> <input type="checkbox"/> Scars <input type="checkbox"/> Open wounds <input type="checkbox"/> Burn marks <input type="checkbox"/> Bruises <input type="checkbox"/> Others	<b>64 Emotional State</b>
--------------------------	---	---------------------------

**65 Brief case history and details**

**PART 4: DETAILS OF THE PERSON FILLING UP THE FORM**

<b>Date:</b> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	<b>Name</b>
<b>Place:</b>	<b>Signature</b>
	<b>Designation (PO)</b>

**PART 5: CWC's decision on placement of child at First Hearing**

- Parent's Home     
  Guardian's Home     
  Children's Home     
  Fit Institution  
 Crisis Intervention Centre     
  Shelter Home     
  Adoption Agency

<b>a) Institution Name</b>	<b>b) Date of admission</b> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	<b>c) Admission Register No</b>
----------------------------	--	---------------------------------

**Attachments: Tick those relevant**

- FIR On Adult Perpetrators  
 Referral Report/ Case sheet by Child Line, NGOs  
 Any other documents

*JJ C&PC Act: Karnataka Rules 2010*  
**Form 12**

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

**1. Note:**

- 1) This First Referral Report is expected to be filled by the PO in discussion with NGO/ChildLine/ and after referring referral report CWC member who brings the child before the CWC.
- 2) The NGO/ ChildLine/ CWC Member should make efforts in tracing the parents of the child. This report must be submitted along with this format during the first hearing with the CWC.
- 3) The **CASE NO. (Case Number)** will be assigned by the Documentation Assistant or Case worker attached to the CWC. S/he should ensure that the correct serial number is entered.

To,

<Name of the Parent/ Guardian>

<Address>

Dear Parent/ Guardian,

Your child/ward : \_\_\_\_\_

was found on date \_\_\_\_/\_\_\_\_/\_\_\_\_ and at time: \_\_\_\_:\_\_\_\_ am / pm

he/she was found:

- abandoned
- wandering without adult supervision and without any ostensible means of protection
- residing with a person who was not able provide adequate care and/ or was likely to harm the child
- working as a child labourer
- begging on the streets
- exploited, neglected, abused, molested
- being trafficked
- emotionally /mentally distraught and unable to give us his/her address details,

in a situation that was assessed to be unsafe for a child under section 32(1) of the JJ (C&PC) Act 2000. A process of inquiry into the circumstances of the child has been initiated by the Child Welfare Committee.

In the best interest of the child, s/he has been placed at the following institution by the Child Welfare Committee.

<Name & Address of the Institution>

You are hereby directed to present yourself to Child Welfare Committee at:

Place \_\_\_\_\_

on \_\_\_\_/\_\_\_\_/\_\_\_\_ at time \_\_\_\_:\_\_\_\_:\_\_\_\_.

Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>Y</td></tr></table>	d	d	/	m	m	/	y	Y	
	d	d	/	m	m	/	y	Y	
Place: _____	<b>Name, Signature and Seal</b> <b>Probation Officer</b>								

Copy to: Child Welfare Committee, \_\_\_\_\_, District

Copy to: Superintendent, \_\_\_\_\_



# MISSING AND ABANDONED CHILDREN

India is home to more than 400 million children below the age of 18 years, and is considered one of the countries in which youth and children comprise more than 55% of the population. These children represent diverse cultures, religions, castes, communities & social and economic groups. The Government is undoubtedly committed to doing its best for children. However, despite its best efforts, there are innumerable children who are subjected to exploitation and atrocities of various kinds.

Countless children go 'missing' every year. These cases of missing children represent a conglomeration of a number of problems, including abductions/kidnappings by family members, abductions/kidnappings carried out by non-family members or strangers, children who run away on their own or are forced to run away due to compelling circumstances in their families and extended surroundings, children who face unfriendly and hostile environment and are asked to leave home or who are abandoned, children who are trafficked or smuggled or exploited for various purposes, and children who are lost or injured. Undoubtedly, each of these groups of children exemplifies different social problems. In addition, many cases of missing children are not reported to the police at all for various reasons.

The issue of missing children is both grave as well as complex. There are multiple causes and factors for a child going "missing". For majority of missing children, reasons for missing are also linked with larger issues of poverty, marginalization, and deprivation. It is also well documented that missing children are also linked with trafficking, abuse, and exploitation of children. The problem gets further exacerbated when there is systemic neglect and apathy towards these children who are usually from the poorer sections of society. A multi pronged approach, involving multiple stake holders at different levels is needed to address this stark failure of the society to protect their youngest members.

## Understanding the concept of 'missing child'

The Juvenile Justice (Care and Protection of Children) Act, 2000 defines a child is any young person who has not completed 18 years of age. As defined by Supreme Court in the judgment of Bachpan Bachao Andolan vs Union of India & Ors, Writ Petition (Civil) No. 75 of 2012 and advisory of Ministry of Home Affairs, a Missing Child is a person below eighteen years of age, whose whereabouts are not known to the parents, legal guardians and any other persons, who may or may not be legally entrusted with the custody of the child, whatever may be the circumstances/causes of disappearance. The child will be considered missing and in need of care and protection, until located and/or his/her safety/well being is established.

Generally stating, missing children are usually children who are separated from the parents/family/guardian. However, there is another category of missing children who have been found/traced and admitted in Child Care Institutions ("CCI") till their parents/family/guardian is traced and the child is restored.

- \* A 'missing child' may be one who is lost (unintentionally separated from family), has left home on his/her own without a notice or has been abducted or kidnapped. Usually, parents/family/guardian will file a missing complaint in such cases
- \* A 'traced child' will be a child who is traced by the police on the basis of a missing child report
- \* A 'found child' is a child found by the Police on the streets/ in a market place/ at railway platforms/ at bus stops/ in trains/ at a port/ at airports/ on a bus or other public transport/ in a hospital/ during rescue operations or at any public place and/or is brought before/referred to the Police by Juvenile Justice Board ("JJB")/ Child Welfare Committees ("CWC")/Childline/any other NGO or any individual.



# PROCEDURES FOR HANDLING CASES OF MISSING CHILDREN

## 1. Receiving & Recording Information

- Complaint for a missing child can be made by anybody, even where the complainant is not a family member or related to the child.
- On receipt of information, the officer receiving must immediately inform the 'Child Welfare Officer' at the police station and the Special Juvenile Police Unit.
- Every report received must be:
  - » Entered in the Station House Diary
  - » Entered in the register kept at the police unit (Register as per DG & IGP Circular No: 3/ DG&IGP/2011 dated 28.3.2011) along with TrackChild ID.

## 2. Registration of FIR

- \* Registration of FIR in cases of missing children is mandatory by virtue of the judgement of Hon'ble Supreme Court in Bachpan Bachao Andolan v. Union of India, W.P. Civil, No. 75 of 2012, dated 10/05/2013.
- \* Thus, any complaint of missing child must be forth with registered as an FIR (under Section 154 Cr PC) with the initial presumption of either abduction or trafficking of the child. Unless, in the investigation, the same is proven otherwise.
- \* Immediately after registering the FIR about a missing child, log on to [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) and upload the details of the missing child along with relevant photographs/ forensic sketches in Form 'M'.

## 3. Risk Assessment

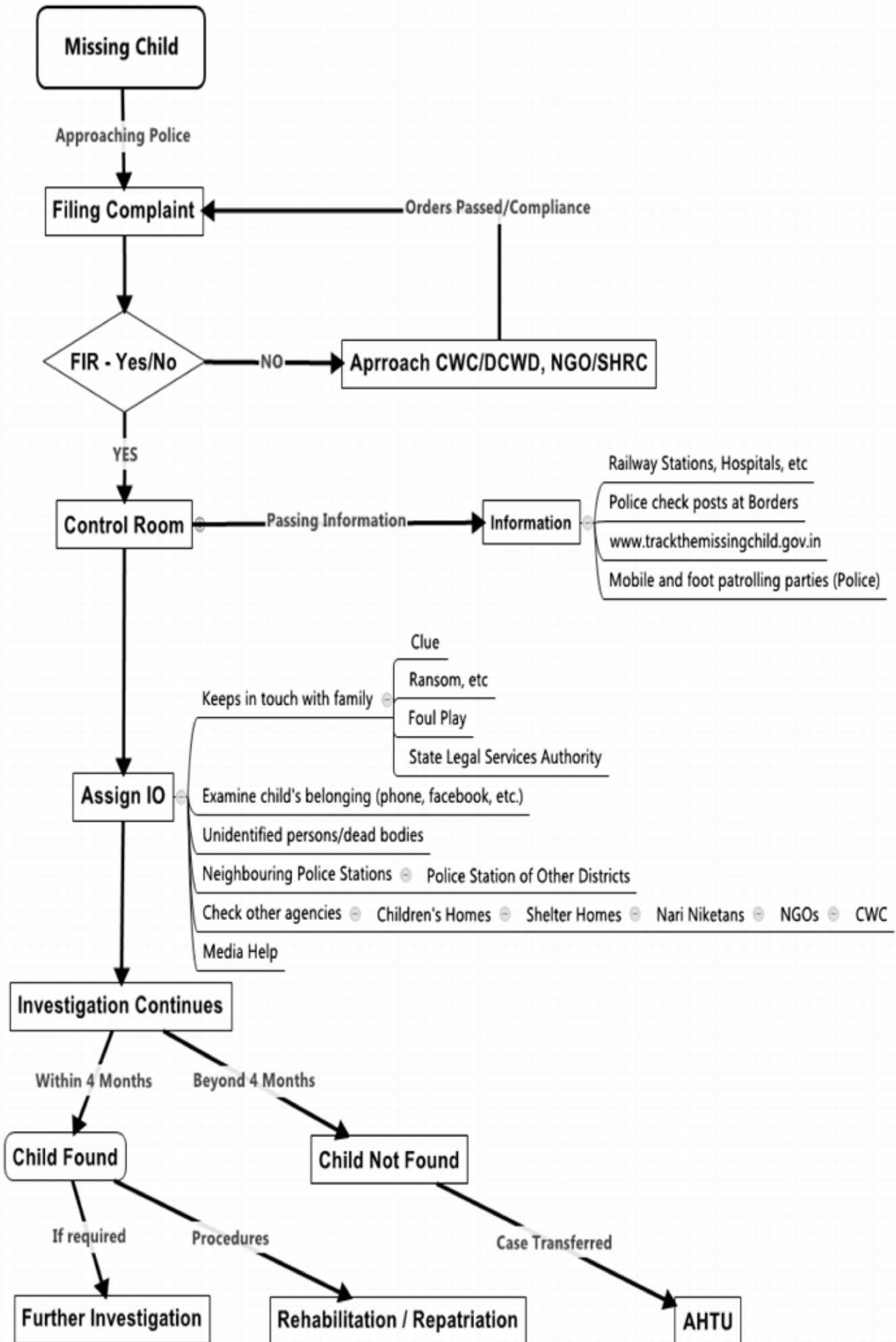
- \* IO/ CWO to use 'Checklist for Risk Assessment' to determine factors like the likelihood of immediate danger to the child, or of the child being the victim of serious/grave crime and accordingly decide course of action, which will include amongst others:
  - The urgency of investigation
  - Areas of inquiry
  - Types of specialist knowledge that might be needed
  - The supervision that may be required
  - Agencies who may be first alerted
- \* Determine plan of action for investigation based on the risk assessment. For e.g. risk factors will be different for boy and girl child, the age of the child, and accordingly the mode of investigation and steps taken for tracing them may be varied for each case.
- \* If preliminary inquiry indicates that there is a demand for ransom or case for involvement of serious crimes and/or trafficking, immediately hand over the case to AHTU or specialised crime branch unit within the State police dealing with such crime, as the case maybe.

#### 4. Dissemination of Information

Initiate steps to facilitate tracing the whereabouts of the missing child, at the earliest by using linkages and partnerships with available databases and relevant authorities. Refer to Standard Operation Procedures to be adopted while Investigating Missing/Found child case of – Circular No: CRM – 3/2015 dated 2nd June 2015 for details of dissemination of Information.

#### 5. Investigation

- \* Refer to Standard Operation Procedures to be adopted while Investigating Missing/Found child case of – Circular No: CRM – 3/2015 dated 2nd June 2015 for details of investigating cases of children missing/found.
- \* Follow up at regular intervals and generate “Match Reports” to match the missing person's record with the data being fed on TrackChild.
- \* Where a child has gone missing and has not been traced or found for a period of 4 months or more, case to be transferred to Anti Human Trafficking Unit as per DG & IGP Circular No. 6/06/SMS – 4/2011 Dated 22.12.2015



GDE No: \_\_\_\_\_ Date: \_\_\_\_\_  
 FIR-GDE No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 FIR No.: \_\_\_\_\_ Date: \_\_\_\_\_

## MISSING CHILDREN TRACKING PORTAL -- FORM "M"

(For "Missing")

Photograph

Child  Adult

### A. PERSONAL DETAILS

#### PRIMARY INFORMATION

\*1. Missing Child/Person's Name \_\_\_\_\_

2. Alias a) \_\_\_\_\_ b) \_\_\_\_\_ c) \_\_\_\_\_

\*3. Gender Male  Female  Transgender  (Please put tick Mark)

\*4. Date of birth \_\_\_\_ / \_\_\_\_ / \_\_\_\_ or Age \_\_\_\_ Completed in Years(approx.)

5. Education Literate  Illiterate

If Literate : a) Read upto \_\_\_\_\_ [See ANNEXURE - I]

c) Name of School(if school going child) \_\_\_\_\_

b) Name of Teacher (if school going child) \_\_\_\_\_

#### OTHER DETAILS

1. Father's Name \_\_\_\_\_ Alias \_\_\_\_\_

2. Mother's Name \_\_\_\_\_ Alias \_\_\_\_\_

3. Spouse's Name \_\_\_\_\_ Alias \_\_\_\_\_

4. (a) Number of siblings \_\_\_\_\_  
 (b) Name of siblings \_\_\_\_\_

5. Name of Guardian, if any \_\_\_\_\_

\*6. Nationality \_\_\_\_\_ 7. Mother Tongue \_\_\_\_\_ [See ANNEXURE - II]

8. Religion \_\_\_\_\_ [See ANNEXURE - III]

### B. CONTACT DETAILS (address of parent/guardian)

1. House Number \_\_\_\_\_ 2. Road \_\_\_\_\_

3. Village \_\_\_\_\_ 4. Gram Panchayat \_\_\_\_\_

5. Tehsil/Subdivision \_\_\_\_\_ 6. Ward \_\_\_\_\_

7. Post Office \_\_\_\_\_ \*8. Police Station \_\_\_\_\_  
 9. District \_\_\_\_\_  
 \* 10. State \_\_\_\_\_ 11. PIN 

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 11. Ph No 

+	9	1	-					-							
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 12. Mobile 

+	9	1	-												
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 13. Email \_\_\_\_\_

### C. MISSING EVENT DETAILS

#### GENERAL

\* 1 Name of the place from where missing \_\_\_\_\_  
 2 Tehsil/Subdivision \_\_\_\_\_ \* 3 Police Station \_\_\_\_\_  
 4 District \_\_\_\_\_ 5 State \_\_\_\_\_  
 6 Date of missing (range :) From: \_\_\_/\_\_\_/\_\_\_ To \_\_\_/\_\_\_/\_\_\_  
 7. Time of missing (range) Between: \_\_\_:\_\_\_ hrs. To \_\_\_:\_\_\_ hrs.  
 8 Cause of missing:  Runaway  Lost  Trafficked  Kidnapped  Others (Please specify)  
 9 Detailed Information related to event of Missing (in 500 words)

#### C1. POLICE COMPLAINT DETAILS

1. Type of Child/Person  Wanted  Missing  Kidnapped  Deserter  Escapee  
 \* 2. Aadhar No. \_\_\_\_\_  
 \* 3. (a) General/Station Diary No: \_\_\_\_\_ (b) General/Station Diary Date: \_\_\_/\_\_\_/\_\_\_  
 4. Case Started  Yes  No  
 6. (a) FIR GDE No.: \_\_\_\_\_ (b) FIR GDE Date: \_\_\_/\_\_\_/\_\_\_  
 7. (a) FIR No.: \_\_\_\_\_ (b) FIR Date: \_\_\_/\_\_\_/\_\_\_

**C2.FIR booked under following Acts and Sections**

8. A. Act Details \_\_\_\_\_ Section \_\_\_\_\_  
 B. Act Details \_\_\_\_\_ Section \_\_\_\_\_  
 C. Act Details \_\_\_\_\_ Section \_\_\_\_\_

**D. INFORMANT'S INFORMATION ( 1-6 to be filled if informant is not a parent)**

1. Name \_\_\_\_\_

2. Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Contact No. 

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4. Mobile 

+	9	1	-														
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5. Email \_\_\_\_\_

6. Relationship with Missing Person \_\_\_\_\_

7. Probable places of recovery a) \_\_\_\_\_  
 (Mention PS name) b) \_\_\_\_\_  
 c) \_\_\_\_\_

**E. SUSPECTS**

1 Name \_\_\_\_\_

2 Alias \_\_\_\_\_ 3. Gender  Male  Female  Transgender 4. Age \_\_\_\_\_ Years

5 More about Suspects' details \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. ADDRESS  
 House Number \_\_\_\_\_ Road \_\_\_\_\_  
 Village \_\_\_\_\_ Post Office \_\_\_\_\_

Police Station \_\_\_\_\_ District \_\_\_\_\_

State \_\_\_\_\_ PIN 

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7. Ph No. 

+	9	1	-														
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8. Mobile No. 

+	9	1	-													
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9. Email \_\_\_\_\_

**F. PHYSICAL FEATURES (Please put tick mark in appropriate options)**

**GENERAL**

- 1 *Complexion*    Dark     Fair     Very fair     Whitish/sallow  
 Sallow
- 2 *Build*     Fat (stout/strong)     Normal (muscular)     Thin (lanky)     Stocky
- 3 *Eye*     Eye blue     Eye brown     Eye reddish     Eye markedly close set  
 Eye normal     Eye protruding     Eye sunken     Eye slit  
 Eye artificial left     Eye artificial right     Eye-brows – artificial     Eye-brows arched/curved  
 Eye-brows-clearly united     Eye-brows - oblique     Eye-brows - straight     Eye-brows - thick  
 Eye-brows - thin     Eye-brows – widely     Eye-squint     Eye artificial  
 Eye dark     Eye freckled     Eye light     Using space  
 Eye left squint     Eye right squint     Eye conspicuously small     Eye conspicuously large  
 Eye cats     Eye green     Eye markedly wide set

- 4 *Hair*     Bald full     Bald partial     Brown     Curly - black Curly -  
 black & grey     Curly - grey     Long     Normal - black  
 Normal - black & grey     Normal - grey     Wig use of     Side burns White  
 hair     Straight hair     Hair bleached/dyed     Hair curly/wavy  
 Hair gray/white patched

- 5 *Teeth*     Broken     False tooth/teeth     Gaps in teeth     Metal tooth  
 Metal tooth gold (capping)     Metal tooth silver (capping)     Missing tooth/teeth     Normal  
 (even) Overlapping teeth     Protruding     Stained

\* 6 Height(approx.) \_\_\_\_\_ ft \_\_\_\_\_ inches or \_\_\_\_\_ cms

7. Weight \_\_\_\_\_ kgs

8 Wearing Apparel     

Upper	
Lower	

9 Footwear \_\_\_\_\_



**ADVANCED PHYSICAL FEATURES**

1 Blood Group(dropdown)

O+ O- A+ A- B+ B- AB+ AB-

**SPECIAL IDENTIFICATION MARKS** (Please put tick mark on appropriate options. Please get as many information as possible from the informant since it will help in computerized matching. Try to put minimum 3 special identification marks)

1 Burn Marks / Tattoos / Leucoderma / Mole / Scar

- Back left side       Cheek left       Back right side       Cheek right       Chest middle
- Chest left side       Chest right side       Chin       Ear left       Ear right Eye
- brow left       Eye brow right       Face       Foot left       Foot right
- Forehead       Hand left       Hand left- letter       Hand left-figure       Hand right
- Forearm right- figure       Forearm right- letter       Head       Leg left       Leg right
- Lip lower       Lip upper       Neck       Nose       Shoulder left
- Shoulder right       Stomach       Thigh left       Thigh right       Palm right
- Palm left       Finger(s) left hand       Finger(s) right hand       Finger(s) left foot       Finger(s) right foot

**IDENTIFICATION MARKS / FEATURES**

2 Face

- Dimpled cheek       Dimpled chin       Double chin       Forehead broad
- Forehead narrow       High cheek       Long       Oval
- Poxpitted       Prominent cheek       Protruding chin       Receding forehead
- Round       Square/heavy jaw       Sunken cheeks       Wrinkled

3 Nose

- Broad nostrils (markedly dilated)       Bulbous       Hooked (parrot type)       Long
- Pierced       Pointed       Snub /pug       Turned up nostrils

4 Speech / Voice

- Deep/heavy/guttural       Fast       Feminine       Loud spoken
- Nasal       Slow       Soft spoken       Stammering
- Speech-stagony

**DEFORMITIES / PECULIARITIES**

5 Head / Face

- Deaf       Ear deformed – both       Ear deformed –left       Ear deformed -right
- Ear markedly large       Ear markedly small       Ear missing – both       Ear missing - left
- Ear missing - right       Eyes blind one       Eyes squint       Hare lips
- Lobes pierced       Nose peculiar       One eyed       Protruding face

6 Other Parts of body

- Arm missing – right       Bow legged – left       Eunuch
- Finger(s) extra - left       Finger(s) extra – right       Finger(s) missing – left       Finger(s) missing-right
- Goitre       Knee knocked       Left foot missing       Left hand missing
- Leg - elephantiasis       Leg limping       Leg missing – left       Leg missing - right

- Leprosy                       Right foot missing     Right hand missing     Stooping/hunch back  
 Toe (s) extra - left         Toe (s) extra- right     Toe (s) missing – left     Toe (s) missing - right

- 7 *Disabilities*     Hearing impaired         Locomotor disabilities     Mentally ill             Leprosy cured  
                           Autism                       Ceribral palsy             Multiple disabilities     Mentally retarded  
                           Visually handicapped

- 8 *Habits*     Bragging                       Chews betal/pan             Chews pan masala     Chews supari  
                   Chews tobacco             Cinema crazy             Drinks liquor             Drug addict Eyes  
                   blinking                       Eyes shifting             Gambler                 Homosexual Lip  
                   biting                         Lottery player             Moustache twisting     Nail biting  
                   Prostitute monger         Race-goer                 Smoker                  Snuff taker  
                   Stretching                  Chews gum

**G.LANDMARK INFORMATION (nearest land marks)**

- 1 *Mandir / Masjid* \_\_\_\_\_  
 2 *Bus Stand* \_\_\_\_\_  
 3 *Railway Station* \_\_\_\_\_  
 4 *School* \_\_\_\_\_  
 5 *Market Place* \_\_\_\_\_  
 6 *Fair* \_\_\_\_\_  
 7 *Event Description when Missing* \_\_\_\_\_  
 8 *Name of the Nearby River* \_\_\_\_\_  
 9 *Name of the Panchayat/board member* \_\_\_\_\_  
 10 *Any other Information* \_\_\_\_\_

**Declaration:** I would like / not like Police to publish the photograph of my \_\_\_\_\_ in various media for wide publicity.

Date: \_\_\_\_ / \_\_\_\_ /20 \_\_\_\_

\_\_\_\_\_  
*Signature of the information provider*

\_\_\_\_\_  
*Signature of the receiving officer*

Name \_\_\_\_\_

Designation \_\_\_\_\_

[ANNEXURE – I]

*Educational Qualification*

- Diploma holders  Higher secondary - senior Secondary  Matriculate  
 Middle school  Primary school  other (please specify) \_\_\_\_\_

[ANNEXURE – II]

*Language*

- |                                       |   |  |                                       |   |
|---------------------------------------|---|--|---------------------------------------|---|
| <input type="checkbox"/> Assamese     | <input type="checkbox"/> Awadhi           | <input type="checkbox"/> Adi           | <input type="checkbox"/> Adi          | <input type="checkbox"/> Aka            |
| <input type="checkbox"/> Apatani      | <input type="checkbox"/> Badaga           | <input type="checkbox"/> Bagri         | <input type="checkbox"/> Bagni        | <input type="checkbox"/> Bengali        |
| <input type="checkbox"/> Bhojpuri     | <input type="checkbox"/> Bodo             | <input type="checkbox"/> Brij          | <input type="checkbox"/> Bundelkhandi | <input type="checkbox"/> Burmiese       |
| <input type="checkbox"/> Chhatisgathi | <input type="checkbox"/> Deori            | <input type="checkbox"/> Dhundhadi     | <input type="checkbox"/> Dogari       | <input type="checkbox"/> English        |
| <input type="checkbox"/> Garhawal     | <input type="checkbox"/> Gujarati         | <input type="checkbox"/> Haryanvi      | <input type="checkbox"/> Hill miri    | <input type="checkbox"/> Hindi          |
| <input type="checkbox"/> Haro         | <input type="checkbox"/> Kakbarak         | <input type="checkbox"/> Kannada       | <input type="checkbox"/> Kashmiri     | <input type="checkbox"/> Khasi          |
| <input type="checkbox"/> Khamti       | <input type="checkbox"/> Khowa            | <input type="checkbox"/> Konkani       | <input type="checkbox"/> Kotha        | <input type="checkbox"/> Kuchhi         |
| <input type="checkbox"/> Kui          | <input type="checkbox"/> Kumayni          | <input type="checkbox"/> Ladakhi       | <input type="checkbox"/> Maithili     | <input type="checkbox"/> Malayalam      |
| <input type="checkbox"/> Malwi        | <input type="checkbox"/> Manipuri Marathi | <input type="checkbox"/> Marvari       | <input type="checkbox"/> Meerun       | <input type="checkbox"/> Mizo           |
|                                       |   |  | & Bullandas                           |   |
| <input type="checkbox"/> Memba        | <input type="checkbox"/> Miji             | <input type="checkbox"/> Mishing       | <input type="checkbox"/> Monpa        | <input type="checkbox"/> Mishimi digaru |
| <input type="checkbox"/> Mishimi idu  | <input type="checkbox"/> Mishimi miju     | <input type="checkbox"/> Moimonshinghi | <input type="checkbox"/> Nepali       | <input type="checkbox"/> Nagamese       |
| <input type="checkbox"/> Nishi        | <input type="checkbox"/> Nocte            | <input type="checkbox"/> Oriya         | <input type="checkbox"/> Punjabi      | <input type="checkbox"/> Pahadi         |
| <input type="checkbox"/> Rajasthani   | <input type="checkbox"/> Reang            | <input type="checkbox"/> Rewapari      | <input type="checkbox"/> Santhali     | <input type="checkbox"/> Sherdukpen     |
| <input type="checkbox"/> Singpho      | <input type="checkbox"/> Solung           | <input type="checkbox"/> Sylheti       | <input type="checkbox"/> Sadri        | <input type="checkbox"/> Sindhi         |
| <input type="checkbox"/> Tagin        | <input type="checkbox"/> Tamil            | <input type="checkbox"/> Telugu        | <input type="checkbox"/> Toda         | <input type="checkbox"/> Tulu           |
| <input type="checkbox"/> Tangsa       | <input type="checkbox"/> Urdu             | <input type="checkbox"/> Varadi        | <input type="checkbox"/> Wangchu      | <input type="checkbox"/> Yobin          |

[ANNEXURE – III]

*Religion*

- Buddhist  Christian  Hindu  Jain  Jews/yehudi  
 Muslim  Parsi  Sikh  Donyipolo  Others \_\_\_\_\_

**General Guidelines:**

- Please try to gather as many information as possible since it will help in finding the "Missing Person". Your conscious effort can bring relief to the affected families.
- Select Only One Characteristic from the following Groups:
  - Build,
  - Hair,
  - Teeth,
  - Eye,
  - Speech / Voice, Religion,
  - Mother Tongue, Education Qualification.
- For Other Cases, You May Select More Than One Characteristic.
- For any clarification, please contact the respective DCRBs / MPB, CID / NIC-WBSC or report on-line in the "Portal".

# PROCEDURES FOR HANDLING CASES OF FOUND/ABANDONED CHILDREN

## 1. Receiving & Recording Information

- \* Complaint for child found can be made by anybody – Child Welfare Committee, Childline, NGO or Public.
- \* On receipt of information, the officer receiving must immediately inform the ‘Child Welfare Officer’ at the police station and the Special Juvenile Police Unit.
- \* Every report received must be:
  - Entered in the Station House Diary
  - Entered in the register kept at the police unit (Register as per DG &IGP Circular No: 3/DG&IGP/2011 dated 28.3.2011) along with TrackChild ID.

## 2. Registration of FIR

- \* FIR to be registered depending on the category of the child brought.
  - Abandoned child found alive
  - Abandoned child found dead
  - Child rescued from forced labour
  - Child rescued from sexual exploitation
- \* Immediately after registering the FIR, log on to [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) and upload the details of the found child along with relevant photographs/ forensic sketches in Form ‘R’.

## 3. Risk Assessment

- \* Preliminary Assessment of information given is assessed by the Child Welfare Officer regarding:  
If child needs
  - Emergency medical care
  - Psychological care
  - Special Educator
  - Translator/Interpreter
- \* If required send the child for emergency medical care.

## 4. Dissemination of Information

Initiate steps to facilitate tracing the parents/guardians of the child, at the earliest by using linkages and partnerships with available databases and relevant authorities. Refer to Standard Operation Procedures to be adopted while Investigating Missing/Found child case of – Circular No: CRM – 3/2015 dated 2nd June 2015 for details of dissemination of Information.

## 5. Investigation

- \* Refer to Standard Operation Procedures to be adopted while Investigating Missing/Found child case of – Circular No: CRM – 3/2015 dated 2nd June 2015 for details of investigating cases of children missing/found.
- \* Follow up at regular intervals and generate “Match Reports” to match the missing person's record with the data being fed on TrackChild.

GDE No: \_\_\_\_\_ Date: \_\_\_\_\_  
 FIR-GDE No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 FIR No.: \_\_\_\_\_ Date: \_\_\_\_\_

## MISSING CHILDREN TRACKING PORTAL -- FORM "R"

Photograph

(For "Recovered")

Child  Adult

### A. PERSONAL DETAILS

#### PRIMARY INFORMATION

Type of Child/Person  Identified body  Unidentified body  Arrested  Proclaimed Offender  
 Traced/Found  Unidentified Person

Aadhar No. \_\_\_\_\_

\*1 Recovered Child/Person's Name \_\_\_\_\_

2 Alias a) \_\_\_\_\_ b) \_\_\_\_\_ c) \_\_\_\_\_

\*3 Gender  Male  Female  Transgender (Please give the tick mark for your option)

\*4 Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_ OR Age \_\_\_\_\_ Completed in Years (approx.)

5 Education  Literate  Illiterate

If Literate : a) Read upto \_\_\_\_\_ [See ANNEXURE - I]

c) Name of School (if school going child) \_\_\_\_\_

b) Name of Teacher (if school going child) \_\_\_\_\_

#### OTHER DETAILS

1. Father's Name \_\_\_\_\_ Alias \_\_\_\_\_

2. Mother's Name \_\_\_\_\_ Alias \_\_\_\_\_

3. Spouse's Name \_\_\_\_\_ Alias \_\_\_\_\_

(b) Name of siblings \_\_\_\_\_

4. (a) Number of siblings \_\_\_\_

5. Name of Guardian, if any \_\_\_\_\_

\*6. Nationality \_\_\_\_\_ 8. Mother Tongue [ANNEXURE - II]

7. Religion [ANNEXURE - III]

### B. CONTACT DETAILS (address of parent/guardian)

House Number \_\_\_\_\_ Road \_\_\_\_\_

Village \_\_\_\_\_ Gram Panchayat \_\_\_\_\_

Police Station \_\_\_\_\_ Tehsil/Subdivision \_\_\_\_\_

Post Office \_\_\_\_\_ Ward \_\_\_\_\_

State \_\_\_\_\_ District \_\_\_\_\_

PIN 

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Phone No. 

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Mobile No.

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Email \_\_\_\_\_

**C. RECOVERY DETAILS**

**GENERAL**

- \*1. Name of the place from where Tracked \_\_\_\_\_
- 2. Village \_\_\_\_\_ 3. Block \_\_\_\_\_
- \* 4. Police Station \_\_\_\_\_ 5. District \_\_\_\_\_
- \* 6. State \_\_\_\_\_ 7. Date of Tracing \_\_\_/\_\_\_/20\_\_\_
- \* 8. Time of Tracing \_\_\_\_\_: \_\_\_\_\_hrs. 8. Dead / Alive
- 9. DNA samples collected  Yes  No
- 10. Present where-about \_\_\_\_\_
- 11. Recovery Situation  Sex exploitation  Beggar  Domestic servant  Child Labour  
 Forced Marriage  Not known at present
- 12. Circumstances of the case (in 500 words)

**POLICE COMPLAINT DETAILS**

- 1. Police complaint \_\_\_\_\_  
details \_\_\_\_\_
- \* 2. General/Station Diary No: \_\_\_\_\_ \* 3. General/Station Diary Date : \_\_\_/\_\_\_/\_\_\_
- 4. Case Started  Yes  No
- 5. (a) FIR GDE No. \_\_\_\_\_ (b) FIR GDE Date \_\_\_/\_\_\_/\_\_\_
- 6. (a) FIR No. \_\_\_\_\_ (b) FIR Date \_\_\_/\_\_\_/\_\_\_

**FIR booked under following Acts and Sections**

- 7. A. Act Details \_\_\_\_\_ Section \_\_\_\_\_
- B. Act Details \_\_\_\_\_ Section \_\_\_\_\_
- C. Act Details \_\_\_\_\_ Section \_\_\_\_\_



**PROCESS OF ADMISSION**

1. Produced before CWC \_\_\_\_\_
2. Date of production before CWC \_\_\_\_\_
3. Name of CCI admitted to \_\_\_\_\_
4. Date of admission to CCI \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**MISSING EVENT DETAILS**

- 1 Information Related To Missing Event \_\_\_\_\_
- 2 Date of Missing (range) From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- 3 Time Of Missing (range) Between: \_\_\_\_ : \_\_\_\_ hrs. To \_\_\_\_ : \_\_\_\_ hrs.
- 4 Place Of Missing \_\_\_\_\_
- 5 Cause of missing  Runaway  Lost  Trafficked  Kidnapped  Others(Please specify)

**D. INFORMANT’S INFORMATION**

- 1 Name \_\_\_\_\_
- 2 Address \_\_\_\_\_
- 3 Contact No. 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
- 4 Email \_\_\_\_\_
- 5 Relationship with Recovered Child \_\_\_\_\_

**E. PHYSICAL FEATURES (Please put tick mark on appropriate options)**

**GENERAL**

- 1 Complexion  Dark  Fair  Very fair  Whitish/sallow  
 Sallow
- 2 Build  Fat (stout/strong)  Normal (muscular)  Thin (lanky)  Stocky
- 3 Eye  Eye blue  Eye brown  Eye reddish  Eye markedly close set  
 Eye normal  Eye protruding  Eye sunken  Eye slit  
 Eye artificial left  Eye artificial right  Eye-brows - artificial  Eye-brows- arched/curved  
 Eye-brows-clearly united  Eye-brows - oblique  Eye-brows - straight  Eye-brows - thick  
 Eye-brows - thin  Eye-brows - widely  Eye-squint  Eye artificial  
 Eye dark  Eye freckled  Eye light  Using space  
 Eye left squint  Eye right squint  Eye conspicuously small  Eye conspicuously large  
 Eye cats  Eye green  Eye markedly wide set
- 4 Hair  Bald full  Bald partial  Brown  Curly - black



- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Curly - black & grey    | <input type="checkbox"/> Curly - grey  | <input type="checkbox"/> Long               | <input type="checkbox"/> Normal - black  |
| <input type="checkbox"/> Normal - black & grey   | <input type="checkbox"/> Normal - grey | <input type="checkbox"/> Wig use of         | <input type="checkbox"/> Side burns      |
| <input type="checkbox"/> White hair              | <input type="checkbox"/> Straight hair | <input type="checkbox"/> Hair bleached/dyed | <input type="checkbox"/> Hair curly/wavy |
| <input type="checkbox"/> Hair gray/white patched |  |   |  |

- 5 **Teeth**
- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Broken                     | <input type="checkbox"/> False tooth/teeth            | <input type="checkbox"/> Gaps in teeth       | <input type="checkbox"/> Metal tooth   |
| <input type="checkbox"/> Metal tooth gold (capping) | <input type="checkbox"/> Metal tooth silver (capping) | <input type="checkbox"/> Missing tooth/teeth | <input type="checkbox"/> Normal (even) |
| <input type="checkbox"/> Overlapping teeth          | <input type="checkbox"/> Protruding                   | <input type="checkbox"/> Stained             |  |

\*6 Height (approx.) \_\_\_\_\_ Ft \_\_\_\_\_ Inches OR \_\_\_\_\_ cms

7. Weight \_\_\_\_\_ Kgs

8.

Wearing Apparel

Upper \_\_\_\_\_  
Lower \_\_\_\_\_

9 Footwear \_\_\_\_\_

#### ADVANCED PHYSICAL FEATURES

1 Blood Group (dropdown) O+ O- A+ A- B+ B- AB+ AB-

**SPECIAL IDENTIFICATION MARKS** (Please put tick mark on appropriate options. Please get as many information as possible from the informant since it will help in computerized matching. Try to put minimum 3 special identification marks)

1 Burn Marks / Tattoos / Leucoderma / Mole / Scar

- |  |  |   |  |   |
|--|--|---|--|---|
| <input type="checkbox"/> Back left side        | <input type="checkbox"/> Cheek left            | <input type="checkbox"/> Back right side      | <input type="checkbox"/> Cheek right         | <input type="checkbox"/> Chest middle         |
| <input type="checkbox"/> Chest left side       | <input type="checkbox"/> Chest right side      | <input type="checkbox"/> Chin                 | <input type="checkbox"/> Ear left            | <input type="checkbox"/> Ear right            |
| <input type="checkbox"/> Eye brow left         | <input type="checkbox"/> Eye brow right        | <input type="checkbox"/> Face                 | <input type="checkbox"/> Foot left           | <input type="checkbox"/> Foot right           |
| <input type="checkbox"/> Forehead              | <input type="checkbox"/> Hand left             | <input type="checkbox"/> Hand left- letter    | <input type="checkbox"/> Hand left-figure    | <input type="checkbox"/> Hand right           |
| <input type="checkbox"/> Forearm right- figure | <input type="checkbox"/> Forearm right- letter | <input type="checkbox"/> Head                 | <input type="checkbox"/> Leg left            | <input type="checkbox"/> Leg right            |
| <input type="checkbox"/> Lip lower             | <input type="checkbox"/> Lip upper             | <input type="checkbox"/> Neck                 | <input type="checkbox"/> Nose                | <input type="checkbox"/> Shoulder left        |
| <input type="checkbox"/> Shoulder right        | <input type="checkbox"/> Stomach               | <input type="checkbox"/> Thigh left           | <input type="checkbox"/> Thigh right         | <input type="checkbox"/> Palm right           |
| <input type="checkbox"/> Palm left             | <input type="checkbox"/> Finger(s) left hand   | <input type="checkbox"/> Finger(s) right hand | <input type="checkbox"/> Finger(s) left foot | <input type="checkbox"/> Finger(s) right foot |

#### IDENTIFICATION MARKS / FEATURES

- 2 **Face**
- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Dimpled cheek   | <input type="checkbox"/> Dimpled chin     | <input type="checkbox"/> Double chin     | <input type="checkbox"/> Forehead broad    |
| <input type="checkbox"/> Forehead narrow | <input type="checkbox"/> High cheek       | <input type="checkbox"/> Long            | <input type="checkbox"/> Oval              |
| <input type="checkbox"/> Poxpitted       | <input type="checkbox"/> Prominent cheek  | <input type="checkbox"/> Protruding chin | <input type="checkbox"/> Receding forehead |
| <input type="checkbox"/> Round           | <input type="checkbox"/> Square/heavy jaw | <input type="checkbox"/> Sunken cheeks   | <input type="checkbox"/> Wrinkled          |
- 3 **Nose**
- |  |                                  |   |   |
|--|----------------------------------|---|---|
| <input type="checkbox"/> Broad nostrils (markedly dilated) | <input type="checkbox"/> Bulbous | <input type="checkbox"/> Hooked (parrot type) | <input type="checkbox"/> Long               |
| <input type="checkbox"/> Pierced                           | <input type="checkbox"/> Pointed | <input type="checkbox"/> Snub /pug            | <input type="checkbox"/> Turned up nostrils |
- 4 **Speech / Voice**
- |  |                               |                                      |                                      |
|--|-------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Deep/heavy/guttural | <input type="checkbox"/> Fast | <input type="checkbox"/> Feminine    | <input type="checkbox"/> Loud spoken |
| <input type="checkbox"/> Nasal               | <input type="checkbox"/> Slow | <input type="checkbox"/> Soft spoken | <input type="checkbox"/> Stammering  |
| <input type="checkbox"/> Speech-staggony     |                               |                                      |                                      |

**DEFORMITIES / PECULIARITIES**

- 5 *Head / Face*
- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Deaf                | <input type="checkbox"/> Ear deformed - both | <input type="checkbox"/> Ear deformed -left | <input type="checkbox"/> Ear deformed -right |
| <input type="checkbox"/> Ear markedly large  | <input type="checkbox"/> Ear markedly small  | <input type="checkbox"/> Ear missing - both | <input type="checkbox"/> Ear missing - left  |
| <input type="checkbox"/> Ear missing - right | <input type="checkbox"/> Eyes blind one      | <input type="checkbox"/> Eyes squint        | <input type="checkbox"/> Hare lips           |
| <input type="checkbox"/> Lobes pierced       | <input type="checkbox"/> Nose peculiar       | <input type="checkbox"/> One eyed           | <input type="checkbox"/> Protruding face     |
- 6 *Other Parts of body*
- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Finger(s) extra - left  | <input type="checkbox"/> Arm missing - right     | <input type="checkbox"/> Bow legged - left        | <input type="checkbox"/> Eunuch                  |
| <input type="checkbox"/> Finger(s) extra - right | <input type="checkbox"/> Finger(s) extra - right | <input type="checkbox"/> Finger(s) missing - left | <input type="checkbox"/> Finger(s) missing-right |
| <input type="checkbox"/> Goitre                  | <input type="checkbox"/> Knee knocked            | <input type="checkbox"/> Left foot missing        | <input type="checkbox"/> Left hand missing       |
| <input type="checkbox"/> Leg - elephantiasis     | <input type="checkbox"/> Leg limping             | <input type="checkbox"/> Leg missing - left       | <input type="checkbox"/> Leg missing - right     |
| <input type="checkbox"/> Leprosy                 | <input type="checkbox"/> Right foot missing      | <input type="checkbox"/> Right hand missing       | <input type="checkbox"/> Stooping/hunch back     |
| <input type="checkbox"/> Toe (s) extra - left    | <input type="checkbox"/> Toe (s) extra- right    | <input type="checkbox"/> Toe (s) missing - left   | <input type="checkbox"/> Toe (s) missing - right |
- 7 *Disabilities*
- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Hearing impaired     | <input type="checkbox"/> Locomotor disabilities | <input type="checkbox"/> Mentally ill          | <input type="checkbox"/> Leprosy cured     |
| <input type="checkbox"/> Autism               | <input type="checkbox"/> Cerebral palsy         | <input type="checkbox"/> Multiple disabilities | <input type="checkbox"/> Mentally retarded |
| <input type="checkbox"/> Visually handicapped |   |  |  |
- 8 *Habits*
- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Bragging      | <input type="checkbox"/> Chews betal/pan | <input type="checkbox"/> Chews pan masala   | <input type="checkbox"/> Chews supari           |
| <input type="checkbox"/> Chews tobacco | <input type="checkbox"/> Cinema crazy    | <input type="checkbox"/> Drinks liquor      | <input type="checkbox"/> Drug addict Eyes       |
| <input type="checkbox"/> blinking      | <input type="checkbox"/> Eyes shifting   | <input type="checkbox"/> Gambler            | <input type="checkbox"/> Homosexual Lip         |
| <input type="checkbox"/> biting        | <input type="checkbox"/> Lottery player  | <input type="checkbox"/> Moustache twisting | <input type="checkbox"/> Nail biting Prostitute |
| <input type="checkbox"/> monger        | <input type="checkbox"/> Race-goer       | <input type="checkbox"/> Smoker             | <input type="checkbox"/> Snuff taker            |
| <input type="checkbox"/> Stretching    | <input type="checkbox"/> Chews gum       |   |   |

**F. LAND MARK INFORMATION (nearest land marks)**

- 1 *Mandir / Masjid* \_\_\_\_\_
- 2 *Bus Stand* \_\_\_\_\_
- 3 *Railway Station* \_\_\_\_\_
- 4 *School* \_\_\_\_\_
- 5 *Market Place* \_\_\_\_\_
- 6 *Fair* \_\_\_\_\_
- 7 *Event Description*  
*when Recovered* \_\_\_\_\_
- 8 *Name of nearby river* \_\_\_\_\_
- 9 *Name of local panchayat/board member* \_\_\_\_\_
- 10 *Any Other Information* \_\_\_\_\_

Date: \_\_\_ / \_\_\_ /20\_\_

\_\_\_\_\_  
*Signature of Information Provider*

\_\_\_\_\_  
*Signature of the receiving officer*

Name \_\_\_\_\_

Designation \_\_\_\_\_

**[ANNEXURE - I]**

*Educational Qualification*    Diploma holders    Higher secondary - senior Secondary    Matriculate  
 Middle school    Primary school    Other (please specify) \_\_\_\_\_

**[ANNEXURE - II]**

*Language*

<input type="checkbox"/> Assamese	<input type="checkbox"/> Awadhi	<input type="checkbox"/> Adi	<input type="checkbox"/> Adi	<input type="checkbox"/> Aka
<input type="checkbox"/> Apatani	<input type="checkbox"/> Badaga	<input type="checkbox"/> Bagri	<input type="checkbox"/> Bagni	<input type="checkbox"/> Bengali
<input type="checkbox"/> Bhojpuri	<input type="checkbox"/> Bodo	<input type="checkbox"/> Brij	<input type="checkbox"/> Bundelkhandi	<input type="checkbox"/> Burmiese
<input type="checkbox"/> Chhatisgathi	<input type="checkbox"/> Deori	<input type="checkbox"/> Dhundhadi	<input type="checkbox"/> Dogari	<input type="checkbox"/> English
<input type="checkbox"/> Garhawal	<input type="checkbox"/> Gujarati	<input type="checkbox"/> Haryanvi	<input type="checkbox"/> Hill miri	<input type="checkbox"/> Hindi
<input type="checkbox"/> Haro	<input type="checkbox"/> Kakbarak	<input type="checkbox"/> Kannada	<input type="checkbox"/> Kashmiri	<input type="checkbox"/> Khasi
<input type="checkbox"/> Khamti	<input type="checkbox"/> Khowa	<input type="checkbox"/> Konkani	<input type="checkbox"/> Kotha	<input type="checkbox"/> Kuchhi
<input type="checkbox"/> Kui	<input type="checkbox"/> Kumayni	<input type="checkbox"/> Ladakhi	<input type="checkbox"/> Maithili	<input type="checkbox"/> Malayalam
<input type="checkbox"/> Malwi	<input type="checkbox"/> Manipuri Marathi	<input type="checkbox"/> Marvari	<input type="checkbox"/> Meerun	<input type="checkbox"/> Mizo
			& Bullandas	
<input type="checkbox"/> Memba	<input type="checkbox"/> Miji	<input type="checkbox"/> Mishing	<input type="checkbox"/> Monpa	<input type="checkbox"/> Mishimi digaru
<input type="checkbox"/> Mishimi idu	<input type="checkbox"/> Mishimi miju	<input type="checkbox"/> Moimonshinghi	<input type="checkbox"/> Nepali	<input type="checkbox"/> Nagamese
<input type="checkbox"/> Nishi	<input type="checkbox"/> Nocte	<input type="checkbox"/> Oriya	<input type="checkbox"/> Punjabi	<input type="checkbox"/> Pahadi
<input type="checkbox"/> Rajasthani	<input type="checkbox"/> Reang	<input type="checkbox"/> Rewapari	<input type="checkbox"/> Santhali	<input type="checkbox"/> Sherdukpen
<input type="checkbox"/> Singpho	<input type="checkbox"/> Solung	<input type="checkbox"/> Sylheti	<input type="checkbox"/> Sadri	<input type="checkbox"/> Sindhi
<input type="checkbox"/> Tagin	<input type="checkbox"/> Tamil	<input type="checkbox"/> Telugu	<input type="checkbox"/> Toda	<input type="checkbox"/> Tulu
<input type="checkbox"/> Tangsa	<input type="checkbox"/> Urdu	<input type="checkbox"/> Varadi	<input type="checkbox"/> Wangchu	<input type="checkbox"/> Yobin

**[ANNEXURE - III]**

*Religion*    Buddhist    Christian    Hindu    Jain    Jews/yehudi  
 Muslim    Parsi    Sikh    Donyipolo    Others \_\_\_\_\_

**General Guidelines:**

1. Please try to gather as many information as possible since it will help in finding the "Missing Person". Your conscious effort can bring relief to the affected families.
2. Select Only One Characteristic from the following Groups:
  - a. Build,
  - b. Hair,
  - c. Teeth,
  - d. Eye,
  - e. Speech / Voice, Religion,
  - f. Mother Tongue, Education Qualification.
3. For Other Cases, You May Select More Than One Characteristic.
4. For any clarification, please contact the respective DCRBs / MPB, CID / NIC-WBSC or report on-line in the "Portal".



**Government of Karnataka  
(Police Department)**

Office of the Director General and  
Inspector General of Police,  
Nrupathunga Road, Bengaluru.  
Date: 02-6-2015

No: CRM-2/3/2013



**CRIME SECTION CIRCULAR - 3/2015**

**Sub: Standard Operating Procedure to be adopted while  
Investigating Missing/Found child cases.**

- Ref: 1) Chief Office circular No. CRM-2/3/2013, dated  
12-9-2013  
2) Chief Office circular No. CRM-2/3/2013, dated  
02-12-2014



Any Child missing or separated from his family/ guardian or right full place of stay runs the risk of being deprived of its rights under the constitution, convention on rights of the child (CRC) the Juvenile Justice ( Care & Protection of children) Act - 2000 etc., Based on the directions issued by the Hon'ble Supreme Court in Writ Petition 75/2012 (Bachapan Bachao Andolan Vs Union of India), Govt. of India (Ministry of Home Affairs) advisories and the draft standard operating procedure prepared by the Tata Institute of Social Science the following instructions are issued about missing child. Generally stating, missing children are children who are separated from the family/guardian

**A Missing Child:**

A missing child may be one who is lost (unintentionally separated from family), has left home on his/her own without a notice or has been abducted or kidnapped.

**Receiving complaint of a 'missing child'**

- 1.1 The complaint for a missing child can be made by anybody, even where the complainant is not a family member or related to the child. Equal importance must be given to the complaint and prescribed procedure for investigation must be initiated.
- 1.2 Given below is an indicative list of the individuals or organizations/institutions who may approach the police to complain about a missing child.

- a) A parent;
- b) A guardian;
- c) A relative;
- d) Child Welfare Committee
- e) Child line
- f) NGOs;
- g) Police;
- h) Public Servant;
- i) Any person concerned with the safety and well being of the child;
- j) Any person who has knowledge about the incident.

~~In all the above cases police should take appropriate action.~~

On the case, as set out below.

#### **Mode of Complaint for Missing Child:**

2.1 A complaint for a missing child may be ordinarily lodged by the complainant at the local police station. However, complaints made through alternate means listed below should also be treated as valid complaints and appropriate action in such cases should be initiated at the earliest. These alternate means of complaint may include:

- a) At the police station (by phone, email or SMS)
- b) The PCR number: dial police helpline 100
- c) Any other emergency helpline number of the State police;
- d) Child line 24 hour emergency helpline number: dial 1098;
- e) An individual/organization/institutions should also report about a missing child or any other category of missing child as mentioned above to the child Welfare Committee. The Committee can immediately direct the police to initiate the necessary enquiry.

2.2 In cases of complaint filed through SMS and/or email, the police should speak to the caller and confirm that he/she has sent the SMS and/or email before registering the FIR.

#### **Registration of First Information Report (FIR)**

3.1 Registration of FIR in cases of missing children is mandatory by virtue of The Judgement of the Hon'ble Supreme Court in Bachpan Bachao Andolan v. Union of India, W.P Civil) No.75 of 2012, (dated 10/05/2013).



FIR (under Section 154 Code of Criminal Procedure). with the initial presumption of either abduction or trafficking of the child. (Unless, in the investigation, the same is proved otherwise).

- 3.3 All complaints received regarding a missing child, irrespective of the person complaining or the mode of complaint should be recorded by the police officer on duty and after due enquiry and/or preliminary verification, registered as an FIR.
- 3.4 All supervisory Officers (SDPO's) should invariably be informed about reports of missing children by the SHO's concerned so that such cases can be closely monitored.

### **Recording of information**

- 4.1 When registering a case about a missing child, the police officer concerned shall, as far as possible, take as many details from the parents/ guardians/ relatives/custodial authority of the child, or the school/institution/agency from where the child was reported to be missing.
- 4.2 The enquiry should start with basic facts such as who, when, where and how, including description of victim and suspect. An indicative list of information to be obtained at the time of registration of the FIR is set out under Annexure 1.

### **Risk Assessment**

- 5.1 The Investigating Officer to fill the check list for risk assessment and based on the parameters indicated there, evaluate the level of risk posed to the missing child. The copy of the Risk Assessment Form is enclosed as Annexure 2.
- 5.2 The Investigating Officer should use the filled checklist to determine factors like the likelihood of immediate danger to the child, or of the child being the victim of serious/grave crime and accordingly decide course of action, which will include amongst others:
  - ✓ The urgency of investigation
  - ✓ Areas of inquiry
  - ✓ Types of specialist knowledge that might be needed
  - ✓ The supervision that may be required
  - ✓ Agencies who may be first alerted
- 5.3 Plan of action for investigation must be determined based on risk assessment. For example risk factors will be different for boy and girl child accordingly the mode of investigation and steps taken for tracing them may be varied for each case.
- 5.4 If preliminary inquiry indicates that there is a demand for ransom or case for involvement of serious crimes and/or trafficking, the case must be immediately handed over to AHTU or specialized crime branch unit within

the state police dealing with such crime, as the case maybe.

### **Dissemination of information**

- 6.1 The Investigating Officer must at the earliest, initiate steps to facilitate tracing the whereabouts of the missing child by using linkages and partnerships with available databases and relevant authorities.
- 6.2 Upload the details of the missing child along with relevant photographs/forensic sketches (in Form M) on the website [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in)
- 6.3 Flash Wireless messages with information about the missing child to all police stations within the state and to Police Control Rooms across all states in India;
- 6.4 Disseminate all available information regarding the missing child along with photograph to regulatory authorities like the CWC/ local centre of Child line PU/GRP/RPF/CISF/SJPU/AHTU/SCRB/NCRB/DCPU etc. to check if any information regarding the whereabouts of the missing child have been received by such agencies;
- 6.5 ~~Fill up specific designed 'Missing Persons Information Form' and immediately send to MPS, DMPU,CR0,CBI etc. so as to initiate further appropriate action for searching the missing child;~~
- 6.6 Assign the missing report to the Child Welfare Officer (SJPU) who should immediately inform the PCR and sound alert to the mobile and foot patrolling parties in the area, police check posts at borders (ITBP, BSF), railway stations (GRP,RPF), interstate bus terminals, hospitals, shelter homes, local taxi drivers associations, etc for tracing the missing child.
- 6.7 A copy of the FIR should be sent by post/email to the nearest legal Services Authority (Taluk/District/State Legal Services Authority) along with addresses and contact phone numbers of the parents of the missing child , after uploading the relevant information onto [www.Trackthemissingchild.gov.in](http://www.Trackthemissingchild.gov.in).
- 6.8 The details of missing children should be sent by special messengers to the DCRB of the neighbouring states as well as SHOs of the boarding police stations including I/Os of all police posts in their jurisdiction. This should be followed up by regular interaction with the concerned so that follow up action is ensured.
- 6.9 Prepare sufficient number of Hue & Cry notices containing photograph & physical description of the missing child to be sent to the CRO for publication in the police Gazette.

### **Community Initiatives for tracing the child**

- 7.1 Wide publicity to be given in the surroundings of the area from where the child went missing, with permission of parents/guardian, through use of



loud hailers, distributing and affixing Hue & Cry notice at the prominent places like railway stations, ISBTs, airport, regional passport offices and other prominent places;

7.2 With the permission of parents/guardian, give wide publicity within 3 days of filing the FIR by publishing/telecasting the photographs and the description of the missing child in

- ✓ Leading newspapers (one national and one regional daily)
- ✓ TV/electronic media
- ✓ Local cable TV network

7.3 Take permission before publishing photographs, especially in case of a girl child. Parents/guardians/ complaint/s to be informed about the places where the child's photograph is going to be published and other publicity details. Their option should be taken into consideration.

### **Investigation by Police**

8.1 After initial risk assessment, the IO must determine the course of action to be followed in investigation of the case. Based on the identified needs the steps to be followed in investigation of case may be different from the steps stated below.

8.2 Visit the place from where the child was reportedly missing and try to find out probable cause behind the disappearance;

8.3 Search the house or premises from where the child has gone missing / nearby buildings, particularly vacant ones, for clues;

8.4 Scrutinize the missing child's computer, cell phone, email accounts and diaries with consent of the family. Also ensure that the call Detail Records are scrutinized and analysed.

8.5 If available, scan the CCTV Cameras installed in the spot (or in its vicinity) from where the child is reported missing and in possible routes and transit/destination points like bus stands, railway stations etc.

8.6 Cause investigation into all possibilities and angles of organised crime like abduction and/or trafficking including pieces of child labour, physical and sexual exploitation, organ trade/removal, forced marriage, pornography, etc.

8.7 Conduct prompt investigation as per procedures and suggest those which are beyond the normal realm of investigation.

8.8 Assign one officer to go through the police station records to check if any similar incidents have been reported in the area or adjacent area. All such details should be made available to the IO and suitable action must be taken immediately.

8.9 Areas/spots of interest such as movie theatres, shopping malls,

amusement parks, games parlors should also be searched, the police has also search the places where large number of children gather or frequent to do small/menial jobs or roam around, etc.(e.g. Religious places, tourist sports)

- 8.10 Inquiries should be made from neighbouring police stations under Govt. Railway police, RPF posts, hospitals (including government and private hospitals), clinics, and local healthy volunteers in the area about any unidentified dead bodies found, unidentified injured persons admitted or information about missing children admitted in the hospitals.
- 8.11 In case of unidentified dead bodies being discovered, DNA fingerprinting should inevitably be done and further investigation should be conducted thereon.
- 8.12 Find any uncovered pits or drain manholes/septic tanks/unused bore wells, etc., in nearby places surrounding the area from where the child is reported missing. Search those pits/manholes/wells for any accidental fall.
- 8.13 Check with shelter Homes, Children's Homes and other institutions under the Juvenile Justice Act, Rain Baseras, Nari Niketans, mortuaries in hospitals, placement agencies, NGOs, Child Welfare Committees, Anganawadi and Asha workers and other local outreach workers, etc. Records and databases of such institutions should also be checked.
- 8.14 Cross-check the list of persons rescued from brothels and other places of exploitation from anywhere in India.
- 8.15 Follow up at regular intervals to match the missing person's record with the data being fed on ZIP NET/ [www.trackthemissingchild.gov.in](http://www.trackthemissingchild.gov.in) regarding missing persons and unidentified dead persons by other authorities.
- 8.16 Maintain close liaison with the complainant/victim's family to ascertain further clues, including information of abduction or any ransom demands made by the kidnapper, any further follow up action and to apprise the family of any developments in the case.
- 8.17 In appropriate cases, a declaration of reward for furnishing clue about the missing child should be announced immediately. [Mandatory within a month]
- 8.18 Follow up on the case till a logical conclusion is arrived at. Constitute special teams to go into the root of the issue and ensure rescue/return/recovery of the missing person, where required.

### **Maintaining Case File**

- 9.1 The IO should maintain a separate file in respect of each of missing child containing the following:
- ✓ A photograph of the missing child;
  - ✓ A copy of the FIR,
  - ✓ other papers relevant to the case,
  - ✓ brief note/ daily entries on day efforts made by the IO for locating the child.

### **Prosecution of Missing Children Cases**

- 10.1 All cases relating to missing children should be scrutinized by the Chief Public Prosecutor of the District.



## **Investigation Probability of 'Organised Crime' / Trafficking.**

- 11.1 Network with NGOs, Helplines, Childline, Special investigation Teams etc. to examine possible involvement of organized crime groups in the case of a missing child.
- 11.2 Upon suspicion of the child being victim of an organized crime, the probable destinations where the child could be taken should be investigated and local police of such destinations must be informed.
- 11.3 Cross-check details of missing children with various specialized police agencies and NGOs who are working in the area of recovery/rescue of victims from organized crime cartels like trafficking, abductions etc.
- 11.4 Where a child has gone missing and has not been recovered or found for a period of 2 months or more, the case must be analysed from the perspective of involvement of any organized crime gang and transferred to the appropriate investigating agency for further investigations.
- 11.5 In case of likelihood of involvement of human trafficking, the case must be handed over to AHTU for investigations as trafficking or organized crime is involved.
- 11.6 If any other element of organized crime is suspected and the state has constituted an STF for dealing with such organized crimes, all cases of missing children likely to be linked to such crime should be handed over to them.
- 11.7 In all other cases, where an organized crime is suspected (but no special team has been created, a specialized team, headed by the SHO should be instituted investigating the case.
- 11.8 ~~The AHTU/STF/specialized team, mentioned above will submit a status report after every three months from the date of FIR to the concerned Legal Services Authority to keep updated [Monitor]~~

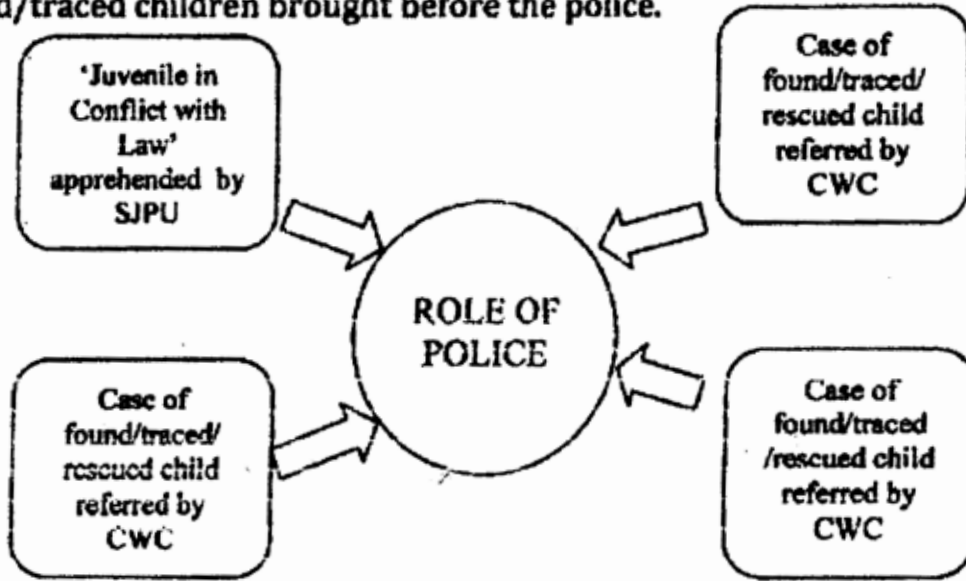
**B. Found/Traced Child:** A Found/traced child will be a child who is traced by the police on the basis of a missing child report or is found on the streets/in a market place/at railway platforms/bus stops/in trains/on a bus or other public transport/in a hospital/any public place and/or is brought before the police or the CWC by any individual or NGO.

### **Procedures for working with a Found/Traced Child.**

- 12.1 A found/traced child may be brought before the Police by any individual, NGO or institution.
  - ✓ Upon receiving information about a found/traced child either through their own inquiry or a third party, Investigating Officer concerned should forthwith share such information with:
    - ✓ Send wireless messages to the PCR and across all the police station within the state.
    - ✓ Local Child line office within their jurisdiction.
    - ✓ CWC in their jurisdiction.
    - ✓ Upload relevant information [www.trakthemissingchild.gov.in](http://www.trakthemissingchild.gov.in)



12.2 Subsequent course of action should be determined based on the category of the child brought before the police. Figure below the broad categories of found/traced children brought before the police.



**Action to be taken for child found/traced reported missing in FIR.**

- 13.1 Conduct appropriate inquiries, record the statement of the child and exercise due diligence to determine the reason and circumstances of the child going missing and verifying the relationship between the child and the informant.
- 13.2 Examine the current emotional and physical state of the child to eliminate if the child was, abused, exploited or if the child been victim of any crime (like trafficking, child labour, abduction, child sexual abuse etc).
- 13.3 Subject to such inquiry, the child should be ordinarily restored or handed over to the parents/ guardian/ children's institution as the case maybe. However, if the child does not want to go home such child should not be handed over to the informant and should be produced before the CWC at the earliest within maximum 24 hours. The reasons for delay should be recorded.
- 13.4 If the CWC is not in sitting, admit the child in a CCI, shelter home and other place of safety as per provisions of the J.J. Act produce the child at next sitting of the CWC.
- 13.5 In no case should a child be made to stay in a police stations or a jail even for a temporary period. The child should not have any ill treatment.
- 13.6 Initiate criminal proceedings if the child has been victim of any crime or abuse (like trafficking, child labour, abduction, child sexual abuse etc.)

**Action taken for 'juvenile in Conflict with Law' apprehended.**

- 14.1 If preliminary inquiries in relation to a child being apprehended as a 'juvenile in Conflict with Law, indicate the possibility of such child being a missing child, then the JJB must be informed of the same.
- 14.2 Procedure for tracing the family in accordance with provisions of the J.J. Act must be initiated immediately.

### **Action in all other cases of found/traced children.**

- 15.1 a) This category will include, amongst other, children being found/traced/rescued;
- b) by the police either on their own or on information of any third party;
- c) by the police during investigation pursuant to an FIR filed by any third party such as school authorities, social workers, local leaders, passersby, NGOs, Child line, etc (excluding parents/guardians or children's institutions as explained in 13 above);
- d) by the police during rescue and raid operations conducted against organised crime groups like traffickers, child labour cartels, kidnappers etc.
- e) when the child himself/herself reaches the police station.
- 15.2 All children falling under this category brought to the police will fall under the purview of child in need of care and protection' (Annexure 3) and should be produced before CWC within 24 hours (excluding the travel hours) along with copy of the Station Diary and FIR, where applicable.
- 15.3 In case of exceptional circumstances like the child being unwell or hospitalised etc., relaxation of this timeline may be sought from CWC.
- 15.4 If the CWC is not in sitting, admit the child in a CCI, shelter home and other place of safety as per provisions of the J.J. Act produce the child at next sitting of the CWC.
- 15.5 Initiate criminal proceedings if the child has been victim of any crime or abuse (like trafficking, child labour, abduction, child sexual abuse etc.)

### **Action in cases of found/traced child is referred by CWC.**

- 16.1 CWC may refer matter to police further investigation in the following circumstances:
- a) Where the child was found/traced/ rescued by the police but has provided additional information (not disclosed to police earlier) before the CWC which necessitates further investigation/ action; and
- b) Cases of children found/traced/ rescued by third parties (NGO, Hospitals or Public) and brought directly before the CWC.
- 16.2 In both the above cases, the police shall comply with the orders of the CWC which may include amongst others family tracing, age verification, submission of relevant reports to CWC/JJB and /or criminal investigation against adult perpetrators. As per the orders of CWC/JJB the police may also be required to escort the child and hand him/her over family/guardian.

### **General Guidelines for dealing with found/traced children**

- 17.1 A child victim should be separated from his oppressor and care must be



- 17.20 The police officer recording statement should sign and record his full name, designation and address.
- 17.21 There should be no publicity of the victim and him/her statements.
- 17.22 If re-examination is required do seek him/her consent and convenience.

**Role of Child welfare Committee (CWC) and its powers.**

- 18.1 The CWC being the statutory body for safe guarding the rights and needs of children should exercise its power for welfare of all such found/traced children who need care and protection. It can issue necessary directions to the Police/NGOs/Parents/Teacher/Doctor/Neighbor/Employer etc., for their appearance. Reports are care/welfare of the child.
- 18.2 CWC can issue summons or warrants (Bailable & Non Bailable) and direct police for their service/execution as per the prescribed procedure under the law.
- 19 It is instructed that all the Unit officers should mandatorily see that Investigating Officers in their respective jurisdictions implement the above mentioned directions while dealing with Missing Children Cases.



For Director General and  
Inspector General of Police.

To:

- 1) The Commissioners of Police, Bengaluru City/Mysuru City/ Hubballi-Dharwada City/Mangaluru City/Belagavi City.
- 2) All Inspectors General of Police, in charge of ranges.
- 3) All Superintendents of Police, in charge of Districts, (Including KGF and Railways, SCRB, Bengaluru)

**Copy for information:**

- 1) The Principal Secretary to Govt. (PCAS), Home Department, Vidhana soudha, Bengaluru.
- 2) The Principal Secretary to Govt., Department of Women & Child Development.
- 3) The President, Karnataka State Legal Services Authority, Bengaluru.
- 4) The Director General of Police, CID, Economic Offences & Special Units, Bengaluru.
- 5) The Director General of Police, Training, Bengaluru.
- 6) The Addl. Director General of Police, Police Computer Wing, Bengaluru.

- taken to ensure that the child does not feel uncomfortable or intimidated by the presence of any third person.
- 17.2 Anonymity of the child victim should be ensured and his/her right to privacy must be respected.
  - 17.3 Female victims should be interviewed by Women Police Officers. If Women police Officers are not available, involve women NGO's or counselors during interview
  - 17.4 Adequate support must be provided to the victim and counseling where possible must be given to the victim.
  - 17.5 Conduct the interview at a place where he/she is comfortable. It should be a place of her choice.
  - 17.6 Keep the ambience child friendly.
  - 17.7 Do associate the person whom he/she is comfortable with. A 'child minder', a counselor etc. would be appropriate
  - 17.8 Avoid onlookers, interventions and interruptions during interview
  - 17.9 Include psychiatrists and forensic experts, as and when required.
  - 17.10 Avoid repeated interviews, unless essential
  - 17.11 Senior officers and supervisory officers should ensure that they participate in the interview along with the IO.
  - 17.12 Repeated interviews are avoided so that the victim does not have to relive the trauma.
  - 17.13 Effort should be made to help the victim come out of trauma so that she is able to recall events properly, logically and fully.
  - 17.14 Support the victim. Validate the harm done to him/her, He/she should be made to feel and realize that she is a victim that he/she has been harmed and that he/she is never at fault.
  - 17.15 Listen to the victim carefully and empathetically. Do understand him/her from him/her perspective. A child victim may not know the adult language and terminology IO has to go to her level of understanding.
  - 17.16 Avoid making value judgments, comments and criticisms.
  - 17.17 Remember that the victim is the best witness to speak about all aspects of the turn of events during the course of Missing. Therefore him/her statement should be logical and be detail.
  - 17.18 Interviewing of victims must be carried out with care and caution. See that the investigative processes do not traumatize him/her any further. It is essential to adopt sensitive techniques (i.e., cognitive interviewing) to help the victim recall all the facts which are of evidentiary value. The victim may not know about the significance of these facts, whereas the police officers ought to know. The interview processes should be done keeping in mind him/her best interest and not anybody else's.
  - 17.19 With the victim's informed consent, electronic documentation (e.g. videography) of the recording of the statement can be arranged which can be eventually used in the court of law.
  - 17.20 Facilitate the victim to ask questions and raise doubts. It will open up the conversation.
  - 17.21 Record statement in the victim's language. Translation can be done later. Do not forget to include the emotional content and body language as displayed during the interview.



Government of Karnataka  
(Police Department)

No: CRM-6/06/SMS-4/2011

Office of the  
Director General and  
Inspector General of Police,  
Karnataka State, Bengaluru-01.  
Date: 22-12-2015

**CIRCULAR**

Sub: Designation of Crime Police Stations to function as AHTUs  
till further orders.

Ref : 1) Govt. Notification No. HD 195 POP 2015,  
dated: 7-12-2015.

2) This office Circular No: CRM-2/3/2013, dated: 12-9-2013.

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The Hon'ble Suprem Court of India vide order dated: 10.15.2013 in W.P. No.75/2012 Bachpan Bachao Andolan Vs Union of India & others has directed for investigation of all missing children cases remaining untraced after 4 months to the AHTU for further investigation. To comply with the directions of the Hon'ble a circular was issued vide ref.-2, to all the Unit Officers to transfer the cases of missing children remaining untraced after 4 months to the AHTU.

2. At present in State, the main AHTU is functioning at CID Headquarters, Bengaluru and 9-AHTUs have been set up at Raichur, Davangere, Dharwad, D.K., Kalaburagi, Mysuru, Bengaluru City, Vijayapura, Belagavi. The PI, DCRB/DCIB/CCB have been given additional charge of the AHTUs. The units where no AHTU has been set up are finding it difficult to transfer untraced missing children cases to the AHTU.


3. A proposal has been sent to the Government to set up AHTUs in the remaining Units vide Chief Office letter No: CRM-6/75/SMS/2012, Dated 17/10/2014 The Government of India is in the process of finalizing assistance for setting up of AHTUs in all the units.



4. **Crime Police Stations** set up in various units recently have been empowered to investigate offences concerning Human Trafficking u/s 370 IPC among others. vide Notification No. HD/195/POP/2015 dated: 07.12.2015. A copy of the Government Notification has already been circulated vide Chief Office Endorsement No. RLN(5)47/2007-08 dated: 11.12.2015.

5. It is decided that until the AHTU are set up in all the Units, 41 **Crime Police Stations set up in the State are designated as additional AHTUs** for the purpose of taking up investigation of missing children cases, along with other duties.

6. All the Unit Officers are instructed to transfer the cases of missing children remaining untraced after 4 months to the Crime Police Stations under intimation to this office. The investigation of missing children cases should be done expeditiously and efficiently as per various circulars/instructions issued from time to time.


  
22.12.15  
for Director General and  
Inspector General of Police  
ck  
R  
22/12  
8/22/15/15


To,

- 1) The Commissioners of Police & Deputy Commissioners of Police in charge of Divisions, Bangaluru City/Mysuru City/Hubli- Dharwad City Mangaluru City & Belagavi City.
- 2) All Range Inspectors General of Police.
- 3) All Superintendents of Police, Incharge of Districts, Including KGF and Railways/AHTU
- 4) All the Police Stations in the State.
- 5) Addl. Director Generals of Police Incharge of All Districts.

Copy with Compliments:

- 1) The Addl. Director General of Police, Training and State Nodal Officer, SJPU, Bengaluru.
- 2) The Director General of Police, CID, Special Units and Economic Offences, Bengaluru.
- 3) The Additional Chief Secretary to Govt., Home Department, Vidhana Soudha, Bengaluru.

  
23/12/15  
1300 hrs.

  
10/12/15



**GOVERNMENT OF KARNATAKA**

No.HD:195:POP:2015

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated: 7/12/2015.

*Circulate to  
all SPs/IGs,  
Cops for  
implementation*

**NOTIFICATION**

In exercise of the powers conferred by clause (s) of section 2 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and in partial modification of the earlier Notifications No. HD 257 POP 2008, dated 13.02.2009 issued in this behalf, the Government of Karnataka hereby declare that with effect from the date of publication of this notification in the official Gazette the places specified in column (2) of the table below as police stations and include local areas and places specified in the corresponding entries in column (3) thereof in respect of the offences specified below:

*Dinesh*  
10/12/15  
GP (P+)

TABLE

Sl.No	Name of the Crime Police Station	Proposed Areas and Local Jurisdiction specified for Crime Police Station
(1)	(2)	(3)
1.	Police Inspector, Crime Police Station, Bengaluru City East-I	Areas coming under DCP East Division and DCP North East Division of Bengaluru City Police Commissionerate.
2.	Police Inspector, Crime Police Station, Bengaluru City West-I	Areas coming under DCP West Division and DCP Central Division of Bengaluru City Police Commissionerate.
3.	Police Inspector, Crime Police Station, Bengaluru City East-II	Areas coming under DCP North Division and DCP South Division of Bengaluru City Police Commissionerate.
4.	Police Inspector, Crime Police Station, Bengaluru City West-II	Areas coming under DCP South East Division of Bengaluru City Police Commissionerate.
5.	Police Inspector, Devaraja Crime Police Station, Mysuru City	Areas coming under AGP Devaraja Sub Division of Mysuru City Police Commissionerate.
6.	Police Inspector, NR Crime Police Station, Mysuru City	Areas coming under ACP NR and ACP KR Sub Division of Mysuru City Police Commissionerate.
7.	Police Inspector, Hubli Crime Police Station, Hubli-Dharwad City	Areas coming under ACP South and ACP North Hubli Sub Division of Hubli-Dharwad City Police Commissionerate.



8.	Police Inspector, Dharwad Crime Police Station, Hubli-Dharwad City	Areas coming under ACP Dharwad Sub Division of Hubli-Dharwad City Police Commissionerate.
9.	Police Inspector, Central Crime Police Station, Mangaluru City	Areas coming under ACP Central and ACP South Sub Division of Mangaluru City Police Commissionerate.
10.	Police Inspector, North Crime Police Station, Mangaluru City	Areas coming under ACP North Sub Division of Mangaluru City Police Commissionerate.
11.	Police Inspector, City Crime Police Station, Belagavi City	Areas coming under Belagavi City Police Commissionerate.
12.	Police Inspector, Bengaluru Rural Crime Police Station, Bengaluru Rural District	Areas coming under Bengaluru Rural District.
13.	Police Inspector, Tumkur Crime Police Station, Tumkur District	Areas coming under Tumkur District.
14.	Police Inspector, Chikkaballapura Crime Police Station, Chikkaballapura District	Areas coming under Chikkaballapura District.
15.	Police Inspector, Ramanagara Crime Police Station, Ramanagara District	Areas coming under Ramanagara District.
16.	Police Inspector, KGF Crime Police Station, Kolar District	Areas coming under KGF Police District.
17.	Police Inspector, Kolar Crime Police Station, Kolar District	Areas coming under Kolar District.
18.	Police Inspector, Mysuru Crime Police Station, Mysuru District	Areas coming under Mysuru District.
19.	Police Inspector, Mandya Crime Police Station, Mandya District	Areas coming under Mandya District.
20.	Police Inspector, Chamarajanagar Crime Police Station, Chamarajanagara District	Areas coming under Chamarajanagara District.
21.	Police Inspector, Hassan Crime Police Station, Hassan District	Areas coming under Hassan District.
22.	Police Inspector, Coorg Crime Police Station, Coorg District	Areas coming under Coorg District.
23.	Police Inspector, Davanagere Crime Police Station, Davanagere District	Areas coming under Davanagere District.
24.	Police Inspector, Shivamogga Crime Police Station, Shivamogga District	Areas coming under Shivamogga District.
25.	Police Inspector, Ballari Crime Police Station, Ballari District	Areas coming under Ballari District.
26.	Police Inspector, Chitradurga Crime Police Station, Chitradurga District	Areas coming under Chitradurga District.

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	Police Inspector, Dakshina Kannada Crime Police Station, Dakshina Kannada District	Areas coming under Dakshina Kannada District.
28.	Police Inspector, Karwar Crime Police Station, Uttara Kannada District	Areas coming under Uttara Kannada District.
29.	Police Inspector, Chikkamagaluru Crime Police Station, Chikkamagaluru District	Areas coming under Chikkamagaluru District.
30.	Police Inspector, Udupi Crime Police Station, Udupi District	Areas coming under Udupi District.
31.	Police Inspector, Belagavi Crime Police Station, Belagavi District	Areas coming under Belagavi District.
32.	Police Inspector, Haveri Crime Police Station, Haveri District	Areas coming under Haveri District.
33.	Police Inspector, Dharwad Crime Police Station, Dharwad District	Areas coming under Dharwad District.
34.	Police Inspector, Gadag Crime Police Station, Gadag District	Areas coming under Gadag District.
35.	Police Inspector, Vijayapura Crime Police Station, Vijayapura District	Areas coming under Vijayapura District.
36.	Police Inspector, Bagalkot Crime Police Station, Bagalkot District	Areas coming under Bagalkot District.
37.	Police Inspector, Kalaburgi Crime Police Station, Kalaburgi District	Areas coming under Kalaburgi District.
38.	Police Inspector, Yadgiri Crime Police Station, Yadgiri District	Areas coming under Yadgiri District.
39.	Police Inspector, Bidar Crime Police Station, Bidar District	Areas coming under Bidar District.
40.	Police Inspector, Koppal Crime Police Station, Koppal District	Areas coming under Koppal District.
41.	Police Inspector, Raichur Crime Police Station, Raichur District	Areas coming under Raichur District.

The above Police Stations specified in column (2) are empowered to investigate the offences under following, namely:-

1. The Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966)
2. The Karnataka State Lottery Rules, 1999
3. The Unlawful Activities Prevention Act, 1967
4. The Karnataka Control of Organized Crimes Act, 2000 (Karnataka Act 1 of 2000)
5. The Information Technology Act, 2000



# CHILD SEXUAL ABUSE

Child Abuse was and continues to be, one of the most heinous crimes designed and perpetuated by human beings against some of the most vulnerable and defenceless sections of the community.

According to the World Health Organisation, “Child maltreatment, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation”.

Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim. This may include but is not limited to:

- \* The inducement or coercion of a child to engage in any unlawful activity
- \* The exploitative use of a child in prostitution or other unlawful sexual practices
- \* The exploitative use of children in pornographic performances and materials

However, sexual abuse is defined as severe forms of sexual abuse and other forms of sexual abuse.

- \* Severe forms of sexual abuse include: a) Assault, including rape and sodomy b) Touching or fondling a child c) Exhibitionism- Forcing a child to exhibit his/her private body parts d) Photographing a child in nude
- \* Other forms of sexual abuse include: a) Forcible kissing b) Sexual advances towards a child during travel c) Sexual advances towards a child during marriage situations d) Exhibitionism- exhibiting before a child e) Exposing a child to pornographic materials

In India, Child Abuse occurs in various spaces including the home, neighbourhood, schools, and temporary homes of shelter for abandoned and neglected children, railway platforms, jails and refugee camps. The problem is deep rooted and is one that the community is hesitant to accept and acknowledge.

As per the study on Child Abuse conducted in 2007 by the Ministry of Women and Child Development, 12,447 children belonging to the five different categories including children in family environment, children in schools, children in institutions, children at work and street children were interviewed. The study looked into four severe forms and five other forms of sexual abuse.

Out of the total child respondents, 53.22% reported having faced one or more forms of sexual abuse that included severe and other forms. Among them 52.94% were boys and 47.06% girls. The age wise distribution of children reporting sexual abuse in one or more forms showed that though the abuse started at the age of 5 years, it gained momentum 10 years onward, peaking at 12 to 15 years and then starting to decline. This means that children in the teenage years are most vulnerable.

Children who have been sexually abused are not only traumatised as a result of their experience, but are also more vulnerable to further and repeated abuse and at risk of secondary victimisation at the hands of the justice delivery process. The child is subjected to repeated probing and questioning, made to relive the traumatic incident again and again, and thereby suffer in the retelling. There is also the risk of child victims not receiving proper medical support and counselling, causing physical and mental distress to



the child and his/her family and hampering the healing process for the child. In addition to this, families and child victims are unable to benefit from legal aid as the appropriate agencies are not involved at the right stage in the procedure. Child victims do not receive timely advice and assistance so as to be free from a fear of family breakdowns and social isolation if the offender is a relative and/or the breadwinner of the family.

## THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

The Protection of Children from Sexual Offences Act 2012 (POCSO Act) was passed to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. Sexual offences are currently covered under different sections of IPC, but the IPC does not provide for all types of sexual offences against children and, more importantly does not distinguish between adult and child victims.

POCSO defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.

The Act provides for the establishment of special Courts for trial of offences under the Act keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences.

The Act recognizes that the intent to commit an offence (even when unsuccessful for whatever reasons), needs to be penalized. The attempt to commit an offence under the Act has been made liable for punishment for up to half the punishment prescribed for the commission of the offence. The Act also provides for punishment for abetment of the offence, which is the same as for the commission of the offence. This would cover trafficking of children for sexual purposes.

For the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault and Aggravated Asexual Assault, the burden of proof is shifted on the accused. This provision has been made keeping in view the greater vulnerability and innocence of children. At the same time, to prevent misuse of the law, punishment has been provided for making false complaint or proving false information with malicious intent. An offence is treated as 'aggravated' when committed by a person in a position of trust or authority of child such as a member of security forces, police officer, public servant etc.

## Punishments for Offences covered in the Act are:

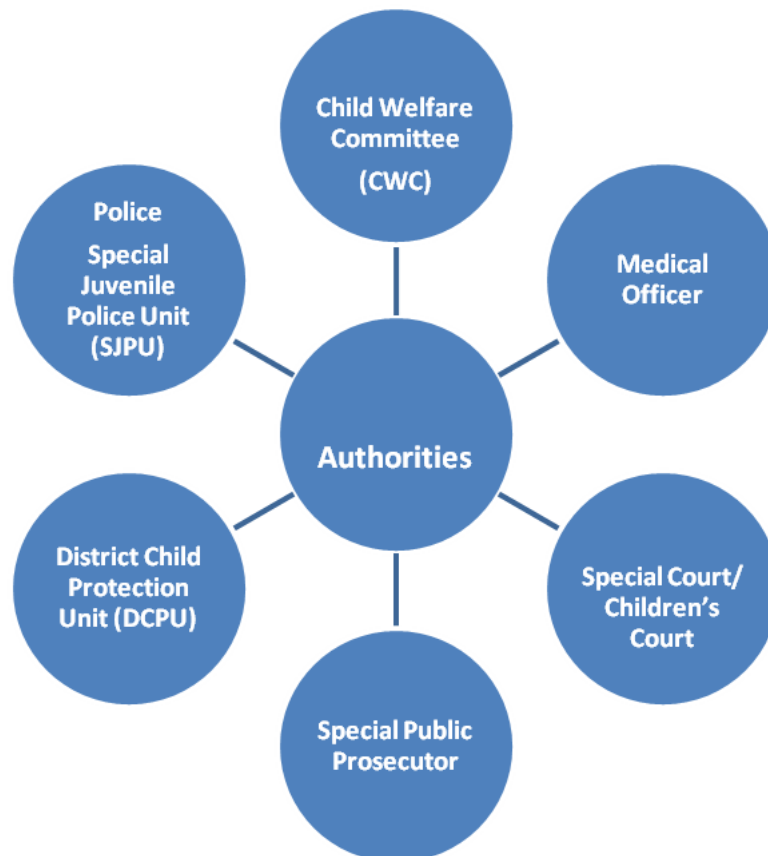
Offence	Provision	Key Features	Punishment
Penetrative Sexual Assault	Section 4	<ul style="list-style-type: none"> <li>* Penetration of sexual organ or any body part to any sexual organ or other body orifice (mouth, anus) of the child or making a child do the same to the accused or another person.</li> <li>* Insertion of any object into any sexual organ or other body orifice or making a child does the same to the accused or another person.</li> <li>* Application of mouth to any sexual organ or other body orifice of the child or making a child does the same to the accused or another person.</li> </ul>	Not less than 7 years imprisonment, may extend to life imprisonment + fine
Aggravated Penetrative Sexual Assault	Section 6	<p>Penetrative sexual assault</p> <ul style="list-style-type: none"> <li>* Police officer</li> <li>* Armed forces/ security forces</li> <li>* Public servant</li> <li>* Staff of Correctional/ Care Institution</li> <li>* Staff of Hospital</li> <li>* Staff of Educational Institution</li> <li>* Gang Assault</li> <li>* Using deadly weapons, fire, heated substance or corrosive substance</li> <li>* Harm/injury to sexual organ of child</li> <li>* Causes child to become mentally ill/ pregnant/HIV +ve</li> <li>* Taking advantage of the physical/mental vulnerability of the child</li> <li>* Assault on child more than once</li> <li>* Child below 12 yrs</li> <li>* Child related by blood/marriage/adoption</li> <li>* Owner/management/staff of institution providing child care services</li> <li>* Position of authority/trust</li> <li>* Pregnant child</li> <li>* Attempts/murders a child</li> <li>* Person convicted previously of the same act</li> </ul>	RI for not less than 10 years- may extend to life imprisonment + fine
		<ul style="list-style-type: none"> <li>* During communal violence</li> <li>* Strip/parade naked child in public</li> </ul>	

Sexual Assault	Section 10	With sexual intent <ul style="list-style-type: none"> <li>* touching child's sexual organs</li> <li>* making the child touch sexual organs of the accused or any other person</li> <li>* doing any act involving physical contact without penetration</li> </ul>	3 years- may extend to five years +fine
Aggravated Sexual Assault	Section 10	Sexual assault <ul style="list-style-type: none"> <li>* Police officer</li> <li>* Armed forces/ security forces</li> <li>* Public servant</li> <li>* Staff of Correctional/ Care Institution</li> <li>* Staff of Hospital</li> <li>* Staff of Educational Institution</li> <li>* Gang Assault</li> <li>* Using deadly weapons, fire, heated substance or corrosive substance</li> <li>* Harm/injury to sexual organ of child</li> <li>* Causes child to become mentally ill/ pregnant/HIV +ve</li> <li>* Taking advantage of the physical/mental vulnerability of the child</li> <li>* Assault on child more than once</li> <li>* Child below 12 yrs</li> <li>* Child related by blood/marriage/adoption</li> <li>* Owner/management/staff of institution providing child care services</li> <li>* Position of authority/trust</li> <li>* Pregnant child</li> <li>* Attempts/murders a child</li> <li>* Person convicted previously of the same act</li> <li>* During communal violence</li> <li>* Strip/parade naked child in public</li> </ul>	

Sexual Harassment	Section 12	<p>With sexual intent:</p> <ul style="list-style-type: none"> <li>* Utterance of words/making sounds/gestures</li> <li>* Exhibiting sexual organs or making the child to do so</li> <li>* Showing objects in any form for pornographic purposes</li> <li>* Repeatedly following or watching or contacting a child through electronic, digital, or other means- stalking</li> <li>* Threatening to use through media any body part of the child or involvement of the child in a sexual act</li> <li>* Enticing a child for pornographic purposes</li> </ul>	May extend to 3 years and fine
Using child for pornographic purposes	Section 14	<p>Using a child in any form of media, for personal use or distribution for the purposes of sexual gratification, which includes:</p> <ul style="list-style-type: none"> <li>* Representation of child's sexual organs</li> <li>* A child engaging in real or stimulated sexual acts</li> <li>* Indecent or obscene representation of the child</li> </ul>	<p>May extend to 5 years and fine</p> <p>Subsequent conviction may extend to 7 years and fine</p> <p>Punishment also varies based on its being clubbed along with other offences</p>
Storage of pornographic material involving child	Section 17	<p>Abetment would entail:</p> <ul style="list-style-type: none"> <li>* Instigating any person to commit an offence;</li> <li>* Engaging in conspiracy to commit the offence;</li> <li>* Intentionally aiding in an offence, by commission of any act or illegal omission</li> </ul>	Same as the offence
Attempt to commit any sexual offence against child	Section 18	Attempts to commit or cause such an offence to be committed	One-half of the life imprisonment or one-half of the longest term of imprisonment
Failure to report or record a case	<p>Section 21 (1)</p> <p>Section 21 (2)</p>	<p>Failure of SJPU/police to record such offence</p> <p>Failure of any person to report the commission of an offence by any person</p> <p>Failure of personnel of media, hotel, lodge, hospital, club, studio, or photographic facilities to report the commission of an offence</p>	<p>Six months imprisonment or fine or both</p> <p>May extend to six months imprisonment or fine</p> <p>may extend to one year and with fine</p>

		Failure of any person in-charge of a company or an institution fails to report the commission of an offence by a subordinate under his control	
False Complaint	Section 22(1) Section 22(3)	Making of false complaint against a person in respect of penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, and aggravates sexual assault with intention to humiliate/extort/threaten/defame.  False complaint about any offence under this Act against a child, knowing it to be false	May extend to six months or with fine or both  One year imprisonment or fine or both
Media	Section 23 (4)	For reporting wrong information about a child that may reduce the reputation of the child or; disclosing the identity of a child or making a report or presenting comments on any child without having complete and authentic information.	not less than six months- may extend to one year or fine or both

## AUTHORITIES THAT HAVE BEEN IDENTIFIED WITH ROLES AND RESPONSIBILITIES UNDER POC SO ACT





# KEY ROLES AND RESPONSIBILITIES OF DIFFERENT AUTHORITIES

## Special Judge

- \* Ensure that the process is child friendly
- \* Hold the proceedings in camera
- \* All questions to the child during examination asked through the judge
- \* If necessary, child given frequent breaks during trial
- \* Permit a parent, relative or any other person of child's choice to be present with her in the Court
- \* Protect the identity of the child anytime during the trial or investigation. Exceptions can be made only when it considers the disclosure to be in the interests of the child
- \* Ensure that evidence of the child is recorded within thirty days from the date of taking cognizance of the case.
- \* Ensure that the trial is completed within one year
- \* Assistance of translator, interpreter or special educator should be taken in cases where the child may require such assistance
- \* In appropriate cases, the Court may also direct payment of compensation to the child

## Support Person

- \* Maintain confidentiality
- \* Inform the child of his/her role in the judicial process
- \* Keep the child and family informed of the proceedings
- \* Convey to the relevant authorities that the concerns the child may have regarding his safety in relation to the accused and the manner in which he would like to provide testimony

## Medical Officer

- \* Provide emergency medical care.
- \* Ensure that parent or person whom the child trusts is present while conducting examination
- \* When necessary, use Sexual Assault Forensic Evidence (SAFE) Kit to collect medical evidence.
- \* Follow protocols while collecting medical evidence like samples, smears, etc
- \* Maintain chain of custody of collected evidence until material is handed over to Police
- \* Refer child and family to mental health facility / professional for psychological counseling

## DCPU

- \* Maintain the list of translators, interpreters, special educators, etc.
- \* Share this information with SJPU, CWC, Special Court, etc.

## CWC

- \* On receiving information that an offence has been committed or is likely to be committed and that the perpetrator is in the same house/household or the child is living within an institution and has no parental support - determine within 3 days if the child needs to be taken out of the custody of the family after an enquiry
- \* Provide support person with the consent of the child and his parent/guardian/ person in whom child reposes trust if the need is felt
- \* Terminate the services of a support person on the request of the child and his parent/guardian/ person in whom child reposes trust without the child assigning any reason for the same.

**Order No: LAW 114 LCE 2011, Bengaluru Dated 11.7.2011 “Children’s Courts” set up in Karnataka as per Section 25 and 26 of the Commission for Protection of Child Right Act, 2005**

**High Court Memo No: GOB.II.148/2011 Dated 26.3.2013 – Establishment of “Children’s Court” at Bengaluru City**

**Govt. of Karnataka, Home Department (Law & Order) Circular No: OE 633 PPE 2012 Dated 29.1.2013 “Special Public Prosecutors” designated as per section 26 of the Commission for Protection of Child Right Act, 2005**

S.N	District	Judge	Special Public Prosecutor
1.	Bengaluru City	Smt. Shuba Goudar 50th Addl. City Civil & Sessions Judge	50th Addl. City Civil and Sessions Court
2.	Bengaluru Rural	Shri. K. Somashekar Principal District and Session Judge	Principal District and Sessions Court
3.	Bagalkot	Shri. B. Balakrishna District and Sessions Judge	District and Sessions Court
4.	Belgaum	Shri. K.N. Phaneendra Principal District and Session Judge	Principal District and Sessions Court
5.	Bellary	Shri. D. Visweshwara Bhat Principal District and Session Judge	Principal District and Sessions Court
6.	Bidar	Smt. M.A. Shashikala Principal District and Session Judge	Principal District and Sessions Court
7.	Bijapur	Shri. K. Ninge Gowda Principal District and Session Judge	Principal District and Sessions Court
8.	Chamrajnagar	Shri. V.G. Savadkar District and Sessions Judge	District and Sessions Court
9.	Chikkaballapur	Shri. Subash Yallappa Irannavar District and Sessions Judge	District and Sessions Court
10.	Chikmagalur	Shri. B.A. Patil Principal District and Session Judge	Principal District and Sessions Court

11.	Chitradurga	Shri. Sreenivas Harish Kumar Principal District and Session Judge	Principal District and Sessions Court
12.	Davanagere	Shri. Chandramalle Gowda Principal District and Session Judge	Principal District and Sessions Court
13.	Dharwad	Shri. K. Natarajan Principal District and Session Judge	Principal District and Sessions Court
14.	Gadag	Shri. Avin Tippanna Hanumappa District and Sessions Judge	District and Sessions Court
15.	Gulbarga	Shri. D.R. Venkatasudarshan Principal District and Session Judge	Principal District and Sessions Court
16.	Hassan	Shri. J.S. Somashekara Principal District and Session Judge	Principal District and Sessions Court
17.	Haveri	Srhi. H.P. Sandesh District and Sessions Judge	District and Sessions Court
18.	Mangalore	Shri. Choudapurkar Arun Principal District and Session Judge	Principal District and Sessions Court
19.	Karwar	Shri. V.V. Angadi District and Sessions Judge	District and Sessions Court
20.	Kodagu	Shri. S.R. Somshekhara District and Sessions Judge	District and Sessions Court
21.	Kolar	Shri. S. Renuka Prasad Principal District and Session Judge	Principal District and Sessions Court
22.	Koppal	Shri. Srikanth Babaladi District and Sessions Judge	District and Sessions Court
23.	Mandya	Shri. B. Shivalinge Gowda Principal District and Session Judge	Principal District and Sessions Court
24.	Mysore	Shri. Mohan Sripad Sankoli Principal District and Session Judge	Principal District and Sessions Court
25.	Ramnagara	Shri. M.K. Prahalada District and Sessions Judge	District and Sessions Court
26.	Raichur	Shri. P. Krishna Bhat Principal District and Session Judge	Principal District and Sessions Court
27.	Shimoga	Shri. Rajashekar Malleshappa Shettar Principal District and Session Judge	Principal District and Sessions Court
28.	Tumkur	Shri. H.B. Prabhakara Sastry Principal District and Session Judge	Principal District and Sessions Court
29.	Udupi	Shri. Balasaheb M. Angadi District and Sessions Judge	District and Sessions Court
30.	Yadgir	Smt. Vidyavati S. Akki District and Sessions Judge	District and Sessions Court

# PROCEDURES FOR HANDLING CASES OF CHILD SEXUAL ABUSE

## 1. RECEIVING AND RECORDING INFORMATION

- Any person – adult or child who has,
  - » Apprehension that an offence is likely to be committed
  - » Knowledge that such an offence has been committed has a duty to provide information to the Special Juvenile Police Unit or the local Police
- On receipt of information regarding a case of child sexual abuse, the officer receiving the information must ensure that the child and parent/guardian are made comfortable and immediately inform the 'Child Welfare Officer' at the police station and the Special Juvenile Police Unit.
- Every report received must be:
  - » Entered in the Station House Diary
  - » Read over to the informant
  - » Entered in the register kept at the police unit (Register as per DG &IGP Circular No: 3/ DG&IGP/2011 dated 28.3.2011) when victim is a child.
- The officer recording the information must disclose:
  - His/her name and designation
  - Address and telephone number
  - Name, designation and contact details of his/her supervising officer
- Information regarding the incident must be collected from the adult accompanying the child and FIR registered immediately. Report of the incident is sufficient to register an FIR.
- Officer receiving the information must ensure as far as possible that the child is not questioned repeatedly.
- Inform the parent/guardian regarding preserving evidence on survivor (i.e. not taking a shower, preserving clothes, etc.)
- Register an FIR using appropriate sections of POCSO, section 376 or 377 of the IPC as applicable. Other sections of IPC as per the complaint (e.g. illegal confinement, injury, grievous injury etc) must be added.
- Furnish a copy of the FIR to the informant.
- Copy of FIR to be submitted to Special Court within 24 hrs.
- Report to Child Welfare Committee within 24 hrs and request for support person to be assigned if required.
- Inform District Child Protection Unit for interim relief to be paid to child and family.
- Offences under this act are offence against the state, therefore Public Prosecutor is appointed by the state. If the child and parents wish, private legal representation can be sought.

## 2. RISK ASSESSMENT

- Preliminary Assessment of information given is assessed by the Child Welfare Officer regarding:

If victim needs

- » Emergency medical care
- » Psychological care
- » Special Educator
- » Translator/Interpreter

Or

If the Forensic Interview can be undertaken immediately.

**Step1:** Is the survivor in need of immediate medical and psychological care?

- » Is in pain
- » Is having physical injuries (bleeding, fractures, etc)
- » Is having any medical symptoms (vomiting, giddiness, fever, etc)
- » Is having severe psychological trauma (crying excessively, depression, suicidal, in shock, unable to talk)

Take immediately child for emergency medical care. An FIR is not mandatory for the child to be administered emergency medical care.

**Step 2:** whether Forensic Interview with survivor and/or informant can be undertaken?

- » Is able to speak a language which is understood by CWO
- » Is mentally composed to speak clearly regarding assault
- » Does not have any evidence of mental retardation
- » Is a child who is old enough to speak with the CWO
- » A person who the child trusts is available to be present at the time of interview
- » The child has given consent to speak to the CWO

**Step 3:** If the survivor speaks a language which is not understood, arrange for a translator/ interpreter through the DCPU who will have list of designated translators

**Step 4:** If the survivor is mentally challenged, arrange for a special educator/ child psychologist to obtain statement of the child

- » Document the identity of anyone whom the victim may have told about the assault, or who may have seen or heard anything before, during or after the assault.
- » Ensure that the scene of crime is secured till spot mazhar is completed to prevent contamination.
- » Inform mahazar witnesses of their role and emphasizing on their presence in court being limited to only one hearing.

## 3. FORENSIC INTERVIEW

- Forensic Interview of the survivor to be done by the officer trained in 'Forensic Interview Methodology'. In case of female child, Forensic Interview to be done by a trained lady officer as far as possible.
- The report it is recorded verbatim using vocabulary and terminology that the child has used. Please Refer to *Annexure I on Page 88* for details of conducting a Forensic Interview.



- Seek the help of a Translator/Interpreter/Special Educator, if the child does not understand the language or has special needs.
- Interview to be conducted by a woman officer not below the rank of a PSI in plain clothes. Explain the process of the interview.
- In case the child is refusing or unwilling to give statement due to disturbed mental state/medical condition refer child to Psychologist/ Psychiatrist for evaluation and post trauma care.
- In case the child is refusing or unwilling to speak, do not harass the child with repeated demands for statements, do not ask different people to try and talk to the child.
- During the Forensic Interview ensure that:
  - » Interview to be done in the residence of the child or any other place where he/she is comfortable and can make a statement freely.
  - » Statement is taken in the presence of parent, guardian or a person whom the child trusts or has confidence in. However in cases of incest, where there is a suspicion of complicity of the family members in the crime, such family member should not be permitted.
  - » Investigating Officer to ensure that the child does not come in contact with accused except at the time of identification of accused by child/informant.
  - » Audio visual recording of the child's statement should done
- The Forensic Interview should be complete and comprehensive at a single sitting to avoid recurrent questioning of the child or witness unless absolutely essential.
- Statement should carry accurate narration of the incident covering all relevant aspects of the case in verbatim (language and words of the child). Note essential details such as:
  - » Premeditation/grooming behavior by the accused
  - » Coercion, threats and/force
  - » Threats of physical harm to people the child cares for
  - » Traumatic reaction and action of the child during and after the incident.
  - » Number of incidents.
  - » Use of camera/phone by the accused to record the incident
- Every case of Child Sexual Assault to be reported to the Child Welfare Committee (CWC) within 24 hours (email or hard copy of FIR). However the child needs to be produced before the CWC only when:
  - » Accused is living in the same or shared household
  - » Child is living in an institution without parental support
  - » Child is found without home or parental support
  - » Child is in need of care and protection
- Except for offence which are reported during the night, no child to be kept or called to the police station at night.
- The police should keep the permanent address of the child in their file in addition to the present address and such other information which may help in finding the child and witnesses during trial if the victim / witness leaves the reported address. They should advise the child's parents/guardian to inform them about the change of address in future.
- Investigating Officer to ensure that the identity of the child along with all personal details regarding place of residence/school/work and present whereabouts is protected from the media unless otherwise directed by the Court.

#### 4. DEBRIEFING

- Inform child/guardian/ informant along with legal support person as far as possible regarding further processes.
- In case the child is need of care and protection and needs to produced before CWC, inform the child and family regarding the CWC, its roles and scope of services.
- Child Welfare Officer at Police Station to give information to the victim/family regarding:
  - » Medical examination
  - » Identification of accused if required
  - » Spot Mazhar in the presence of child and witnesses separately.
  - » Interviewing witnesses as decided during forensic interview.
- Inform child/guardian/informant regarding CrPC 164 – statement before magistrate, the need for this procedure and the processes involved.
- Inform the parent/guardian regarding ‘Victim Relief Fund’ available with District Child Protection Unit, ‘Karnataka Victim Compensation Scheme’ from Special Court, counselling and other support services.
- Assess risk to child (possibility of harm by accused / family of accused, unsafe environment, absence of parent/ guardian) and need for care & protection.
- Child/family to be informed that fresh FIR under IPC 506 will be filed if any threats are received from accused/family of accused.
- Suggest to parents / guardian to get child tested for sexually transmitted diseases, HIV, pregnancy (if victim is a teenage girl)

#### 5. INVESTIGATION

The Investigating Officer to complete the investigation at the earliest and he/she shall ensure that under no circumstance the accused gets the undue advantage of bail by default as per the provisions of Sec. 167 Cr.P.C. In case of incest the Investigation Officer to ensure that the report under Sec. 173 Cr.P.C. is filed within 90 day, especially if the accused is in judicial custody.

##### a. Medical Examination

- Medical examination conducted (as per section 164 A of Cr PC):
  - » In case of girl children, examination to be conducted by woman doctor
  - » Medical examination to be conducted in the presence of parent or a person whom the child trusts or has confidence in
  - » In absence of guardian, medical examination to be done in the presence of a woman nominated by the head of the medical institution.
- Ensure that samples collected for the purpose of forensic examination are sent to the forensic laboratory at the earliest.
- Investigating Officer to check with the hospital and confirm appointment with the doctor for medical examination.
- Medical examination to be done by designated and trained doctor and to be completed at first contact.
- If the child is above 12 yrs of age, informed consent of the child in writing is mandatory before medical examination.
- If the child is below 12yrs of age, informed written consent of parent/guardian is mandatory.

Child and family are within their rights to refuse medical examination at any point of time, which should be recorded as informed refusal.

- Request for medical examination to be submitted to the doctor.
- Following points to be followed when requesting medical examination:
  - » Time lapsed since last incident of assault. If incident occurred over 72 hours prior, swabs collected from child could test negative.
  - » State of mind of the child
  - » Clothes/samples to be collected as per Medico-legal Guidelines for Care of Victims of Sexual Assault issued by the Ministry of Health and Family Welfare.

Refer to *Annexure II on Page 91* for protocols regarding Medical Examination .

### **b. Processing Forensic Evidence**

- Submit samples to FSL and ensure chain of custody of samples and material is established at all times, both at the Hospital and en route to FSL.
- Requisition to FSL to be case specific and complete.

Ensure that medical facility issues provisional medical certificate within 24 hrs and that a copy is handed over to child/family.

FSL report to be given at the earliest but not exceeding 30 days. In case of delay, the reasons for delay to be specified by the IO.

### **c. Spot Mazhar**

- Investigating team visits the site of the crime at the earliest to secure and collect all evidence available and relevant to the case.
- Child to be accompanied by parent/guardian/person child trusts or has confidence in.
- Conduct a detailed search for evidence based on Forensic Interview and possible types of physical evidence which may be present.
- Child will often confide in someone, statements of these individuals can provide corroboration.
- Statements of possible witnesses to be recorded as stated by them verbatim at a place where they are comfortable to ensure co-operation.
- Possible sources of evidence in sexual assault investigations but not limited to:
  - » Saliva
  - » Rope, twine
  - » Body tissues
  - » Bedding
  - » Witnesses (saw/heard assault, saw/heard anything, lead to other witnesses)
  - » Descriptive photos and sketches
  - » Forensic evidence (body hair, fibers, soil etc.)
  - » Child's/accused body fluids /tissues (semen, blood, discharge, vaginal fluids, etc.)
  - » Latent fingerprints
  - » Items used in the assault (condom, lubricants, etc.)
  - » Child and accused to be tested for alcohol and other psychotropic substances.

- Other items related to assault (clothing, items left by the suspect/victim, etc.)
- Confiscate mobile/laptop/ camera/hard drive of accused.
- Send material evidence to FSL with accurate and case specific requisition

#### **d. Identification of Accused**

- When the accused is known, identify and document the level and nature of relationship between the child and accused – how they have known each other, type of contact they have had, depth of relationship, etc. This will help to identify the accused.
- When the accused is not known to the child, a detailed physical description of the offender including clothing, tattoos, facial features, identifying marks, distinctive walk, odors, etc to be sought.
- CWO/IO to explain process of identification to the child and family.
- Identification of accused to be done at the earliest to avoid change in appearance of accused or lapse in memory of victim.
- Child to be accompanied by parent/person trusted by victim.
- Identity of child to be protected and confidentiality maintained at all stages of investigation.
- Child as far as possible not to be brought face to face with accused or any person associated with the accused.
- Interrogation of accused and statement to be recorded.
- Medical examination of accused as per guidelines for medical examination.
- Material, samples and forensic evidence from accused to be sent to FSL with accurate and case specific requisition.
- When the accused is not known, obtain as much information as possible about the profile of the accused and compare to other offenders who have previously been arrested for a similar crime including:
  - » Method of approach/contact
  - » Sexual dysfunction
  - » Type and sequence of acts
  - » Verbal activity
- Statements of associates, family members, friends, colleagues of the accused to be recorded as they could corroborate the incidents, locations, character of the accused.

#### **e. Filing of Chargesheet**

- IO to ensure that the Charge Sheet is submitted within 90 days to the designated Special Court to ensure that accused does not get bail.
- Additional charge sheet to be submitted upon receipt of all evidence and reports related to the case.
- Charges to be framed as per medical and forensic report and appropriate sections must be added or deleted.
- If the accused is below 18 yrs the FIR and Charge Sheet to be submitted to the Juvenile Justice Board.
- Clear opinion of the IO to be recorded based on an assessment of all the evidence.



# ANNEXURE I

## FORENSIC INTERVIEW METHODOLOGY

Definition: A flexible, semi-structured interview protocol which is legally defensible and developmentally appropriate taking in to consideration the uniqueness of each Survivor.

Reasons for a forensic interview:

1. To understand the physical and emotional state of the survivor.
2. To create a non-threatening and supportive environment for the survivor to speak.
3. To obtain an accurate picture of the events through the survivor's statement
  - » when and where the assault took place
  - » the exact nature of the assault
  - » who is the assaulter(s)
4. To understand the risk faced by the survivor from family members/ perpetrator/ others.
5. To decide whether the survivor needs a medical examination.
6. To decide whether the survivor needs to give before the Magistrate statement (section 164 Cr P C).
7. To reassure the survivor regarding safety and security.
8. To assess the possible risks the survivor may face due to the situation.

### Interview setting:

1. Comfort of the Survivor:
  - a. The interview should take place where the survivor is most comfortable, at the residence or any other place.
  - b. The survivor should be accompanied by the parent/ guardian or a person trusted by the survivor at all times unless the survivor specifically asks to speak to the interviewer alone.
  - c. The person accompanying the survivor should not answer any question and allow the survivor to speak as they wish. If there are any corrections or anything they may want to add, that will be done later or if the question is directed to them.
  - d. The interviewer should not be in uniform as far as possible.
  - e. If the interview is in an institution or school the interview should be conducted in a private and quiet place.
  - f. Irrespective of the place where the interview is conducted, other than the survivor, the parent/ guardian or a person trusted by the survivor and the interviewing officer no other person should be present in the room.
  - g. There should be privacy during the interview ensuring no interruptions.
  - h. The interview should not be overheard by others/ passers-by.
2. Building rapport with the Survivor:
  - a. Approach the survivor in a respectful and supportive manner. Remain objective and non-judgemental or express horror or shock at what the survivor narrates. Remain calm and neutral.
  - b. The interviewer should have a smiling or welcoming face. survivor will assess the demeanour and language of the Specialised survivor Child Welfare Officer for reaction.
  - c. The interviewer should introduce herself/himself to the survivor with the name and the assurance that she/he is there to help the survivor.

- d. Explain the purpose of the interview in a manner that the survivor understands.
- e. Ask for the survivor's consent to be in the interview
- f. Ensure that the survivor is seated comfortably.
- g. Ensure that the survivor can go to the bathroom or drink water during the interview if she/he wishes to do so.
- h. Defer the interview if the survivor is hungry or emotionally upset.
- i. If survivor is child, avoid offering the child food/ chocolates/ sweets as encouragement to speak.
- j. Avoid touching the survivor during the interview, and do not sit too close.
- k. The interviewer needs to be patient and not rush the survivor's statement.
- l. Avoid correcting the survivor's behavior during the interview. E.g. sit straight, don't move around, don't touch that, look at me, speak louder Etc. These behaviours could show that the survivor is scared, anxious or uncomfortable.

### **Information gathering:**

1. Free narrative: Ask the survivor to describe what happened in their own words
  - a. Do not rush the survivor. If the Survivor is speaking of apparently irrelevant matters do not stop the survivor but listen carefully as this will give an idea of what is important to the survivor.
  - b. The survivor may take time to get to the actual facts so be patient.
  - c. Gently ask: and what happened next/ or after he did xyz, then what happened next? Etc.
  - d. The interviewer should ask open ended questions to elicit as much information as possible without leading the survivor.
2. Clarify the following once the survivor has completed the narrative:
  - a. Detailed description of site of abuse and time frame
  - b. Point of entry if the offender entered a residence, place of work, school/institution, car, Etc. in order to establish entry and exit of the perpetrator
  - c. Description of the assault
  - d. Identity of the perpetrator(s) or description of person/ clothes/ accessories
  - e. Single or multiple abuse
  - f. Presence and identities of witnesses if any
  - g. Whom else the survivor has told regarding the assault
  - h. Whether survivor is aware of similar incidents by the perpetrator on other survivors
  - i. Use the anatomic drawings to help survivor describe and show part of the body that have touches and assaulted
  - j. Clarify the terms used by the survivor to describe the abuse as often survivors use slang or local words for private parts and sexual acts
  - k. Repeat the words back to the survivor so as to give permission to continue using these words which the survivor may feel uncomfortable using.
  - l. Whether the perpetrator used any:
    - i. Force or weapons
    - ii. Coercion or threats
    - iii. Bribes

- m. Whether any photographs were taken of the survivor by the perpetrator
- n. If any pornography was shown to the survivor
- o. If the survivor was offered any eatables or beverage would have caused the survivor to become disoriented/unconscious
- p. Whether the perpetrator brought anything to the crime scene such as a cigarette or took anything from the scene such as a survivor's purse.
- q. Whether the survivor brought anything to the crime scene or took anything from the crime scene.
- r. Whether the offender touched or moved anything
- s. Whether the survivor touched or moved anything
- t. Any objects used during the assault

### **Closure of the interview:**

1. Praise the survivor's courage in reporting the assault
2. Tell the survivor that his/her action will prevent other survivor from being abused by the perpetrator
3. Thank the survivor for his/her help in speaking to the interviewers
4. Inform the survivor arrest of perpetrator will made by the police in consultation with the Court.
5. Inform the survivor that if he/she is directly or indirectly contacted by the perpetrator or his/her family to inform the police
6. Inform the survivor if he/she or their family is threatened by the perpetrator to inform the police and a additional FIR will be registered
7. Ask the survivor to keep the Investigating Officer informed of any developments related to the investigation including if he/she remembers anything about the assault.
8. Provide the survivor and his/her family information on how to contact the Investigating Officer/ Police Station, provide case number any other information that the survivor may require

# ANNEXURE II

## MEDICAL EXAMINATION PROTOCOLS

(As per Guidelines & Protocols: Medico-legal care for survivors/victims of sexual violence by Ministry of Health and Family Welfare, GOI, March 2014)

**COPY OF THE ENTIRE MEDICAL REPORT MUST BE GIVEN TO THE SURVIVOR/ VICTIM FREE OF COST IMMEDIATELY**

### **Need for medical examination:**

1. Child is physically unwell, in pain, having bleeding or any other physical symptom
2. Child is unconscious or in an altered state of sensorium
3. Child/guardian's statement shows that there was penetrative or non-penetrative sexual assault, both aggravated or non-aggravated (POCSO sections 3,5,7,9)
4. If there is a doubt that there may have been attempt for sexual assault even though the child is unable or unwilling to speak of it

### **Relevant laws regarding medical examination:**

1. Any hospital, government, private or any registered medical practitioner shall give emergency medical care and treatment to the survivor.
2. No medical facility shall demand a legal or magisterial requisition or documentation before rendering emergency medical care
3. Sexual assault is a medical emergency and hence the survivor should be seen without delay
4. CLA 2013 (section 23) states that all hospitals have to provide emergency medical treatment free of cost to the victims of a sexual assault

### **Medical examination procedure:**

#### **Informed Consent:**

1. It is mandatory to seek an informed consent from the survivor, or if survivor is a child, the consent of the parents/ guardian prior to the medical examination
2. In the absence of a guardian, in case of a child, or in case of a woman who is incapable of giving consent, the hospital committee has to give consent after due consideration to the circumstances of the case.
3. The consent should explain:
  - a. The medico-legal examination is to assist the investigation, arrest and prosecution of those who committed the sexual offence. This may involve an examination of the mouth, breasts, vagina, anus and rectum.
  - b. To assist investigation, forensic evidence may be collected with the consent of the survivor. This may include removing and isolating clothing, scalp hair, foreign substances from the body, saliva, pubic hair, samples taken from the vagina, anus, rectum, mouth and collecting a blood sample.
  - c. The survivor or in case of child, the parent/guardian/person in whom the child reposes trust, has the right to refuse either a medico-legal examination or collection of evidence or both, but that refusal will not be used to deny treatment to survivor after sexual violence.
  - d. As per the law, the hospital/ examining doctor is required to inform the police about the sexual offence. However, if the survivor does not wish to participate in the police investigation, it will not result in denial of treatment for sexual violence.



- e. Informed refusal will be documented

## **Medical Report:**

The doctor will prepare a report giving the following particulars:

- a. Name and address of survivor, and person by whom brought to medical facility
- b. Age of survivor (with medical proof in case of a child where age is of dispute)
- c. Written consent OR informed refusal of survivor and/or parent/guardian
- d. Date and time of commencement and completion of the medical examination
- e. Two identifying marks on the person of the survivor
- f. General mental condition of the survivor
- g. Specific details found during the examination
- a. Injury documentation: the body parts for sexual violence related findings (such as injuries, bleeding, swelling, tenderness, discharge). This includes both micro mucosal injuries which may heal within short period to that of severe injuries which would take longer to heal. Injuries must be recorded with details - size, site, shape, colour

## **Medical Opinion:**

Findings in relation to forensic history and medical findings should be recorded in the medical report.

- Drafting of provisional opinion should be done immediately after examination of the survivor on the basis of history and findings of detailed clinical examination of the survivor.
- If a past history of sexual violence is reported, then record relevant findings. Sexual violence is largely perpetrated against females, but it can also be perpetrated against males, transgender and intersex persons
- It should be always kept in mind that normal examination findings neither refute nor confirm sexual violence. Hence circumstantial/other evidence may please be taken into consideration.
- Absence of injuries may be due to:
  - » Inability of survivor to offer resistance to the assailant because of fear
  - » intoxication with alcohol or drugs
  - » Coercion or threats
  - » Delay in reporting for examination
- **Provisional medical opinion:** It is important that the doctor give an opinion as per reasonable deduction from the history and examination findings. Whether an incident of rape/sexual assault occurred is a legal issue as well as a medical diagnosis. Consequently, doctors should not, on the basis of the medical examination alone conclude that rape/sexual assault has not occurred. This reasoning must be mentioned while formulating the opinion.
- Final Opinion (After receiving Lab reports) will state findings in support of the provisional opinion, taking into account the history, clinical examination findings and Laboratory reports
- The provisional medical report requires to be given within 24 hours, while the final medical report (pending laboratory and FSL reports) needs to be given within 60 days.

Genital injuries	Physical injuries	Opinion	What FSL can detect
Present	Present	There are signs suggestive of recent forceful penetration of vagina/anus/other orifice	Evidence for semen or lubricant if condoms were used Blood stains on body of survivor Nail clippings Hair of assailant on body or pubic area of survivor
Present	Absent	There are signs suggestive of recent/old forceful penetration of vagina/anus/other orifice	Evidence for semen or lubricant if condoms were used
Absent	Present	There are signs of use of force	Blood stains/ hair or skin of assailant on body of survivor
Absent	Absent	There are no signs of use of force but assault cannot be ruled out as coercion/ fear and threats may have prevented resistance	hair or skin of assailant on body of survivor

## Forensic evidence

- Evidence must be collected at the earliest possible time after reporting
- Evidence should be completely recovered during the first medical examination of the survivor
- Evidence will be determined by three main factors:
  - » nature of sexual violence,
  - » time lapsed between incident of sexual violence and examination
  - » whether survivor has bathed or washed herself.
- Evidence collected as given in the table below

History of Sexual violence	Type of swab	Purpose	Points to consider
Peno-vaginal	Vaginal swabs Body swabs	* Semen/sperm detection * lubricant * DNA * semen/sperm detection * saliva (in case of sucking/licking)	* whether ejaculation occurred inside vagina or outside * use of condom * if ejaculation occurred outside
Peno anal	Anal swabs Body swabs	* Semen/sperm detection * DNA * lubricant * faecal matter * semen/sperm detection * saliva (in case of sucking/licking)	* whether ejaculation occurred inside anus or outside * use of condom * if ejaculation occurred outside
Peno oral	Oral swabs Body swabs	* Semen/sperm detection * DNA * saliva * semen/sperm detection * saliva (in case of sucking/licking)	* whether ejaculation occurred inside mouth or outside * use of condom * if ejaculation occurred outside
Use of Objects	Swab of the orifice (anal, Vaginal and/or oral)	Lubricant	Detection of lubricant used if any
Use of body Parts (fingering)	Swab of the orifice (anal, vaginal and/or oral)	Lubricant	
Masturbation	Swab of orifice/body part	* Semen/sperm detection * DNA * lubricant	* whether ejaculation occurred or not * if ejaculated in orifice or body parts

## Samples Collection for Central/ State Forensic Science Laboratory

1. Debris collection paper
2. Clothing evidence where available – List and details of **clothing worn by the survivor at time of incident** of sexual violence (to be packed in separate paper bags after air drying)
3. Body evidence samples as appropriate (duly labeled and packed separately)

	Collected/Not Collected	Reason for not collecting
Swabs from Stains on the body (blood, semen, foreign material, others)		
Scalp hair (10-15 strands)		
Head hair combing		
Nail scrapings (both hands separately)		
Nail clippings (both hands separately)		
Oral swab		
Blood for grouping, testing drug/alcohol intoxication (plain vial)		
Blood for alcohol levels (Sodium fluoride vial)		
Blood for DNA analysis (EDTA vial)		
Urine (drug testing)		
Any other (tampon/sanitary napkin/condom/object)		

4. **Genital and Anal evidence** (Each sample to be packed, sealed, and labelled separately -to be placed in a bag)

	Collected/Not Collected	Reason for not collecting
Matted pubic hair		
Pubic hair combing (mention if shaved)		
Cutting of pubic hair (mention if shaved)		
Two Vulval swabs (for semen examination and DNA testing)		
Two Vaginal swabs (for semen examination and DNA testing)		
Two Anal swabs (for semen examination and DNA testing)		
Vaginal smear (air-dried) for semen examination		
Blood for alcohol levels (Sodium fluoride vial)		
Vaginal washing		
Urethral swab		
Swab from glans of penis/clitoropenis		



All evidence needs to be packed and sealed properly in separate envelopes. The responsibility for this lies with the examining doctor. All blood samples must be refrigerated until handed over to next in chain of custody. The hospital has the responsibility of properly preserving samples till handed over to police.

**Chain of custody:** The hospital must designate certain staff responsible for handling evidence and no one other than these persons must have access to the samples. This is done to prevent mishandling and tampering. If a fool-proof chain of custody is not maintained, the evidence can be rendered inadmissible in the court of law. A log of handing over of evidence from one 'custodian' to the other must be maintained.

Each envelope must be labeled as follows

**Packet number**.....

**Name of the hospital & place** .....

**Hospital number & date** .....

**Police station with MLC number** .....

**Name of the person with age & sex** .....

**Sample collected** .....

**Examination required**.....

**Date & time signature of doctor with seal**

**COPY OF THE ENTIRE MEDICAL REPORT MUST BE GIVEN TO THE SURVIVOR/  
VICTIM FREE OF COST IMMEDIATELY**

It is important that one copy of all documents be given to the survivor as it is his/her right to have this information. One copy to be given to the police and one copy must be kept for hospital records.



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

No:DGP-Training/GSPP/CIRCULAR/2013-2014/01 ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತರಬೇತಿ,  
ಕಾರ್ಲೆಟನ್ ಭವನ, ಅರಮನೆ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08.08.2014

### ಸು ತ್ತೋ ಲೆ

ವಿಷಯ:- ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಂದ ಮಕ್ಕಳ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ -2012ನ್ನು ಜಾರಿಗೊಳಿಸುವ ಬಗ್ಗೆ ಮಾರ್ಗಸೂಚಿಗಳು.

\* \* \*

ಇತ್ತೀಚಿನ ದಿನಗಳಲ್ಲಿ ಮಕ್ಕಳ ಮೇಲಿನ ಲೈಂಗಿಕ ಹಲ್ಲೆ ಪ್ರಕರಣಗಳು ಹೆಚ್ಚಾಗಿ ಜರುಗುತ್ತಿವೆ. ಅದರಲ್ಲೂ ಶಾಲೆ, ವಸತಿ ನಿಲಯ, ಮನೆ, ಸಂಘ-ಸಂಸ್ಥೆಗಳು ಮುಂತಾದ ಕಡೆಗಳಲ್ಲಿ ಹೆಚ್ಚಿನ ಲೈಂಗಿಕ ದೌರ್ಜನ್ಯಗಳು ನಡೆಯುತ್ತಿದ್ದು, ಇವುಗಳ ವರದಿ ಸಂಖ್ಯೆಯು ಕಡಿಮೆ ಇರುತ್ತದೆ. ಈ ಸಂಬಂಧ ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಂದ ಮಕ್ಕಳ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ -2012ನ್ನು ಭಾರತ ಸರ್ಕಾರ ಜಾರಿಗೊಳಿಸಿದ್ದು, ಅಪರಾಧವೆಸಗುವವರ ಮೇಲೆ ಕಠಿಣ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು ಮತ್ತು ಇಂತಹ ಅಪರಾಧಗಳನ್ನು ತಡೆಯುವುದು ಕಾಯ್ದೆಯ ಉದ್ದೇಶವಾಗಿದೆ. ಕಾಯ್ದೆಯಲ್ಲಿನ ಪ್ರಮುಖ ಅಂಶಗಳ ಬಗ್ಗೆ ಸಂಕ್ಷಿಪ್ತ ವಿವರವನ್ನು ಈ ಸುತ್ತೋಲೆಯಲ್ಲಿ ನೀಡಲಾಗಿದೆ. ಎಲ್ಲಾ ತಾಣಾಧಿಕಾರಿಗಳು/ಮೇಲಾಧಿಕಾರಿಗಳು 18 ವರ್ಷದೊಳಗಿನ ಗಂಡು ಅಥವಾ ಹೆಣ್ಣು ಮಕ್ಕಳ ಮೇಲೆ ನಡೆಯುವ ಲೈಂಗಿಕ ಅಪರಾಧಗಳು ಕಂಡುಬಂದ ಕೂಡಲೇ ಈ ಕಾಯ್ದೆಯ ಕಲಂ ಮತ್ತು ನಿಯಮಗಳಂತೆ ಪ್ರಕರಣ ದಾಖಲಿಸಿ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು.

1. ಭಾರತೀಯ ದಂಡಸಂಹಿತೆಯಲ್ಲಿ ಮಕ್ಕಳ ಮೇಲಿನ ಅಪರಾಧಗಳ ಬಗ್ಗೆ ವ್ಯವಹರಿಸಬೇಕಾದ ಕ್ರಮಗಳಿಗೆ ವಿಶೇಷ ಗಮನ ನೀಡಿಲ್ಲ. ಅವುಗಳಲ್ಲಿ ಹೆಣ್ಣುಮಕ್ಕಳ ಮೇಲಿನ ಲೈಂಗಿಕ ಅಪರಾಧಗಳ ಬಗ್ಗೆ ವಿಶೇಷ ನಿಬಂಧನೆಗಳಿಲ್ಲದರೂ ಗಂಡು ಮಕ್ಕಳ ಮೇಲಿನ ಅಪರಾಧಗಳ ಬಗ್ಗೆಯಂತೂ ನಮೂದನೆ ಇಲ್ಲ.

2. ಸಂವಿಧಾನದ ವಿಧಿ 15(3)ರಲ್ಲಿ ಮಕ್ಕಳಿಗಾಗಿ ವಿಶೇಷ ನಿಬಂಧನೆಗಳನ್ನು ಅಳವಡಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಅಧಿಕಾರವಿದೆ. ವಿಶ್ವಸಂಸ್ಥೆಯ ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಒಡಂಬಡಿಕೆಗೆ ಭಾರತವು 1992ರ ಡಿಸೆಂಬರ್ 11 ರಂದು ಸಹಿ ಮಾಡಿದ್ದು, ಮಕ್ಕಳ ಕಾನೂನಾತ್ಮಕ ಹಿತದೃಷ್ಟಿಯನ್ನು ಕಾಪಾಡಲು ಬದ್ಧವಿದೆ. ಅದರಂತೆ ಸರ್ಕಾರವು ಈ ಕೆಳಕಂಡ ನಿಯಂತ್ರಣಾ ಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕಾಗಿದೆ.

(ಎ) ಕಾನೂನುಬಾಹಿರವಾಗಿ ಮಕ್ಕಳನ್ನು ಲೈಂಗಿಕ ಚಟುವಟಿಕೆಗಳಿಗೆ ಒಲಿಸಿಕೊಳ್ಳುವುದು ಮತ್ತು ಒತ್ತಾಯಪಡಿಸುವುದು.

(ಬಿ) ವೇಶ್ಯವೃತ್ತಿ ಮತ್ತಿತರ ಕಾನೂನುಬಾಹಿರ ಲೈಂಗಿಕ ಚಟುವಟಿಕೆಗಳಿಗಾಗಿ ಮಕ್ಕಳ ಶೋಷಣೆ ಅಥವಾ ದುರುಪಯೋಗ.

(ಸಿ) ಅಶ್ಲೀಲ ಚಿತ್ರಣ ಮತ್ತು ಸಾಮಗ್ರಿಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಮಕ್ಕಳ ಬಳಕೆ ಮತ್ತು ಶೋಷಣೆ.

3. ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಂದ ಮಕ್ಕಳ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ -2012 ಮಕ್ಕಳನ್ನು ಸಬಲರನ್ನಾಗಿಿಸುತ್ತದೆ. ಮಕ್ಕಳ ಲೈಂಗಿಕ ದುರುಪಯೋಗ ಮತ್ತು ಶೋಷಣೆಯ ವಿರುದ್ಧದ ಕಾನೂನಾತ್ಮಕ ನಿಬಂಧನೆಗಳನ್ನು ಬಲಪಡಿಸುತ್ತದೆ.

ಈ ಕಾಯ್ದೆ ಮಕ್ಕಳ ಹಿತದೃಷ್ಟಿಯನ್ನು ಪ್ರತಿ ಹಂತದಲ್ಲೂ ಎತ್ತಿಹಿಡಿಯುತ್ತದೆ. ಮತ್ತು ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ವರದಿ, ಹೇಳಿಕೆ, ದಾಖಲೆ, ತನಿಖೆ ಮತ್ತು ವಿಚಾರಣೆ ಸಂವೇದನಾಶೀಲತೆಯಿಂದ ಕೂಡಿರಬೇಕು.

4. ಕಾಯ್ದೆ ವ್ಯಾಖ್ಯಾನಿಸುವಂತೆ ಮಗು ಎಂದರೆ 18 ವರ್ಷದೊಳಗಿನ ಯಾವುದೇ ವ್ಯಕ್ತಿ. ಅಂತವರು ಲೈಂಗಿಕ ಚಟುವಟಿಕೆಗಳಿಗೆ ನೀಡಿದ ಒಪ್ಪಿಗೆ ಸಮ್ಮತವಲ್ಲ.

5. ಕಾಯ್ದೆಯ ಅಡಿಯಲ್ಲಿ ಲೈಂಗಿಕ ಶೋಷಣೆ ಮತ್ತು ಲೈಂಗಿಕ ಕಿರುಕುಳ ಘೋರ ಗುನ್ನೆಯಾಗಿದೆ. ಇದಕ್ಕೆ ತೀವ್ರತರ ಶಿಕ್ಷೆ ನೀಡಿದ್ದು, ಅಪರಾಧ ತೀವ್ರತೆಗೆ ಅನುಗುಣವಾಗಿ ಶಿಕ್ಷೆಯನ್ನು ವಿಭಾಗಿಸಲಾಗಿದೆ.

6. ಕಾಯ್ದೆಯಲ್ಲಿ ಗುರುತಿಸಿದಂತೆ ಅಪರಾಧ ಉದ್ದೇಶ ಫಲಿಸದಿದ್ದರೂ ಶಿಕ್ಷೆಗೊಳಪಡಿಸಲಾಗುತ್ತದೆ. ಅಪರಾಧದ ಪ್ರಯತ್ನಕ್ಕೆ ಅಪರಾಧಕ್ಕೆ ನೀಡುವ ಶಿಕ್ಷೆಯ ಅರ್ಧದಷ್ಟು ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸಲಾಗುತ್ತದೆ. ಅಪರಾಧಕ್ಕೆ ದುಷ್ಪೀರಣೆ ನೀಡಿದರೆ ಅಪರಾಧಕ್ಕೆ ನೀಡುವಷ್ಟೆ ಶಿಕ್ಷೆಯನ್ನು ನೀಡಿದೆ. ಇದರಿಂದ ಈ ಅಪರಾಧವನ್ನು ಕಾನೂನು ಬಹಳ ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದೆ ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ.

7. ಮಕ್ಕಳ ಮೇಲಿನ ಲೈಂಗಿಕ ಅಪರಾಧದ ಮಾಹಿತಿ ಇರುವ ವ್ಯಕ್ತಿ ಕಡ್ಡಾಯವಾಗಿ ಸ್ಥಳೀಯ ಪೊಲೀಸರಿಗೆ ಮಾಹಿತಿ ನೀಡುವುದು. ಪೊಲೀಸರು ದೂರು ದಾಖಲಿಸುವುದು ಕಡ್ಡಾಯ. ಮಾಹಿತಿ ನೀಡದಿರುವುದು ಮತ್ತು ಪ್ರಕರಣ ದಾಖಲಿಸದಿರುವುದು ಸಹ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವಾಗುತ್ತದೆ.

8 ಮಕ್ಕಳ ಮೇಲಿನ ಲೈಂಗಿಕ ಅಪರಾಧದ ದುರುದ್ದೇಶ, ಪ್ರಯತ್ನ ಮತ್ತು ಅಪರಾಧ ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಪರಾಧ ಮಾಡಿಲ್ಲವೆಂದು ನಿರೂಪಿಸುವ ಹೊಣೆ ಆಪಾದಿತನ ಮೇಲಿರುತ್ತದೆ.

9. ಮಕ್ಕಳು ತಮ್ಮ ಮುಗ್ಧತೆ ಮತ್ತು ಅಸಹಾಯಕತೆಯಿಂದ ಅಪರಾಧಕ್ಕೆ ಒಳಗಾಗುವ ಸಾಧ್ಯತೆ ಇರುವುದರಿಂದ ಈ ನಿಬಂಧನೆಗಳನ್ನು ರೂಪಿಸಲಾಗಿದೆ. ಆದಾಗ್ಯೂ ಈ ಕಾನೂನಿನ ದುರ್ಬಳಕೆಯನ್ನು ತಡೆಯಲು ದುರುದ್ದೇಶದಿಂದ ಕೂಡಿದ ಸುಳ್ಳು ಮಾಹಿತಿ ಅಥವಾ ದೂರು ನೀಡುವುದು ಶಿಕ್ಷಾರ್ಹವಾಗಿದೆ.

10. ಲೈಂಗಿಕ ಶೋಷಣೆಗಾಗಿ ಮಕ್ಕಳ ಸಾಗಾಣಿಕೆ ಮಾಡುವವರನ್ನು ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಗೆ ದುಷ್ಪೀರಣೆ ನೀಡುವವರೆಂದು ಗುರುತಿಸಿದೆ.

11. ಮಕ್ಕಳ ಮೇಲೆ ನಡೆಯುವ ವಿವಿಧ ಲೈಂಗಿಕ ಅಪರಾಧಗಳು ಮತ್ತು ಅವುಗಳಿರುವ ಶಿಕ್ಷೆಯನ್ನು ಈ ಕೆಳಗೆ ನಮೂದಿಸಿದೆ.



ಅಪರಾಧ	ಕಲಂ	ವಿವರಣೆ	ಶಿಕ್ಷೆ
1. ಪ್ರವೇಶಿಕ ಲೈಂಗಿಕ ಹಲ್ಲೆ	4	<p>ಯಾವುದಾದರೂ ವ್ಯಕ್ತಿ ಈ ಮುಂದಿನಂತಹವುಗಳನ್ನು ಮಾಡಿದ್ದಲ್ಲಿ</p> <ul style="list-style-type: none"> <li>• ಯಾರಾದರೂ ತನ್ನ ಶಿಶ್ನವನ್ನು ಮಗುವಿನ ಯೋನಿ, ಬಾಯಿ, ಮೂತ್ರನಾಳ ಅಥವಾ ಗುದ್ದಾರದೊಳಗೆ ಯಾವುದೇ ಹಂತದವರೆಗೆ ತೂರಿಸಿದರೆ ಅಥವಾ ಮಗುವನ್ನು ತನಗೆ ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಮಾಡಲು ಹೇಳಿದರೆ; ಅಥವಾ</li> <li>• ಯಾರಾದರೂ ಶಿಶ್ನವನ್ನು ಹೊರತುಪಡಿಸಿ ಯಾವುದೇ ವಸ್ತು ಅಥವಾ ದೇಹದ ಯಾವುದೇ ಭಾಗವನ್ನು ಮಗುವಿನ ಯೋನಿ, ಬಾಯಿ, ಮೂತ್ರನಾಳ ಅಥವಾ ಗುದ್ದಾರದೊಳಗೆ ಯಾವುದೇ ಹಂತದವರೆಗೆ ತೂರಿಸಿದರೆ ಅಥವಾ ಮಗುವನ್ನು ತನಗೆ ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಮಾಡಿದರೆ; ಅಥವಾ</li> <li>• ಯಾರಾದರೂ ಶಿಶ್ನವನ್ನು ಹೊರತುಪಡಿಸಿ ಯಾವುದೇ ವಸ್ತು ಅಥವಾ ದೇಹದ ಯಾವುದೇ ಭಾಗವನ್ನು ಮಗುವಿನ ಯೋನಿ, ಬಾಯಿ, ಮೂತ್ರನಾಳ ಅಥವಾ ಗುದ್ದಾರದೊಳಗೆ ತೂರಿಸಲು ಅಥವಾ ಮಗುವನ್ನು ತನಗೆ ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಮಾಡಲು ಪ್ರಚೋದಿಸಿದರೆ; ಅಥವಾ</li> <li>• ಯಾರಾದರೂ ಮಗುವಿನ ಶಿಶ್ನ, ಯೋನಿ, ಗುದ್ದಾರ, ಮೂತ್ರನಾಳಕ್ಕೆ ಬಾಯಿ ಹಾಕಿದರೆ ಅಥವಾ ತನಗೆ ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಹಾಗೆ ಮಾಡಲು ಹೇಳಿದರೆ.</li> </ul>	7 ವರ್ಷದಿಂದ ಜೀವಾವಧಿವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಹಾಗೂ ದಂಡ
2. ತೀವ್ರ ಸ್ವರೂಪದ ಪ್ರವೇಶಿಕ ಲೈಂಗಿಕ ಹಲ್ಲೆ	6	<p>ಪ್ರವೇಶಿಕ ಲೈಂಗಿಕ ಹಲ್ಲೆಯು ಈ ಕೆಳಗಿನ ನಿರ್ದಿಷ್ಟ ವ್ಯಕ್ತಿ, ಸಂದರ್ಭ ಮತ್ತು ಪರಿಣಾಮಗಳನ್ನು ಅವಲಂಬಿಸಿದೆ</p> <ul style="list-style-type: none"> <li>• ನಂಜಕ ಅಥವಾ ಅಧಿಕಾರದ ದುರುಪಯೋಗ.</li> <li>• ಪೊಲೀಸ್, ಜೈಲು, ಸಶಸ್ತ್ರ ಪಡೆಯ ಅಧಿಕಾರಿಗಳು,</li> <li>• ಸರ್ಕಾರ ಮತ್ತು ಸರ್ಕಾರೇತರ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಿಗಳು,</li> <li>• ಸಾಮೂಹಿಕ ಲೈಂಗಿಕ ಹಲ್ಲೆ(ಗ್ಯಾಂಗ್ ರೇಪ್),</li> <li>• ಮಗುವಿನ ದೌರ್ಬಲ್ಯಗಳು,</li> <li>• ಮಾರಣಾಂತಿಕ ಆಯುಧ, ಬೆಂಕಿ, ಕಾಯ್ದು ಉಪಕರಣಗಳು, ಆಸಿಡ್ ಬಳಕೆ,</li> <li>• ಲೈಂಗಿಕ ಅಪರಾಧದ ಪರಿಣಾಮದಿಂದ ಸಾವು, ತೀವ್ರಗಾಯ, ಗರ್ಭಾವಸ್ಥೆ, ಹೆಚ್‌ಐವಿ ಅಥವಾ ಲೈಂಗಿಕ ರೋಗಗಳಿಗೆ ತುತ್ತಾಗುವುದು,</li> <li>• ಸಮಯ/ಸಂದರ್ಭ-ಶೋಮುಗಲಭೆ, ಮಾನಸಿಕ ಅಸ್ವಸ್ಥತೆ, ಗರ್ಭಾವಸ್ಥೆ, ಸಾರ್ವಜನಿಕವಾಗಿ ನಗ್ನಗೊಳಿಸುವುದು,</li> <li>• ಲೈಂಗಿಕ ಹಲ್ಲೆಯೊಂದಿಗೆ ಇತರೆ ಅಪರಾಧಗಳು ಸೇರಿದ ಸಂದರ್ಭಗಳು,</li> <li>• ಪದೇಪದೇ ಲೈಂಗಿಕ ಹಲ್ಲೆ.</li> </ul>	10 ವರ್ಷದಿಂದ ಜೀವಾವಧಿವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಹಾಗೂ ದಂಡ
3. ಲೈಂಗಿಕ ಹಲ್ಲೆ	8	<ul style="list-style-type: none"> <li>• ಲೈಂಗಿಕ ಉದ್ದೇಶದಿಂದ ಮಗುವಿನ ಗುಪ್ತಾಂಗವನ್ನು ಮುಟ್ಟುವುದು ಅಥವಾ ಮಗು ತನ್ನ ಗುಪ್ತಾಂಗಗಳನ್ನು ಮುಟ್ಟುವಂತೆ ಮಾಡುವುದು</li> <li>• ಲೈಂಗಿಕ ಪ್ರವೇಶವನ್ನು ಹೊರತುಪಡಿಸಿದ ಯಾವುದೇ ರೀತಿಯ ದೈಹಿಕ ಸ್ಪರ್ಶ</li> </ul>	3 ವರ್ಷದಿಂದ 5 ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ



4. ತೀವ್ರ ಸ್ವರೂಪದ ಲೈಂಗಿಕ ಹಲ್ಲೆ	10	<p>ಲೈಂಗಿಕ ಹಲ್ಲೆಯೆಂದರೆ, ಈ ಕೆಳಗಿನ ನಿರ್ದಿಷ್ಟ ವ್ಯಕ್ತಿ, ಸಂದರ್ಭ ಮತ್ತು ಪರಿಣಾಮಗಳನ್ನು ಅವಲಂಬಿಸಿದೆ</p> <ul style="list-style-type: none"> <li>• ನಂಜಕ ಅಥವಾ ಅಧಿಕಾರದ ದುರುಪಯೋಗ.</li> <li>• ಪೊಲೀಸ್, ಜೈಲು, ಸಶಸ್ತ್ರ ಪಡೆಯ ಅಧಿಕಾರಿಗಳು,</li> <li>• ಸರ್ಕಾರ ಮತ್ತು ಸರ್ಕಾರೇತರ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಿಗಳು,</li> <li>• ಸಾಮೂಹಿಕ ಲೈಂಗಿಕ ಹಲ್ಲೆ(ಗ್ಯಾಂಗ್ ರೇಪ್),</li> <li>• ಮಗುವಿನ ದೌರ್ಬಲ್ಯಗಳು,</li> <li>• ಮಾರಣಾಂತಿಕ ಆಯುಧ, ಬೆಂಕಿ, ಕಾಯ್ದು ಉಪಕರಣಗಳು, ಆಸಿಡ್ ಬಳಕೆ,</li> <li>• ಲೈಂಗಿಕ ಅಪರಾಧದ ಪರಿಣಾಮದಿಂದ ಸಾವು, ತೀವ್ರಗಾಯ, ಗರ್ಭಾವಸ್ಥೆ, ಹೆಚ್‌ಐವಿ ಅಥವಾ ಲೈಂಗಿಕ ರೋಗಗಳಿಗೆ ತುತ್ತಾಗುವುದು,</li> <li>• ಸಮಯ/ಸಂದರ್ಭ-ಕೋಮಾಗಲಭೆ, ಮಾನಸಿಕ ಅಸ್ವಸ್ಥತೆ, ಗರ್ಭಾವಸ್ಥೆ, ಸಾರ್ವಜನಿಕವಾಗಿ ನಗ್ನಗೊಳಿಸುವುದು,</li> <li>• ಲೈಂಗಿಕ ಹಲ್ಲೆಯೊಂದಿಗೆ ಇತರೆ ಅಪರಾಧಗಳು ಸೇರಿದ ಸಂದರ್ಭಗಳು, ಪದೇಪದೇ ಲೈಂಗಿಕ ಹಲ್ಲೆ.</li> </ul>	5 ವರ್ಷದಿಂದ 7 ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
5. ಲೈಂಗಿಕ ಕಿರುಕುಳ	12	<p>ಲೈಂಗಿಕ ದುರುದ್ದೇಶದಿಂದ</p> <ul style="list-style-type: none"> <li>• ಮಾತು, ಸಂಜ್ಞೆ, ಅಂಗಚೇಷ್ಟೆ, ಶಬ್ದಗಳು,</li> <li>• ತನ್ನ ಗುಪ್ತಾಂಗಗಳ ಪ್ರದರ್ಶಿಸುವುದು ಅಥವಾ ಮಗು ಆ ರೀತಿ ಮಾಡುವಂತೆ ಪ್ರಚೋದಿಸುವುದು.</li> <li>• ಅಶ್ಲೀಲ ಚಿತ್ರಗಳು, ಎಸ್.ಎಂ.ಎಸ್, ಈ-ಮೇಲ್ ಮತ್ತು ಲೈಂಗಿಕ ಆಟಗಳನ್ನು ಕಳುಹಿಸುವುದು ಮತ್ತು ತೋರಿಸುವುದು.</li> <li>• ನೇರವಾಗಿ ಅಥವಾ ಮಾಧ್ಯಮ ಸಾಧನಗಳ ಮೂಲಕ ಹಿಂಬಾಲಿಸುವುದು ಮತ್ತು ಕಾಡುವುದು.</li> <li>• ಬೆದರಿಸುವುದು</li> </ul>	3 ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
6. ಮಗುವನ್ನು ಅಶ್ಲೀಲ ಚಿತ್ರಗಳ ತಯಾರಿಕೆಗೆ ಬಳಸುವುದು	14	<p>ವೈಯಕ್ತಿಕ ಬಳಕೆ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯ ಮಾಧ್ಯಮಗಳಲ್ಲಿ ಪ್ರಚಾರ ಅಥವಾ ಪ್ರಸಾರ -</p> <ul style="list-style-type: none"> <li>• ಮಗುವಿನ ಗುಪ್ತಾಂಗಗಳು</li> <li>• ಮಗು ಲೈಂಗಿಕ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿರುವ ಅಥವಾ ತೊಡಗಿರುವಂತೆ ತೋರಿಸುವುದು.</li> </ul>	7 ವರ್ಷದಿಂದ ಜೀವಾವಧಿವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
7. ಮಗು ಒಳಗೊಂಡಿರುವ ಅಶ್ಲೀಲ ಚಿತ್ರಗಳ ಸಂಗ್ರಹಣೆ	15	<p>ಮಕ್ಕಳು ಒಳಗೊಂಡಿರುವ ಅಶ್ಲೀಲ ಚಿತ್ರಗಳನ್ನು ವ್ಯಾಪಾರ ಮತ್ತು ಮಾರಾಟಕ್ಕಾಗಿ ಸಂಗ್ರಹಿಸುವುದು</p>	3 ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
8. ಮಗುವಿನ ಮೇಲೆ ಯಾವುದೇ ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಗೆ ದುಷ್ಪ್ರೇರಣೆ	17	<ul style="list-style-type: none"> <li>• ಪ್ರೇರೇಪಿಸುವುದು</li> <li>• ಸಂಜಿನಲ್ಲಿ ಭಾಗವಹಿಸುವುದು</li> <li>• ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಸಹಾಯ ಮಾಡುವುದು</li> </ul>	ಅಪರಾಧ ಮಾಡಿದರೆ ನೀಡುವ ಶಿಕ್ಷೆಯನ್ನೇ ವಿಧಿಸಲಾಗುತ್ತದೆ.
9. ಮಗುವಿನ ಮೇಲೆ ಯಾವುದೇ ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಗೆ ಪ್ರಯತ್ನಿಸುವುದು	18	<p>ಅಪರಾಧಕ್ಕೆ ಪ್ರಯತ್ನಿಸುವುದು ಅಥವಾ ಅಪರಾಧಕ್ಕೆ ನೆರವು ನೀಡುವುದು.</p>	ಆರೇಜೀವಾವಧಿ ಶಿಕ್ಷೆ ಅಥವಾ ಅಪರಾಧಕ್ಕೆ ಸಲ್ಲುವ ಶಿಕ್ಷೆಯ ಅರ್ಧಭಾಗದಷ್ಟು ಶಿಕ್ಷೆ ನೀಡಲಾಗುತ್ತದೆ.

10. ದೂರು ನೀಡಲು ಮತ್ತು ದೂರು ದಾಖಲಿಸಲು ವಿಫಲವಾಗುವುದು	21(1)	<ul style="list-style-type: none"> <li>• ಯಾವುದೇ ವ್ಯಕ್ತಿ ದೂರನ್ನು ನೀಡಲು ವಿಫಲನಾದರೆ.</li> <li>• ದೂರನ್ನು ದಾಖಲಿಸಲು ವಿಫಲನಾದರೆ.</li> </ul>	6 ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
	21(2)	ಯಾವುದೇ ಕಂಪನಿಯ ಅಥವಾ ಸಂಸ್ಥೆಯ ಮುಖ್ಯಸ್ಥರು ತಮ್ಮ ಕೆಳಗೆ ಕೆಲಸ ಮಾಡುವವರಿಂದ ಆದ ಅಪರಾಧದ ಬಗ್ಗೆ ದೂರು ನೀಡಲು ವಿಫಲರಾದರೆ	ಒಂದು ವರ್ಷದವರೆಗಿನ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
11. ಸುಳ್ಳುದೂರು	22(1)	ಒಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಅವಮಾನಗೊಳಿಸಲು ಅಥವಾ ಹಣ ದೋಚಲು ಅಥವಾ ಅಪಮಾನ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಅವರ ವಿರುದ್ಧ ಪ್ರವೇಶಿಕ ಅಥವಾ ಲೈಂಗಿಕ ಹಲ್ಲೆ ಅಥವಾ ಲೈಂಗಿಕ ಕಿರುಕುಳದ ಬಗ್ಗೆ ಸುಳ್ಳು ದೂರು ನೀಡುವುದು.	6 ತಿಂಗಳವರೆಗಿನ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
	22(3)	ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಬರುವ ಯಾವುದೇ ಅಪರಾಧದ ಆರೋಪವನ್ನು ಸುಳ್ಳೆಂದು ತಿಳಿದಿದ್ದರೂ ಮಗುವಿನ ವಿರುದ್ಧ ಸುಳ್ಳು ದೂರು ನೀಡುವುದು.	ಒಂದು ವರ್ಷದವರೆಗಿನ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ
12. ಮಾಧ್ಯಮ	23(4)	ಮಗುವಿನ ಬಗ್ಗೆ ತಪ್ಪು ಮಾಹಿತಿಯನ್ನು ಪ್ರಸಾರ ಮಾಡಿ ಮಗುವಿನ ಮಾನ ಮತ್ತು ಘನತೆಯನ್ನು ಕಡಿಮೆ ಮಾಡುವುದು ಅಥವಾ ಮಗುವಿನ ಗುರುತನ್ನು ಬಯಲು ಮಾಡುವುದು.	ಕನಿಷ್ಠ 6 ತಿಂಗಳಿಂದ 1 ವರ್ಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ದಂಡ

12. ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಬರುವ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಸ್ಥೆಗಳು:-

(ಎ) "ವಿಶೇಷ ನ್ಯಾಯಾಲಯ" - ಪ್ರಕರಣದ ಶೀಘ್ರ ವಿಲೇವಾರಿಗಾಗಿ 30 ದಿನಗಳೊಳಗಾಗಿ ಮಗುವಿನ ಸಾಕ್ಷಿಯನ್ನು ದಾಖಲಿಸುವುದು. ನ್ಯಾಯಾಲಯವು ದೂರು ದಾಖಲಾದ ಒಂದು ವರ್ಷದೊಳಗಾಗಿ ಪ್ರಕರಣವನ್ನು ವಿಲೇವಾರಿ ಮಾಡುವುದು (ಕಲಂ 35(2))

- ವಿಶೇಷ ನ್ಯಾಯಾಲಯವು ಮಕ್ಕಳಿಗೆ ದೊರಕಬೇಕಾದ ಪರಿಹಾರದ ಮೊತ್ತವನ್ನು ನಿರ್ಧರಿಸುತ್ತದೆ. ಈ ಮೊತ್ತವನ್ನು ಮಗುವಿನ ವೈದ್ಯಕೀಯ ಮತ್ತು ಪುನರ್ವಸತಿಗೆ ಬಳಸುವುದು.
- ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ರಕ್ಷಣಾ ಆಯೋಗದ ಕಾಯ್ದೆ - 2005ರ ಅಡಿಯಲ್ಲಿ ಯಾವ ಸತ್ರ ನ್ಯಾಯಾಲಯವನ್ನು "ಮಕ್ಕಳ ನ್ಯಾಯಾಲಯ" ವೆಂದು ಘೋಷಿಸಿದೆಯೋ ಅದೇ ನ್ಯಾಯಾಲಯವನ್ನು ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ "ವಿಶೇಷ ನ್ಯಾಯಾಲಯ" ವೆಂದು ಪರಿಗಣಿಸಿದೆ. (ಕಲಂ 28(1))

*District Sessions Courts designated as 'Children's Court' at the 30 districts in Karnataka as per Section 25 and 26 of the Commission for Protection of Child Right Act Order No. LAW 114 LCE 2011, Bangalore Dated 11.07.2011, 2005 and 50<sup>th</sup> Additional City Civil and Sessions Court at Bangalore City vide High Court Memo No. GOB.II.148/2011 Dated 26.3.2013 are Special Courts as per section 28(1)*

- ವಿಶೇಷ ನ್ಯಾಯಾಲಯದ ಸಮ್ಮತಿ ಇಲ್ಲದೆ ಮಕ್ಕಳ ಗುರುತು ಮತ್ತು ವಿವರಗಳನ್ನು ಯಾವುದೇ ಮಾಧ್ಯಮವು ಪ್ರಕಟಪಡಿಸುವಂತಿಲ್ಲ. (ಕಲಂ 23)

(ಬಿ) “ವಿಶೇಷ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು” - ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ರಕ್ಷಣಾ ಆಯೋಗದ ಕಾಯ್ದೆ - 2005ರಲ್ಲಿ ಗೃಹ ಇಲಾಖೆ(ಕಾನೂನು ಮತ್ತು ಸುವ್ಯವಸ್ಥೆ) ಸುತ್ತೋಲೆ ಸಂ:ಓಇ/633/ಪಿಪಿಇ/2012 ದಿನಾಂಕ:29-01-2013ರಂತೆ ನೇಮಕ ಮಾಡಿದ ವಿಶೇಷ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು. (ಕಲಂ 26)

(ಸಿ) “ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ” - ಮಕ್ಕಳ ನ್ಯಾಯ(ಪೋಷಣೆ ಮತ್ತು ರಕ್ಷಣೆ) ಕಾಯ್ದೆ - 2000 ಕಲಂ 63 ರಂತೆ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟ ಪೊಲೀಸ್ ಘಟಕ. ಮಕ್ಕಳ ಆರೈಕೆ ಮತ್ತು ರಕ್ಷಣೆಗಾಗಿ ಪೊಲೀಸ್ ವಿಶೇಷ ಪಾತ್ರ ಮತ್ತು ಜವಾಬ್ದಾರಿಗಳನ್ನು ನಿರ್ಧರಿಸಿದೆ.

(ಡಿ) “ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿ” - ಮಕ್ಕಳ ನ್ಯಾಯ(ಪೋಷಣೆ ಮತ್ತು ರಕ್ಷಣೆ) ಕಾಯ್ದೆ - 2000 ಕಲಂ 32 ರಂತೆ ಮಕ್ಕಳ ಪೋಷಣೆ ಮತ್ತು ರಕ್ಷಣೆಗಾಗಿಯೇ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟ ಏಕೈಕ ಸಂಸ್ಥೆ. ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಈ ಸಂಸ್ಥೆ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತದೆ.

(ಇ) “ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಘಟಕ” - ಸಮಗ್ರ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಯೋಜನೆಯಲ್ಲಿ ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿರುವ ಘಟಕವು ಮಕ್ಕಳ ಹಕ್ಕು ರಕ್ಷಣೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳನ್ನು ಸಮನ್ವಯಗೊಳಿಸುವುದು ಹಾಗೂ ಜಾರಿಮಾಡುತ್ತದೆ. ಅನುವಾದಕರು, ವ್ಯಾಖ್ಯಾನಕಾರರು ಮತ್ತು ಸಹಾಯ ವ್ಯಕ್ತಿಗಳು ಮತ್ತಿತರ ವಿವರಗಳ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ ಒಟ್ಟುಕೊಂಡಿರಬೇಕು. (ಕಲಂ 3(1)).

(ಎಫ್) “ವೈದ್ಯಾಧಿಕಾರಿಗಳು” - ಸರ್ಕಾರದಿಂದ ನೇಮಿಸಲ್ಪಟ್ಟ ವೈದ್ಯಾಧಿಕಾರಿಗಳು.

(ಜಿ) “ಸಹಾಯ ವ್ಯಕ್ತಿ” - ಪ್ರಕರಣದ ತನಿಖೆ ಮತ್ತು ವಿಚಾರಣೆಯುದ್ದಕ್ಕೂ ಮಗುವಿಗೆ ಸಹಾಯ ನೀಡಲು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯಿಂದ ನೇಮಕವಾದ ವ್ಯಕ್ತಿ.

(ಹೆಚ್) “ಅನುವಾದಕ” - ಮಗುವಿನ ಮಾತೃಭಾಷೆ ಬೇರೆಯಾಗಿದ್ದಲ್ಲಿ ಮಗುವಿಗೆ ಅರ್ಥವಾಗುವಂತೆ ಅನುವಾದ ಮಾಡಲು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯಿಂದ ನೇಮಕವಾದ ವ್ಯಕ್ತಿ.

(ಐ) “ವ್ಯಾಖ್ಯಾನಕಾರ/ಅರ್ಥವಿವರಣೆಗಾರ” - ವಿಶೇಷ ಅಗತ್ಯಗಳ ಮಗುವಾಗಿದ್ದಲ್ಲಿ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯಿಂದ ನೇಮಿತವಾದ ಅರ್ಥವಿವರಣಾಕಾರರು.

13. ಜಿಲ್ಲಾ ಮಕ್ಕಳ ರಕ್ಷಣಾ ಘಟಕ ಗುರುತಿಸಿದ ಅನುವಾದಕರು, ವ್ಯಾಖ್ಯಾನಕಾರರು ಮತ್ತು ಸಹಾಯ ವ್ಯಕ್ತಿಗಳ ಹೆಸರು ಹಾಗೂ ವಿವರಗಳನ್ನೊಳಗೊಂಡ ಮಾಹಿತಿ ಪಟ್ಟಿಯನ್ನು ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕದಲ್ಲಿ ಹೊಂದಿರುವುದು. (ನಿಯಮ 3(1)).

14. ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವಾಗ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ಹಾಗೂ ಆರೋಪ ಪಟ್ಟಿ ಸಲ್ಲಿಸುವಾಗ ಇತರೇ ಕಾಯ್ದೆಗಳಲ್ಲಿ ಅನ್ವಯಿಸಬಹುದಾದ (ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ, ಬಾಲನ್ಯಾಯ (ಪೋಷಣೆ ಮತ್ತು ರಕ್ಷಣೆ) ಕಾಯ್ದೆ.....) ಕಾಯ್ದೆಗಳಲ್ಲಿನ ಕಲಂಗಳನ್ನು ಅಳವಡಿಸತಕ್ಕದ್ದು. (ಕಲಂ 42)

- ಯಾವುದೇ ಅಪರಾಧಕ್ಕೆ ಪೋಷಣೆ ಹಾಗೂ ಐಪಿಸಿಯ ಕಲಂಗಳು ಅನ್ವಯವಾದಲ್ಲಿ ಅವೆರಡರಲ್ಲಿ ಹೆಚ್ಚಿನ ಶಿಕ್ಷೆ ಯಾವ ಕಾಯ್ದೆಯಲ್ಲಿರುತ್ತದೆಯೋ ಆ ಕಾಯ್ದೆ ಅನ್ವಯಿಸುತ್ತದೆ.
- ಯಾವುದೇ ಎರಡು ಕಾಯ್ದೆಗಳ ನಡುವೆ ಭಿನ್ನಾಭಿಪ್ರಾಯಗಳಿದ್ದಾಗ ಪೋಷಣೆ ಕಾಯ್ದೆ ಅಂತಿಮವಾಗುತ್ತದೆ.



15. ಈ ಕಾಯ್ದೆಯ ಜಾರಿಯಲ್ಲಿ ಪೊಲೀಸರ ಪಾತ್ರ ಕೆಳಗಿನಂತಿದೆ.

➤ ಈ ಕಾಯ್ದೆಯಲ್ಲಿ ಯಾವುದೇ ವ್ಯಕ್ತಿ ಅಥವಾ ಮಗುವಿಗೆ :-

ಅಪರಾಧ ಜರುಗುವ ಸಂಭವವಿದ್ದರೆ ಅಥವಾ ಅಪರಾಧ ಜರುಗಿದ್ದರೆ, ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಸ್ಥಳೀಯ ಪೊಲೀಸ್ ಠಾಣೆ ಅಥವಾ ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕಕ್ಕೆ ಒದಗಿಸುವುದು. (ಕಲಂ 19(1))

(ಈ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಮಾಧ್ಯಮ, ಹೊಟೆಲ್, ವಸತಿಗೃಹ, ಸ್ವಡಿಯೋ ಮತ್ತು ಕ್ಲಬ್‌ಗಳಲ್ಲಿ ಮಕ್ಕಳನ್ನು ಶೋಷಿಸುವ ಯಾವುದೇ ವ್ಯಕ್ತಿ ಅಥವಾ ಘಟನೆಗಳು ಸಂಭವಿಸಿದಲ್ಲಿ ದೂರು ನೀಡಲು ಇವರಿಗೆ ಹೆಚ್ಚಿನ ಜವಾಬ್ದಾರಿ ಇರುತ್ತದೆ)

(1) ಠಾಣೆಯಲ್ಲಿ ಸ್ವೀಕರಿಸಿದ ವರದಿಗೆ ಕಲಂ 19(2)ರಂತೆ.

(ಎ) ವರದಿ ಸಂಖ್ಯೆ ನೀಡುವುದು.

(ಬಿ) ಠಾಣಾ ದಿನಚರಿಯಲ್ಲಿ ನಮೂದಿಸುವುದು.

(ಸಿ) ದೂರುದಾರರಿಗೆ ಓದಿ ಹೇಳುವುದು.

(ಡಿ) ಠಾಣೆಯಲ್ಲಿರುವ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ದಾಖಲಿಸುವುದು.

(ಡಿಜಿ&ಐಜಿ/ಸುತ್ತೋಲೆ ಸಂ:3/ಡಿಜಿ&ಐಜಿಪಿ/2011 ದಿ:28-03-2011)

(2) ವರದಿಯನ್ನು ದಾಖಲು ಮಾಡುವ ಅಧಿಕಾರಿ; (ನಿಯಮ 4(1))

(ಎ) ತನ್ನ ಹೆಸರು ಮತ್ತು ಹುದ್ದೆಯನ್ನು ಹೇಳುವುದು.

(ಬಿ) ವಿಳಾಸ ಮತ್ತು ದೂರವಾಣಿ ಸಂಖ್ಯೆಯನ್ನು ನೀಡುವುದು.

(ಸಿ) ಅವರ ಮೇಲಾಧಿಕಾರಿಯ ಹೆಸರು, ಹುದ್ದೆ ಮತ್ತು ದೂರವಾಣಿಯ ವಿವರವನ್ನು ನೀಡುವುದು.

(3) ದೂರುದಾರ ಮಗುವಾಗಿದ್ದರೆ ಮಗು ಹೇಳುವ ಸರಳ ಭಾಷೆಯಲ್ಲಿ ವರದಿಯನ್ನು ದಾಖಲಿಸಿಕೊಳ್ಳಬೇಕು. (ಕಲಂ 19(3))

(4) ಮಗುವಿಗೆ ವಿಶೇಷ ಅಗತ್ಯಗಳಿದ್ದರೆ ಅಥವಾ ಭಾಷೆ ಗೊತ್ತಿಲ್ಲದಿದ್ದರೆ ಅನುವಾದಕರು ಮತ್ತು ವ್ಯಾಖ್ಯಾನಕಾರರ ಸಹಾಯವನ್ನು ಪಡೆಯುವುದು. (ಕಲಂ 19(4))

(5) ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಪೋಕ್ಸೋ ಮತ್ತು ಇತರೇ ಕಾಯ್ದೆಯ ಉಪಬಂಧಗಳನ್ನು ಅಳವಡಿಸಿ ತಯಾರಿಸುವುದು ಮತ್ತು ದೂರುದಾರರಿಗೆ ಉಚಿತವಾಗಿ ನೀಡುವುದು. (ಕಲಂ 4(2)(ಎ))

(6) ಪ್ರವೇಶಿಕ ಅಥವಾ ಲೈಂಗಿಕ ಹಲ್ಲೆ ಅಥವಾ ಲೈಂಗಿಕ ಕಿರುಕುಳ ಘಟನೆ ಜರುಗಿದಲ್ಲಿ ಮಗುವನ್ನು ತುರ್ತು ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆಗೆ ಕಳುಹಿಸುವುದು. (ನಿಯಮ 5 )

(7) ಮಗುವಿಗೆ ಅರೈಕೆ, ವಸತಿ ಮತ್ತು ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆ ಬೇಕಾದಲ್ಲಿ 24 ಗಂಟೆಯೊಳಗೆ ವ್ಯವಸ್ಥೆಗಳನ್ನು ಮಾಡಿ ಠಾಣಾ ದಿನಚರಿಯಲ್ಲಿ ದಾಖಲಿಸತಕ್ಕದ್ದು (ಕಲಂ 19(5))

(8) ದೂರು/ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ದಾಖಲಾಗದಿದ್ದರೂ ವೈದ್ಯಕೀಯ ಪರೀಕ್ಷೆ ಮಾಡಿಸುವುದು. (ಕಲಂ 27(1) /ಸಿಆರ್‌ಪಿಸಿ 164(ಎ))

(ಎ) ಹೆಣ್ಣು ಮಗುವಾಗಿದ್ದಲ್ಲಿ ಮಹಿಳಾ ವೈದ್ಯಕೀಯ ಪರೀಕ್ಷೆ ಮಾಡತಕ್ಕದ್ದು. (ಕಲಂ 27(2))

(ಬಿ) ಮಗುವಿನ ಪೋಷಕರು ಅಥವಾ ಮಗುವಿನ ನಂಬಿಕಸ್ತ ವ್ಯಕ್ತಿಯ ಸಮಕ್ಷಮದಲ್ಲಿ ವೈದ್ಯಕೀಯ ಪರೀಕ್ಷೆ ನಡೆಸುವುದು. (ಕಲಂ 27(3))



- (ಸಿ) ಮೇಲಿನ ವ್ಯಕ್ತಿಗಳಲ್ಲದಿದ್ದಲ್ಲಿ ಆ ಆಸ್ಪತ್ರೆಯ ವೈದ್ಯಕೀಯ ಮುಖ್ಯಸ್ಥರು ನೇಮಿಸಿದ ಮಹಿಳೆಯ ಸಮಕ್ಷಮದಲ್ಲ ವೈದ್ಯಕೀಯ ಪರೀಕ್ಷೆ ನಡೆಸುವುದು. (ಕಲಂ 27(3))
- (ಡಿ) ವಿಧಿವಿಜ್ಞಾನ ಪರೀಕ್ಷೆಗಾಗಿ ಸಂಗ್ರಹಿಸಿದ ವಿಸೇರಾಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ಕಳಿಸಿಕೊಡುವುದು. (ನಿಯಮ 4(2)(ಡಿ))

(9) ದೂರು ದಾಖಲಾದ 24 ಗಂಟೆಯೊಳಗೆ ದೂರು ದಾಖಲಾದ ಬಗ್ಗೆ ಹಾಗೂ ಮಗುವಿನ ಆರೈಕೆಯ ಬಗ್ಗೆ ತೆಗೆದುಕೊಂಡ ಕ್ರಮಗಳ ಮಾಹಿತಿಯನ್ನು ವಿಶೇಷ ನ್ಯಾಯಾಲಯ ಮತ್ತು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಗೆ ತಿಳಿಸುವುದು. (ಕಲಂ 19(6))

(10) ಸಹಾಯ ವ್ಯಕ್ತಿಯ ನೆರವು ಬೇಕಾದಲ್ಲಿ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಗೆ ಕೋರಿಕೆ ಸಲ್ಲಿಸಿ, ಸಹಾಯ ವ್ಯಕ್ತಿ ನೇಮಕವಾದ ಬಗ್ಗೆ 24 ಗಂಟೆಯೊಳಗೆ ವಿಶೇಷ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಲಿಖಿತವಾಗಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು. (ನಿಯಮ 4(7)(9))

(11) ನೇಮಕಗೊಂಡ ಹಿರಿಯಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿ/ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿ(ಸಿಡಬ್ಲ್ಯೂಓ) ಅದರಲ್ಲೂ ಸೆಬ್-ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ದರ್ಜೆಗಿಂತಲೂ ಕಡಿಮೆ ಇರದ, ಲೈಂಗಿಕ ಅಪರಾಧಗಳ ಬಗ್ಗೆ ಸೂಕ್ತ ತರಬೇತಿ ಹೊಂದಿದ ಮಹಿಳಾ ಅಧಿಕಾರಿ ಮಗುವಿನ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸಿಕೊಳ್ಳಬೇಕು. (ಕಲಂ 24(1)/ಸಿಆರ್‌ಪಿಸಿ 161)

(12) ಹೇಳಿಕೆ ದಾಖಲು ಮಾಡುವಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಖಾತ್ರಿ ಪಡಿಸಬೇಕು.

(ಎ) ಹೇಳಿಕೆಯನ್ನು ಮಗುವಿನ ಮನೆ ಅಥವಾ ಮಗುವಿಗೆ ಹಿತಕರವೆನಿಸುವ ಸ್ಥಳದಲ್ಲ ದಾಖಲಿಸುವುದು. (ಕಲಂ 24(1))

(ಬಿ) ಹೇಳಿಕೆ ದಾಖಲು ಮಾಡುವ ಅಧಿಕಾರಿ ಸಮವಸ್ತ್ರದಲ್ಲರಬಾರದು. (ಕಲಂ 24(2) )

(ಸಿ) ಹೇಳಿಕೆಯನ್ನು ದೃಶ್ಯ-ಶ್ರವ್ಯ ಮಾಧ್ಯಮದ ಮೂಲಕ ದಾಖಲಿಸುವುದು.

(ಡಿ) ಹೇಳಿಕೆಯನ್ನು ಮಗುವಿನ ಪೋಷಕರು, ಪಾಲಕರು ಅಥವಾ ಮಗು ನಂಬುವ ವ್ಯಕ್ತಿಯ ಸಮಕ್ಷಮದಲ್ಲ ದಾಖಲಿಸಬೇಕು.

(ಇ) ಮಗು ಆರೋಪಿತನ ಸಂಪರ್ಕಕ್ಕೆ ಬರದಂತೆ ತನಿಖಾಧಿಕಾರಿಯು ಎಚ್ಚರ ವಹಿಸುವುದು. (ಕಲಂ 24(3))

(ಎಫ್) ಮಗುವನ್ನು ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ರಾತ್ರಿ ವೇಳೆಯಲ್ಲಿ ಠಾಣೆಯಲ್ಲಿ ಇರಿಸಿಕೊಳ್ಳಬಾರದು. (ಕಲಂ 24(4))

(ಜಿ) ವಿಶೇಷ ನ್ಯಾಯಾಲಯದ ನಿರ್ದೇಶನವಿಲ್ಲದ ಹೊರತು ಮಗುವಿನ ವಿವರವನ್ನು ಮಾಧ್ಯಮಗಳಿಗೆ ಬಹಿರಂಗಪಡಿಸದಂತೆ ತನಿಖಾಧಿಕಾರಿಯು ರಕ್ಷಿಸಬೇಕು. (ಕಲಂ 24 (5))

(13) ಈ ಕೆಳಗಿನ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಗುವನ್ನು 24 ಗಂಟೆಯೊಳಗೆ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಯ ಮುಂದೆ ಕಾರಣಗಳ ಸಮೇತ ಹಾಜರಿಸಬೇಕು. (ನಿಯಮ 4(3))

(ಎ) ಆರೋಪಿತ ಅದೇ ಮನೆಯಲ್ಲಿ ವಾಸವಿದ್ದರೆ.

(ಬಿ) ಪೋಷಕರ ನೆರವಿಲ್ಲದೆ ಯಾವುದಾದರೂ ಸಂಸ್ಥೆಯಲ್ಲಿ ಮಗು ವಾಸವಿದ್ದರೆ.

(ಸಿ) ಮಗುವಿಗೆ ಆಶ್ರಯ ಮತ್ತು ಪೋಷಕರು ಇಲ್ಲದಿದ್ದರೆ.

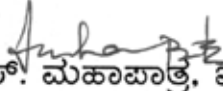
(14) ಮಗುವಿಗೆ, ಮಗುವಿನ ಪೋಷಕರಿಗೆ ಮತ್ತು ಸಹಾಯ ವ್ಯಕ್ತಿಗೆ ಈ ಕೆಳಗಿನ ಮಾಹಿತಿಯನ್ನು ನೀಡುವುದು. (ನಿಯಮ 4(12))

(ಎ) ಕೇಸಿನ ಬೆಳವಣಿಗೆ, ಆರೋಪಿಯ ದಸ್ತಗಿರಿ ಮತ್ತು ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಯ ಮಾಹಿತಿ.

(ಬಿ) ಸರ್ಕಾರಿ ಮತ್ತು ಖಾಸಗಿ ತುರ್ತು ಸೇವೆಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿ ಒದಗಿಸುವುದು.

- (ಸಿ) ತನಿಖೆ ಮತ್ತು ವಿಚಾರಣೆಯ ಹಂತಗಳ ಮಾಹಿತಿ ಒದಗಿಸುವುದು.
- (ಡಿ) ನೊಂದವರಿಗೆ ಸಿಗುವ ಪರಿಹಾರದ ಮಾಹಿತಿ.
- (ಇ) ತನಿಖೆಯ ಪ್ರಗತಿಯ ಬಗ್ಗೆ ಮಾಹಿತಿ.
- (ಎಫ್) ಅಂತಿಮ ವರದಿ ದಾಖಲಿಸಿದ ಮಾಹಿತಿ.
- (ಜಿ) ನ್ಯಾಯಾಲಯದ ವಿಚಾರಣೆಯ ದಿನಾಂಕಗಳ ಮಾಹಿತಿ.
- (ಹೆಚ್) ಆರೋಪಿತನ ಜಾಮೀನು, ಬಿಡುಗಡೆ ಮತ್ತು ಬಂಧನದಲ್ಲರುವ ಮಾಹಿತಿ.
- (ಐ) ನ್ಯಾಯಾಲಯ ನೀಡಿದ ತೀರ್ಪು ಮತ್ತು ಶಿಕ್ಷೆ ಬಗ್ಗೆ ಮಾಹಿತಿ.

(15) ಈ ಸುತ್ತೋಲೆಯನ್ನು ಆಯಾ ಘಟಕಾಧಿಕಾರಿಗಳು ತಮ್ಮ ಅಧೀನ ತಾಣಾಧಿಕಾರಿಗಳು, ನಿರೀಕ್ಷಕರು, ಉಪಾಧೀಕ್ಷಕರುಗಳಿಗೆ ವಿವರಿಸುವುದು. ಜಿಲ್ಲಾ ಮತ್ತು ನಗರ ಮಟ್ಟದಲ್ಲ ಅಧೀನ ಅಧಿಕಾರಿಗಳಿಗೆ ಈ ಕಾಯ್ದೆ ಮತ್ತು ನಿಯಮಗಳ ಬಗ್ಗೆ ತರಬೇತಿ ಆಯೋಜಿಸುವುದು.

  
(ಎಸ್. ಮಹಾಪಾತ್ರ, ಐ.ಪಿ.ಎಸ್.,)

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು,(ತರಬೇತಿ)

ಮತ್ತು ನೊಡಲ್ ಅಧಿಕಾರಿಗಳು,

ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯ.

ರವರಿಗೆ:

1. ಪೊಲೀಸ್ ಆಯುಕ್ತರು ಬೆಂಗಳೂರು, ಮೈಸೂರು. ಮಂಗಳೂರು, ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರ.
2. ಎಲ್ಲಾ ವಲಯದ ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರುಗಳಿಗೆ.
3. ಎಲ್ಲಾ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರ ಒಳಗೊಂಡಂತೆ.
4. ಎಲ್ಲಾ ಜಿಲ್ಲೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕೆ.ಜಿ.ಎಫ್ ಸೇರಿದಂತೆ.

ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ:

1. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಅಪರಾಧ & ತಾಂತ್ರಿಕ ಸೇವೆಗಳು) ಪ್ರಧಾನ ಕಛೇರಿ, ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
2. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಆಡಳಿತ) ಪ್ರಧಾನ ಕಛೇರಿ, ಬೆಂಗಳೂರು.

ಪ್ರತಿಯನ್ನು ಅಭಿನಂದನೆಗಳೊಂದಿಗೆ:

1. ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಎಂ.ಎಸ್. ಬಿಲ್ಡಿಂಗ್, ಬೆಂಗಳೂರು-01
2. ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು.

# CHILD MARRIAGE

Child marriage is an age-old practice which has both social and religious sanction and cuts across all sections of the society. Recognizing child marriage as a social evil, during the social reform movement in India a law was enacted by Lord Bentinck, prohibiting child marriages. This was the Sharada Act of 1929, which applied to all communities and to all marriages irrespective of the personal laws that were in force, and this continues to be the case even today.

More than half of the women in India are married before the legal minimum age of 18. By contrast, men in the same age group get married at a median age of 23.4 years. Sixteen percent of men age 20-49 are married by age 18 and 28 percent by age 20.

## What is a child marriage?

A marriage to which either of the contracting party is a child. (S 2 (b) of the Prohibition of Child Marriage Act, 2006)

A Child means a person who if a male has not completed 21 years of age and if female, not completed 18 years of age [S 2 (a) of the Prohibition of Child Marriage Act, 2006]

In 1978, the law was amended and the minimum age of marriage was raised by three years i.e. from 15 to 18 in case of girls and from 18 to 21 years in case of boys. The amended law came to be known as the Child Marriage Restraint Act (CMRA). However, in spite of the legislation child marriages continues to take place.

## Reasons for Child Marriage

- \* The girl child is generally considered to be a burden, and the attitude of the society has been to get her married as early as possible.
- \* Son preference leading to female foeticide adds to the woes of the girl child. It results in fall in the number of girls and hence buying of young brides, particularly in States with a skewed sex-ratio. Reports from Haryana, Punjab, Gujarat, Madhya Pradesh, Uttar Pradesh and Rajasthan are a testimony to this effect.
- \* Another reason for child marriage is the justification used by parents and the community of having to pay lower dowry in case the bride and the groom are children. This is a misconception or a harmful traditional practice, as dowry is a crime under the Dowry Prohibition Act, 1961.
- \* The safety of the girl child from sexual violence and their inability to guarantee her safety is another justification for child marriage. However, parents do not understand that child marriage actually opens the door to an endless and vicious circle of domestic violence and abuse. Marriage is also often used as the first step to trafficking for commercial sexual exploitation, forced labour or any other purpose.

## Consequences of Child Marriage

- \* Child marriage is a blatant violation of children's rights because all children have a right to care and protection regardless of their social and economic situation, and develop and grow into a complete and full individual.
- \* Child marriage denies the child the basic right to good health, nutrition, education and freedom from violence, abuse and exploitation.
- \* Early marriage means early motherhood, thereby placing both the young mother and her baby at risk. It also means frequent pregnancies and abortions. Not only does it lead to low birth weight babies, malnutrition, anaemia, increase in the rate of infant mortality and maternal mortality, but also increases the exposure to reproductive tract infections and sexually transmitted diseases, including HIV/AIDS.
- \* When the persons in the marriage are children, their body and mind are put to grave and heinous danger. Most often the child is not even aware of what really awaits her/him as a consequence. Marriage by its very institution imposes certain social responsibilities on the persons in it. It also provides the legal sanction for engaging in sexual activity and procreation. This amounts to sanction for child sexual abuse and rape.
- \* Child brides often experience a sudden decline in their social networks, leaving them with few friends and peers if any. Such social isolation pose a host of other challenges that limit their ability to promote their health, development and well-being.
- \* Early child marriage violates their right to education. Children remain illiterate and unskilled, which in turn limits their opportunities for economic employment and economic independence as an adult.
- \* Some girl children are victims of "fake marriages" after which they are trafficked for sexual exploitation.



# PROHIBITION OF CHILD MARRIAGES ACT, 2006

The Government to overcome the shortcomings of Child Marriage Restraint Act enacted the Prohibition of Child Marriages Act, 2006 (PCMA) and received the assent of the President of India on 10 January, 2007. The Act came into effect from 1 November, 2007.

The Prohibition of Child Marriage Act, 2006 (PCMA, 2006) was notified on 10 January 2007 to overcome the failure of the former legislations in effectively dealing with the problem of child marriages in India and to put in place a comprehensive mechanism. It came into force on 1 November 2007. This law overrides all provisions in the personal laws that allow for child marriages.

The age of marriage for a girl is 18 years and 21 years in the case of boys, marriage of children below this age is an offence as per the Act.

The provisions provided in the Act can be classified into three broad categories: -

## A. PREVENTION

The law seeks to prevent child marriages by making certain actions punishable and by appointing certain authorities responsible for the prevention and prohibition of child marriages. These persons are responsible for ensuring that the law is implemented. It is also the responsibility of the community to make use of the law. More specifically, under the law:

- \* The solemnization of child marriages is a cognizable and non-bailable offence.
- \* Child Marriage prohibition officers (CMPOs) are to be appointed in every State to prevent child marriages, ensure protection of the victims as well as prosecution and undertake sensitisation and awareness programmes.
- \* The Courts have the power to issue injunction for prohibiting child marriages from taking place.
- \* Child marriages will be declared null and void if the injunction prohibiting a child marriage from taking place is violated/contravened or, if the child is taken away from their lawful guardian by enticement, force or use of deceitful means or, is sold or trafficked for purpose of marriage.
- \* The law lays down penal provisions for those who solemnize child marriages.
- \* Sensitisation and awareness by CMPO and District Collector.

## B. PROTECTION

- \* Makes child marriages voidable by giving choice to the children in the marriage to seek annulment if the marriage has taken place.
- \* Provides for the maintenance and residence of the female contracting party.
- \* Provides a legal status to all children born out of child marriages and making provisions for their custody and maintenance.
- \* Provides all support and aid including medical aid, legal aid, counselling, rehabilitation support to children once they are rescued.
- \* The Child Marriage Prohibition Officer has been empowered:
  - To provide aid to children affected by child marriages.
  - To provide legal aid.
  - To produce children in need of care and protection before the Child Welfare Committee/First Class Judicial Magistrate, where there is no Child Welfare Committee.

### C. PROSECUTION OF OFFENDERS

- \* Punishment for adult male for marrying a child – Section 9.
- \* Punishment for performing, solemnisation, directing or abetting of child marriage – Section 10.
- \* Punishment for allowing, permitting marriage of a child including parents, guardians or any other person/association/organisation – Section 11.
- \* Offences under this Act are cognisable and non-bailable – Section 15.
- \* Women offenders in any of the above categories cannot be punished with imprisonment. However, they can be penalised by way of imposition of a fine.

#### **The authorities identified for prohibiting child marriage under the present law are:**

- \* Child Marriage Prohibition Officer – are responsible for reporting and preventing child marriages.
- \* District Magistrate - In case of mass marriages the District Magistrate is also deemed to have the powers of a Child Marriage Prohibition Officer and therefore has the powers to stop or prevent solemnization of child marriages.
- \* First Class Judicial Magistrate or Metropolitan Magistrate - is empowered to take suo moto cognizance of any reliable report of information of child marriage.
- \* Police – designated as Child Marriage Prohibition Office vide
- \* Family Courts
- \* Any person(s) called upon by the State Government to assist the Child Marriage Prohibition Officer. These could include - a respectable member of the locality with a record of social service, officer of the Gram Panchayat or Municipality, officer of the government or public sector undertaking, office bearer of any non-governmental organisation.

# PROCEDURES FOR HANDLING CASES OF CHILD MARRIAGE

## 1. Reporting

Any person can report an incidence of child marriage before or after it has been solemnised. A complaint can be filed by:

- \* A person who has reason to believe that a child marriage is likely to take place.
- \* School teachers, doctors, ANMs, anganwadi workers, village level workers, SHG members, village elders, neighbours etc.
- \* A parent or guardian of the child.
- \* The Child Marriage Prohibition Officer or persons appointed to assist her/him.
- \* A non-governmental organisation having reasonable information.
- \* Child Line

Register an FIR using appropriate sections of the IPC and JJ Act, 2015 as applicable. Other sections of IPC as per the complaint (e.g. illegal confinement, injury, grievous injury etc) must be added. Furnish a copy of the FIR to the informant.

## 2. Prosecuting

Arranging or solemnizing a child marriage is a cognizable offence, when a complaint is made that child marriage has taken place:

- \* Make a DD entry (an entry in the Daily Diary Register maintained at every police station)
- \* Register an FIR (First Information Report) based on such complaint.
- \* Follow procedures laid down for 'children in need of care and protection' and produce the child before the Child Welfare Committee.

## 3. Preventing

On receipt of information the SHO of the police station shall;

- \* Inform the CWO of the station.
- \* CWO with assistance of the CDPO and DCPU meet with the family of the child and ensure that the marriage is prevented.
- \* An undertaking shall be taken from parents of both the girl and boy stating that the marriage will not take place till the girl completes the age of 18 yrs.
- \* On prevention an FIR need not be filled.
- \* The CDPO and Anganwadi supervisor to follow up with the family and ensure that the marriage does not take place elsewhere.

In case of Mass Marriages, Circular detailing procedures to be followed as given in pages.

## Government of Karnataka

No.WCD 171 SWW 2011

Karnataka Government Secretariat,  
M.S. Building,  
Bangalore, Dated 16.11.2011.

### ADDENDUM

In addition to the notification No.WCD 377 SWW 2004, dated 02.05.2008 the exercise of powers conferred by Section 16(1) the "Prohibition of Child Marriage" Act of 2007 (Central Act No.6 of 2007) the Government of Karnataka hereby appoints the following officers as Child Marriage Prohibition Officers at State, District and Taluk levels:-

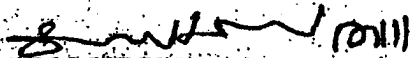
State Level	Project Director, ICPS, Department of Women and Child Development
	1) <del>Director General of Police,</del> <del>Inspector General of Police (Training), Bangalore.</del>
	2) <del>DIG Police concerned Range.</del>
	Commissioner of Public Instruction, Education Department
	State Project Director, Serva Shikshana Abhiyana
	Secretary to Government, Revenue Department
	Director, (Panchayath Raj), Rural Development and Panchayath Raj Department
	Commissioner, Health and Family Welfare Department
	Commissioner, Labour Department
	Commissioner, Social Welfare Department
	Commissioner, Backward Classes Development Department
	Director, Tribal Welfare Department
	1) <del>Superintendent of Police</del> 2) <del>Senior Child Welfare Officer of Special Juvenile Police Unit, Police Department</del>
Deputy Director of Public Instruction, Education Department	



<b>District Level</b>	<b>Chief Executive Officers, Zilla Panchayat, Rural Development and Panchayath Raj Department</b>
	<b>District Health Officer, Health and Family Welfare Department</b>
	<b>Deputy Labour Commissioner/Assistant Labour Commissioner, Labour Department</b>
	<b>District Social Welfare Officer, Social Welfare Department</b>
	<b>District Officer, Backward Classes Development Department</b>
	<b>ITDP – Project Development Officers – Tribal Welfare Department</b>
	<b>District Child Protection Officer, ICPS, Department of Women and Child Development</b>
<b>Taluk Levels</b>	<b>Protection Officer, (Domestic Violence Act), Department of Women and Child Development</b>
	<del><b>Circle Inspector, Police Department</b></del>
	<b>Executive Officer, Taluk Panchayat, Rural Development and Panchayath Raj</b>
	<b>Taluk Medical Officer, Health and Family Welfare Department</b>
	<b>Taluk Social Welfare Officer, Social Welfare Department</b>
	<b>Extention Officers – Backward Classes Development Department</b>
<b>Gram Panchayath</b>	<b>Panchayath Development Officer, Department of Rural Development and Panchayath Raj</b>
	<del><b>Jurisdiction Police Sub Inspector, Police Department</b></del>
<b>Village Level</b>	<b>Head Master, Education Department</b>
	<b>Revenue Inspectors, Revenue Department</b>

City Corporation/ Municipality	Head Master, Education Department
	Revenue Inspectors, Revenue Department
	Health Inspector, Health and Family Welfare Department
	Sr. Labour Inspector/Labour Inspector, Labour Department
	Jurisdiction Police Inspector, Police Department

By order and in the name of  
the Governor of Karnataka

  
(S.N. KRISHNAKUMAR)

Under Secretary to Government-1,  
Women and Child Development Department.

To,

The compiler, Karnataka Gazette, Bangalore – with a request to publish in the next issue of the Gazette and supply 500 copies to Under Secretary to Government, Women and Child Development Department, Room No. 115, 1<sup>st</sup> Floor, M.S. Building, Bangalore.

Copy to :

- 1) The Secretary of Government of India, Ministry of Women and Child Development, Shastri Bhavan, New Delhi.
- 2) The Registrar, High Court of Karnataka, Bangalore.
- 3) Principle Secretary to Government, Social Welfare Department, Vikasa Soudha, Bangalore.
- 4) Principle Secretary to Government, Home Department, Vidhana Soudha, Bangalore.
- 5) Principle Secretary to Government, Rural Development and Panchayath Raj, Bangalore.
- 6) Principle Secretary to Government, Revenue Department, Bangalore.
- 7) Secretary to Government, Health and Family Welfare Department.

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- 8) Secretary to Government, Primary and Secondary Education, Bangalore.
- 9) Secretary to Government, Labour Department, Bangalore.
- 10) The Director, Women and Child Development Department, Bangalore.
- 11) The Director, Department of welfare for disabled and Senior Citizen, Bangalore.
- 12) The Managing Director, Karnataka State Women's Development Corporation, Bangalore.
- 13) Secretary, Karnataka State Women Commission, Bangalore.
- 14) DIG and I.G.P. Nrupathung Road, Bangalore.
- 15) Commissioners of Police, Bangalore, Hubli-Dharwad, Mysore, Mangalore.
- 16) Commissioner, Social Welfare Department.
- 17) Commissioner, Labour Department.
- 18) Commissioner, Social Welfare Department.
- 19) Commissioner of Public Instruction, Bangalore.
- 20) Commissioner, Health and Family Welfare Department.
- 21) Director, (Panchayatha Raj) Rural Development and Panchayath Raj Department.
- 22) State Project Director, Serva Shikshana Abhiyana.
- 23) Deputy Commissioners of all districts.
- 24) Chief Executive Officers of all Zilla Panchayath.
- 25) Superintendent of Police of all districts.
- 26) Deputy Director of all districts, Department of Women and Child Development.
- 27) Deputy Director of Public Instruction of all districts.
- 28) District Health Officer of all districts.
- 29) District Labour Officer of all districts.
- 30) District Social Welfare Officers of all districts.
- 31) District Officers, District Backward Classes Deveopment Department.
- 32) Project Development Officers Tribal Welfare Department.
- 33) Tahasildars of all Taluks.
- 34) Child Development Project Officers of all taluks.
- 35) Executive officer / Taluk Medical Officer / Taluk Social Welfare Officer / Extension officer of Backward Classes / Circle Inspector of Police Department.
- 36) Section guard file.  
(Sl.No. 11 to 35 – through Director, Women & Child Development Department)



# GOVERNMENT OF KARNATAKA

No. WCD 377 SWW 2004

Karnataka Government Secretariat,  
M.S. Building,  
Bangalore, Dated: 06-02-2008.

## NOTIFICATION

In exercise of powers conferred by sub-section (1) of section 19, of the Prohibition of Child Marriage Act, 2006 (Central Act No.6 of 2007), the Government of Karnataka hereby makes the following rules, namely:-

### RULES

1. Title extent and commencement: (1) These rules may be called the Prohibition of Child Marriage (Karnataka) Rules, 2008.

(2) They shall come into force from the date of their publication in the Official gazette.

2. Definitions: In these rules, unless the context otherwise requires,

- (a) "Act" means, the Prohibition of Child Marriage Act, 2006 (Central Act No.6 of 2007)
- (b) 'Complaint' or 'petition' means any allegation made orally or in writing by any person or organization or Police to the Child Marriage Prohibition Officer.
- (c) 'Form' means a form appended to these rules.
- (d) 'Section' means a Section of the Act.

3. Information to Child Marriage Prohibition Officer: (1) Any person who has reason to believe that an act of Child marriage has been, or is being, or is likely to be committed may give information about it to the Child Marriage Prohibition Officer / District Magistrate having jurisdiction in the area either orally or in writing in Form No.- I

(2) In case the information is given to the Child Marriage Prohibition Officer under sub rule (1) orally he or she shall cause it to be reduced in writing in Form No. 1 and shall ensure that the same is signed by person, giving such information. And in case, the informant is not in a position to furnish written information, the Child Marriage Prohibition Officer will satisfy and keep a record of identity of the person giving such information.

4. Functions and duties of Child Marriage Prohibition Officer: (1) The Child Marriage Prohibition Officer shall ensure that the organizers of mass marriages shall maintain a register and a list of the proposed eligible couples to be married, and record details after verifying their photographs, birth certificate / school certificate / medical certificate in proof of age from a registered Medical Practitioner.



(2) The Child Marriage Prohibition Officer shall ensure the person/applicant to avail the benefit of legal services available under Karnataka Legal Services Authority in obtaining injunction, prohibitory orders, custody orders, maintenance orders and matters pertaining to the enforcement of the Act.

(3) The Child Marriage Prohibition Officer is empowered to move the court *suo moto* for getting interim orders like injunction, prohibitory orders, maintenance orders, custody orders and also getting suitable orders as to the residence of female contracting party to the child marriage.

(4) The Child Marriage Prohibition Officer shall maintain a directory of Non Governmental Organisations registered under Karnataka Societies Registration Act, 1960 / Companies registered under the Companies Act, 1956 or any other law for the time being in force.

(5) The Child Marriage Prohibition Officer at taluka level and at the district level shall report the statistics of the incidence of Child Marriage periodically (quarterly) as per section 16 (3) (f) of the Act to the Director, Women and Child Development in Form No.-III.

(6) It is the duty of the Child Marriage Prohibition Officer to collect evidence and assist the Court / Magistrate in effective prosecution of the cases.

(7) The Child Marriage Prohibition officer shall facilitate in getting appropriate orders from the courts for custody of the children born out of the child marriage.

(8) The Child Marriage Prohibition officer shall provide all possible assistance to stop the child marriage and to ensure the person / applicant, police help, if any, in the event of occurrence of child marriage.

(9) The Child Marriage Prohibition Officer shall create awareness and sensitize the community about the provisions of the Act and its harmful effects on the issue of child marriage.

(10) The Child Marriage Prohibition Officer shall discharge his duties with due care, decorum, privacy and in a manner to uphold the dignity and harmony of the child and the family relationship.

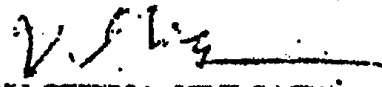
(11) The approach of the Child Marriage Prohibition Officer shall be primarily prevention of Child marriage and it shall be a remedial one. Prosecution shall be recommended or resorted to only, if all other measures and directions are found ineffective or parties fail to comply with the orders or directions within the stipulated time.

(12) The Child Marriage Prohibition Officer shall prevent the solemnization of Child Marriage by taking such action as he deems fit. While doing so he may take the assistance of the respectable members of the locality, with a record of social service

or an officer of Gram Panchayat, Municipalities or an Officer of Government or any public sector undertaking or an Office bearer of any Non Governmental Organisation as the case may be.

**5. Action to be taken in case of emergency:-** Whenever Child Marriage Prohibition Officer / person receives reliable information through e-mail, or telephonic call or the like either from any person who has reason to believe that an act of child marriage is being or is likely to be committed in such an emergency situation, the Child Marriage Prohibition Officer / person shall seek immediate assistance of the police, who shall accompany the Child Marriage Prohibition Officer to the place of occurrence, record the incident in writing and report the same to the Magistrate without any delay for seeking appropriate orders under the provisions of the Act.

By Order and in the name of the  
the President of India

  
(V. SHIVA KUMAR)

Under Secretary to Government-I  
Women and Child Development Department

**To:**

The Compiler, Karnataka Gazette, Bangalore - with a request to publish in the next issue of the Gazette and supply 500 copies to Under Secretary to Govt., Women and Child Development Department, Room No.115, 1<sup>st</sup> floor, M.S. Building, Bangalore.

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2. The Director, Women and Child Development Department, Bangalore.
3. The Director, Disabled and Senior Citizens Welfare Department, Bangalore.
4. The Managing Director, Karnataka State Women Development Corporation, Bangalore.
5. Secretary, Karnataka State Women Commission, Bangalore.
6. The Registrar, High Court of Karnataka, Bangalore - with a separate covering letter.
7. Deputy Director, Child Development Project Officer of all districts.
8. Principal Secretary to Govt. Social Welfare Department, Vikasa Soudha, Bangalore
9. Principal Secretary to Govt. Home Department, Vidhana Soudha, Bangalore.
10. D.G. and I.G.P., Nrupathunga Road, Bangalore
11. I.G.P./Commissioners of Police, Bangalore, Hubli-Dharwad, Mysore.
12. Deputy Commissioners of all districts.
13. Section Guard file/Spare copies.

**FORM - I**

**Petition to be filed by the Informer of Child Marriage**

**(See Section-13 of the Child Marriage Prohibition Act, 2006)**

**I. Details of Informer/Applicant**

- (a) Name
- (b) Father's name
- (c) Age
- (d) Address
- (e) Phone No.
- (f) Address of workplace

**II. Details of the Child Marriage proposed to be performed in**

- (a) Place
- (b) Date
- (c) Whether the child marriage proposed to be performed is in -
  - (i) Mass Marriage
  - (ii) Temple
  - (iii) Institution / Organisation
  - (iv) Individually

**III. Jurisdictional Police Stations where the Child Marriage is proposed**

- a) Name of the police station
- b) Phone No.
- c) E-mail address
- d) Fax No.

**IV. Purpose of the information to the Child Marriage Prohibition Officer**

**Name:**

**Signature**

**Place:**

**FORM II**

**(Section-13 of the Child Marriage Prohibition Act, 2006)**

**IN THE COURT OF .....AT.....**

**(Affidavit in support of the Applicant/Petitioner/Guardian)**

**Between**

**Sri/Smt.....**

**(Address)**

**Complainant /  
Petitioner /  
Applicant**

**And**

**Sri/Smt.....**

**(Address)**

**Respondent**

**A F F I D A V I T**

**I..... S/o., D/o, W/o.....**

**Aged about..... years residing at**

**(address).....do hereby solemnly affirm and state on oath as follows:**

- 1. I am the applicant / petitioner/ guardian in the above case and I am well conversant with the facts of the case.**
- 2. I am one of the members of ..... (mention the name of the Institution).**
- 3. I am the natural guardian /Guardian of the..... and I am competent to swear the affidavit.**
- 4. I do swear that what have been stated in paras I to IV of Form No. I of the annexed application / petition / complaint are true to the best of my knowledge, information and belief.**

**Identified by me**

**Deponent**

**Advocate**

**Sworn to before me**

**Bangalore**

**Date:**



Note: Strike off the above paragraph which is not applicable. Affidavit for obtaining ex-party orders of Magistrate. Every Affidavit for obtaining ex-party order under section 13 shall be supported by Form No. II

**FORM III**

**Quarterly Report regarding the Statistics of the incidence of  
Child Marriage**

(See clause (f) of sub-section-(3) of section 16 of the Child Marriage Prohibition Act, 2006)

Sl No.	Name of the dist.	Place & date of Child Marriage performed	Name of person/ Organisation who perform the mass marriage	No. of Child Marriage identified in mass marriage	No. of Child Marriage identified in individual marriage	Total no. of Child Marriage prohibited (5+6)	No. of cases registered in court	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

By Order and in the name of the  
the President of India.

  
(V.SHIVA KUMAR)

Under Secretary to Government-1  
Women and Child Development Department



**ಕರ್ನಾಟಕ ಸರ್ಕಾರ**

ಪತ್ರ ಸಂಖ್ಯೆ:ಆರ್‌ಡಿ 54 ದಿಎಸ್‌ಪಿ 2011

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,  
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:-18-08-2011

**ಸೂಚನೆ**

- ವಿಷಯ: ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಆಯೋಜಿಸುವ ವಿಧಿವಿಧಾನಗಳ ಬಗ್ಗೆ
- ಉಲ್ಲೇಖ: 1) ಬಾಲ್ಯ ವಿವಾಹಗಳನ್ನು ತಡೆಗಟ್ಟುವ ಬಗ್ಗೆ ಡಾ|| ಶಿವರಾಜ್ ವಿ. ಪಾಟೀಲ್ ಭಾರತದ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ನಿವೃತ್ತ ನ್ಯಾಯಾದೀಶರ ವರದಿ  
2) ದಿನಾಂಕ 14.07.2011 ರಂದು ವೃಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಕಂದಾಯ ಇಲಾಖೆ ಇವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಸಭೆಯ ನಡವಳಿ

\*\*\*\*

ಸಾಮೂಹಿಕ ವಿವಾಹಗಳು ಇತ್ತೀಚಿನ ದಿನಗಳಲ್ಲಿ ಜನಪ್ರಿಯಗೊಳ್ಳುತ್ತಿದ್ದು, ಇದು ವಿವಾಹದ ಹೆಸರಿನಲ್ಲಿ ದುಂದುವೆಚ್ಚಗಳ ಮೇಲೆ ಕಡಿವಾಣ ಹಾಕುವುದರೊಂದಿಗೆ ಸರಳ ವಿವಾಹಗಳಿಗೆ ಪ್ರೋತ್ಸಾಹ ಮಾಡುತ್ತದೆ. ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಖಾಸಗಿ ವ್ಯಕ್ತಿಗಳು, ಸಂಘಟನೆಗಳು, ದೇವಸ್ಥಾನಗಳು, ಟ್ರಸ್ಟ್‌ಗಳು ಇತ್ಯಾದಿ ಸಂಘಸಂಸ್ಥೆಗಳು ಆಯೋಜಿಸುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಸಮರ್ಪಕವಾಗಿ, ಸಾರ್ವಜನಿಕರಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಆಯೋಜಿಸುವ ಹಾಗೂ ಸಾಮೂಹಿಕ ವಿವಾಹಗಳಲ್ಲಿ ಬಾಲ್ಯ ವಿವಾಹದಂತಹ ಅನಿಷ್ಟ ಪದ್ಧತಿಗಳನ್ನು ತಡೆಗಟ್ಟುವ ದೃಷ್ಟಿಯಿಂದ ಈ ಕೆಳಕಂಡ ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

**ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಆಯೋಜಿಸುವ ಕುರಿತು ಮಾರ್ಗಸೂಚಿಗಳು:**

- I. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಆಯೋಜಕರು ಕಡ್ಡಾಯವಾಗಿ ತಮ್ಮ ಸಂಸ್ಥೆಗಳನ್ನು ನೋಂದಣಿ ಮಾಡಿಸುವ ಬಗ್ಗೆ.
1. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಆಯೋಜಿಸುವ ಖಾಸಗಿ ಟ್ರಸ್ಟ್‌ಗಳು, ದೇವಸ್ಥಾನದ ಟ್ರಸ್ಟ್‌ಗಳು ಸಂಘಗಳು, ಸೊಸೈಟಿಗಳು ಮತ್ತು ಖಾಸಗಿ ವ್ಯಕ್ತಿಗಳು ಇತ್ಯಾದಿ ಜಿಲ್ಲಾ ನೋಂದಣಿ ಕಛೇರಿಯಲ್ಲಿ ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಆಯೋಜಕರೆಂದು ಕಡ್ಡಾಯವಾಗಿ ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದು.
  2. ಒಂದು ಬಾರಿ ನೋಂದಾಯಿಸಿದ ನಂತರ, ಪ್ರತಿ ಐದು ವರ್ಷಕ್ಕೊಮ್ಮೆ ನೋಂದಣಿಯನ್ನು ನವೀಕರಿಸತಕ್ಕದ್ದು.
  3. ಆಯೋಜಕರು ಜಿಲ್ಲಾ ನೋಂದಣಾಧಿಕಾರಿಗಳ ಬಳಿ ನೋಂದಾಯಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಕೆಳಕಂಡ ದಾಸ್ತಾವೇಜುಗಳನ್ನು ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
    - i) ಆಯೋಜಕರ ಹೆಸರು, ವಿಳಾಸ ಹಾಗೂ ವಿಳಾಸದ ಪ್ರಮಾಣ ಪತ್ರ
    - ii) ಟ್ರಸ್ಟ್ ಅಥವಾ ಸೊಸೈಟಿ ಆಗಿದ್ದಲ್ಲಿ ಅದರ ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರ
    - iii) ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮದ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವುದೇ ಬಾಲ್ಯ ವಿವಾಹಗಳು ನಡೆಯುವುದಿಲ್ಲ ಹಾಗೂ ನಡೆಯಲು ಅವಕಾಶಕೊಡುವುದಿಲ್ಲ ಎಂದು ಪ್ರಮಾಣ ಪತ್ರ.

4. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಆಯೋಜಕರು ನೋಂದಾಯಿಸಿದ ಪಟ್ಟದಲ್ಲಿ ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಸಂಘಟಿಸಬಾರದು.
5. ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮದ ಮೊದಲೆ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಆಯೋಜಿಸಲು ಅನುಮತಿ ಪಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
6. ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಬಾಲ್ಯ ವಿವಾಹಗಳು ನಡೆದ ಬಗ್ಗೆ ಮಾಹಿತಿ ದೊರಕ ಪಟ್ಟಲ್ಲಿ ಮೊದಲೆ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ತಕ್ಷಣವೇ ರದ್ದುಗೊಳಿಸುವ ಅಧಿಕಾರ ಮೊದಲನೆಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಇರುತ್ತದೆ.

**II ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಆಯೋಜಿಸಲು ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಅನುಮತಿ ಪಡೆಯುವ ಬಗ್ಗೆ**  
 ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ಆಯೋಜಿಸಲು ಸಂಬಂಧಪಟ್ಟ ಕಾಲಕ್ಷುಕಿತ ತಹಸೀಲ್ದಾರರಿಗೆ ಸಾಮೂಹಿಕ ವಿವಾಹಗಳನ್ನು ನಡೆಸಲು ಅನುಮತಿ ಕೊಡಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕದ್ದು. ಅರ್ಜಿಯ ಜೊತೆ ಕೆಳಕಂಡ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸತಕ್ಕದ್ದು:

- i. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ವಧು ಮತ್ತು ವರನ ಪ್ರತ್ಯೇಕ ಭಾವಚಿತ್ರ ಲಗತ್ತಿಸತಕ್ಕದ್ದು.
- ii. ವಯಸ್ಸಿನ ದೃಢೀಕರಣ ಪತ್ರ - ಜನನ ಪ್ರಮಾಣ ಪತ್ರ ಅಥವಾ ಶಾಲಾ ಪ್ರಮಾಣ ಪತ್ರ ಅಥವಾ ಸಂಬಂಧ ಪಟ್ಟ ಸರ್ಕಾರಿ ವೈದ್ಯಕೀಯ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ವಯಸ್ಸಿನ ಪ್ರಮಾಣ ಪತ್ರ ಪಡೆಯತಕ್ಕದ್ದು (ವಯಸ್ಸಿನ ದೃಢೀಕರಣ ಪತ್ರದ ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ಅನುಬಂಧದಲ್ಲಿ ಲಗತ್ತಿಸಿದೆ)
- iii. ವಾಸ ಸ್ಥಳ ಪ್ರಮಾಣ ಪತ್ರ - ಪಡಿತರ ಚೀಟಿ, ಚುನಾವಣಾ ಗುರುತಿನ ಪತ್ರ ಪಾಸ್ ಪೋರ್ಟ್ ಅಥವಾ ಡ್ರೈವಿಂಗ್ ಲೈಸೆನ್ಸ್
- iv. ವಧು ಮತ್ತು ವರನ ಪೋಷಕ / ತಂದೆ /ತಾಯಿ ಯರಿಂದ ವಧು ಮತ್ತು ವರರಿಗೆ ವಿವಾಹಯೋಗ್ಯ ವಯಸ್ಸಾಗಿರುತ್ತದೆ ಎಂಬ ದೃಢೀಕರಣ ಪತ್ರ ಮತ್ತು ವಧು / ವರನ ಒಪ್ಪಿಗೆ.

**III ಅರ್ಜಿಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಕಾಲಕ್ಷುಕಿತ ತಹಸೀಲ್ದಾರರಿಗೆ ಸಲ್ಲಿಸುವ ಕಾಲಮಿತಿ.**

( ಸಾಮೂಹಿಕ ವಿವಾಹಗಳ ಆಯೋಜಕರು, ಅರ್ಜಿಗಳನ್ನು ವಿಗದಿತ ಕಾಲಮಿತಿಯೊಳಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾಲಕ್ಷುಕಿತ ತಹಸೀಲ್ದಾರರಿಗೆ ಪರಿಶೀಲನೆಗಾಗಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

1. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ಜೋಡಿಗಳ ಸಂಖ್ಯೆ 100 ಕ್ಕಿಂತ ಕಡಿಮೆ ಇದ್ದರೆ ವಿವಾಹ ದಿನಾಂಕಕ್ಕೆ 20 ದಿನಗಳ ಮುಂಚಿತವಾಗಿ ತಿಳಿಸಬೇಕು.
2. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ಜೋಡಿಗಳ ಸಂಖ್ಯೆ 200 ಕ್ಕಿಂತ ಕಡಿಮೆ ಇದ್ದರೆ ವಿವಾಹ ದಿನಾಂಕಕ್ಕೆ 40 ದಿನಗಳ ಮುಂಚಿತವಾಗಿ ತಿಳಿಸಬೇಕು.
3. ಸಾಮೂಹಿಕ ವಿವಾಹಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ಜೋಡಿಗಳ ಸಂಖ್ಯೆ 200ಕ್ಕೆ ಮೇಲ್ಪಟ್ಟಿದ್ದರೆ ವಿವಾಹ ದಿನಾಂಕಕ್ಕೆ 60 ದಿನಗಳ ಮುಂಚಿತವಾಗಿ ತಿಳಿಸಬೇಕು.
4. ಯಾವುದೇ ಕಾರಣಕ್ಕೆ ವಿಗದಿತ ಕಾಲ ಮಿತಿಯೊಳಗೆ ಸಲ್ಲಿಸದ ಅರ್ಜಿಗಳನ್ನು ಸ್ವೀಕರಿಸಬಾರದು.

3/11/2017  
 ಸ್ವೀಕೃತಿ ಪತ್ರ



IV. ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸುವ ಬಗ್ಗೆ : ತಾಲ್ಲೂಕಿನ ತಾಹಸೀಲ್ದಾರರು ಅರ್ಜಿಗಳನ್ನು ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಬಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧ ಅಧಿಕಾರಿಗಳು / ನೌಕರರ ಸಹಾಯದೊಂದಿಗೆ ಪರಿಶೀಲಿಸತಕ್ಕದ್ದು.

V. ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮಕ್ಕೆ ನೀಡಿರುವ ಪತ್ರವೊಂದಿಗೆ ಪರಿಶೀಲಿಸಿದ ಅರ್ಜಿಗಳ ಪಟ್ಟಿ ಹಾಗೂ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮದ ದಿನಾಂಕ, ಸ್ಥಳ ಮತ್ತು ಸದರಿ ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ವಿವಾಹವಾಗುವ ಜೋಡಿಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ಅವರುಗಳ ವಿವರಗಳನ್ನು ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮ ನಡೆಯುವ ಸ್ಥಳದಲ್ಲಿ ಅಭ್ಯವಿರುವಂತೆ ಸಂಬಂಧಪಟ್ಟ ಮಕ್ಕಳ ಕರ್ತೃಗಳ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು.

VI. ಪರಿಶೀಲಿಸಿದ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರಿಲ್ಲದೇ ಇರುವಂತಹ ಯಾವುದೇ ಜೋಡಿಗಳ ವಿವಾಹವನ್ನು ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ನಡೆಸತಕ್ಕದ್ದಲ್ಲ.

VII. ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವ ವಧುವಿನ ವಯಸ್ಸು 18 ವರ್ಷಕ್ಕಿಂತ ಕಡಿಮೆ ಹಾಗೂ ವರನ ವಯಸ್ಸು 21 ವರ್ಷ ವಯಸ್ಸಿಗಿಂತ ಕಡಿಮೆ ಇರತಕ್ಕದ್ದಲ್ಲ. ವಧು/ವರನ ನಿಗದಿತ ವಯಸ್ಸಿಗಿಂತ ಕಡಿಮೆ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅಥವಾ ವದು / ವರ ಈಗಾಗಲೇ ಮದುವೆಯಾಗಿರುವರೆಂದು ಸಂಶಯಬಂದಲ್ಲಿ ಅಂತಹ ಅರ್ಜಿಗಳನ್ನು ತಿರಸ್ಕರಿಸತಕ್ಕದ್ದು ಮತ್ತು ವಿಷಯವನ್ನು ಸಾಮೂಹಿಕ ವಿವಾಹ ಆಯೋಜಕರ ಗಮನಕ್ಕೆ ತರತಕ್ಕದ್ದು.

VIII. ಸಾರ್ವಜನಿಕ ವಿವಾಹ ಆಯೋಜಕರು ವಿವಾಹ ನಡೆಯುವ ಸ್ಥಳದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ವಿವಾಹ ನಡೆಯುವ ಸ್ಥಳದಲ್ಲಿ ಬಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧಕ್ಕೊಳಪಟ್ಟಿದೆ ಹಾಗೂ ಬಾಲ್ಯ ವಿವಾಹವು ಶಿಕ್ಷಾರ್ಹವಾದ ಅಪರಾಧವಾಗಿದೆ ಎಂಬ ಪ್ರಚಾರ ಫಲಕಗಳನ್ನು ಜಾಹಿರಾತು ಮಾಡತಕ್ಕದ್ದು.

IX. ಶಿಶು ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ನಿರೀಕ್ಷಕರು ಕಡ್ಡಾಯವಾಗಿ ಸಾರ್ವಜನಿಕ ವಿವಾಹ ನಡೆಯುವ ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿರತಕ್ಕದ್ದು ಮತ್ತು ಬಾಲ್ಯ ವಿವಾಹಗಳು ಯಾವುದೇ ಕಾರಣಕ್ಕೆ ನಡೆಯದಂತೆ ನೋಡಿಕೊಳ್ಳತಕ್ಕದ್ದು.

X. ಸಾಮೂಹಿಕ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮದ ವಿಡಿಯೋ ಚಿತ್ರೀಕರಣ ಹಾಗೂ ಫೋಟೋಗಳನ್ನು (ಸ್ಥಿರ ಚಿತ್ರಗಳನ್ನು) ಭಾವಚಿತ್ರಗಳನ್ನು ಆಯೋಜಕರು ಸಂಬಂಧಪಟ್ಟ ತಾಲ್ಲೂಕು ಶಿಶು ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳಿಗೆ ವಿವಾಹ ಕಾರ್ಯಕ್ರಮ ನಡೆದ ಒಂದು ವಾರದೊಳಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

XI. ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸುತ್ತಿರುವ / ಪರಿಶೀಲಿಸಿದ ಅಧಿಕಾರಿಗಳ / ಪ್ರಾಧಿಕಾರಿಗಳ ಮೇಲೆ ಯಾವುದೇ ರೀತಿಯ ಒತ್ತಡವನ್ನು ತಂದಲ್ಲಿ ಸೂಕ್ತ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಅವಕಾಶವಿರುತ್ತದೆ.

XII. ವಧು / ವರನ ವಯಸ್ಸು ನಿಗದಿಪಡಿಸಿದ ಯೋಗ್ಯ ವಿವಾಹ ವಯಸ್ಸಿಗಿಂತ ಕಡಿಮೆ ಇದ್ದಲ್ಲಿ ಬಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧ ಅಧಿಕಾರಿಗಳು ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ವಿವಾಹ ಆಯೋಜಕರ ಮೇಲೆ ಸಂಬಂಧಪಟ್ಟ ಆರಕ್ಷಕ ಠಾಣೆಯಲ್ಲಿ ಎಫ್.ಐ.ಆರ್ ದಾಖಲಿಸುವ ಅವಕಾಶವಿರುತ್ತದೆ. *ನೀಲು ಶ್ರೀಮತಿ ಗಿ.ಸಿ.ಸಿ.ಸಿ.*



XIII. (ಸಾರ್ವಜನಿಕ ವಿವಾಹ ಕಾರ್ಯ ನಡೆದ ಪ್ರತಿಯೊಂದು ಜೋಡಿಯ ವಿವಾಹವನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಕನಿಷ್ಠ ಒಂದು ವಿವಾಹ (ನೋಂದಣಿ ಮತ್ತು ಇತರೆ) ಅಧಿನಿಯಮ, 1976 ಮತ್ತು ನಿಯಮಾವಳಿಗಳು 2006 ರಂತೆ ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದು. ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ಆರ್‌ಡಿ 54 ರಿಎಸ್‌ಪಿ 2011 ದಿನಾಂಕ 25.07.2011 ರಂತೆ ಸಂಬಂಧಪಟ್ಟ ಗ್ರಾಮ ರಕ್ಷಾಧಿಕಾರಿಗಳು ವಿವಾಹ ನೋಂದಣಿ ಅಧಿಕಾರಿಗಳಾಗಿ ತಮ್ಮ ಕಾರ್ಯ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಗ್ರಾಮ/ನಾರ್ಡ್‌ಗಳಲ್ಲಿ ವಿವಾಹ ನೋಂದಣಿ ಅಧಿಕಾರಿಯಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸ ಬಯಸುತ್ತಿರುವುದು. ಆದರಂತೆ, ವಿವಾಹ ನೋಂದಣಿ ಅಧಿಕಾರಿಗಳು ವಿವಾಹ ನಡೆಯುವ ಕಾರ್ಯಕ್ರಮ ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿದ್ದು ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದು. ಕಾರಣಾಂತರಗಳಿಂದ ಕೆಲವು ವಿವಾಹಗಳನ್ನು ನೋಂದಣಿ ಮಾಡಲು ಸಾಧ್ಯವಾಗದಿದ್ದಲ್ಲಿ ಅಂತಹ ವಿವಾಹಗಳನ್ನು ವಿವಾಹ ನಡೆದ ಒಂದು ತಿಂಗಳೊಳಗಾಗಿ ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದು. ಮೋಜಕರು / ಆಯೋಜಕರು ವಿವಾಹಗಳನ್ನು ನೋಂದಾಯಿಸಲು ಜವಾಬ್ದಾರರಾಗಿರುತ್ತಾರೆ.

ವ್ಯಾಜಿ ಪ್ರತಿ

XIV. ಶುರು 60 ವ್ಯಕ್ತಿಗಳಿಗಿಂತ ಹೆಚ್ಚಿನವರು  
ಶಿಕ್ಷಣ ಅಭಿವೃದ್ಧಿ / ಪ್ರಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧ ಅಧಿಕಾರಿಗಳು ಸಾಮೂಹಿಕ ವಿವಾಹಗಳು ನಡೆದ ಬಗ್ಗೆ ಪ್ರತಿ ತಿಂಗಳು ವರದಿಯನ್ನು ಸಂಬಂಧ ಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಉಪ ವಿಭಾಗ ಅಧಿಕಾರಿಗಳು / ಉಪ ನಿರ್ದೇಶಕರು ಮಹಿಳಾ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಇಲಾಖೆ / ತಹಸೀಲ್ದಾರರಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

( ಕೆ. ಎಸ್. ಪ್ರಭಾಕರ್ )  
ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು,  
ಕಂದಾಯ ಇಲಾಖೆ.

ಪ್ರತಿಯನ್ನು:-

- 1) ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
- 2) ಸರ್ಕಾರದ ಎಲ್ಲಾ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು / ಕಾರ್ಯದರ್ಶಿಗಳು, ಬೆಂಗಳೂರು
- 3) ಎಲ್ಲಾ ಪ್ರಾದೇಶಿಕ ಆಯುಕ್ತರು.
- 4) ಎಲ್ಲಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು.
- 5) ಎಲ್ಲಾ ಉಪವಿಭಾಗಧಿಕಾರಿಗಳು/ತಹಸೀಲ್ದಾರರುಗಳು/ಉಪತಹಸೀಲ್ದಾರರುಗಳಿಗೆ.
- 6) ಹೆಚ್ಚುವರಿ ಪ್ರತಿ ಮತ್ತು ರಕ್ಷಾ ಕಡತ.

ವಯಸ್ಸಿನ ದೃಢೀಕರಣವನ್ನು ಸಲ್ಲಿಸುವ ಬಗ್ಗೆ ನಿಯಮಾವಳಿ

1. ವಧು / ವರರು ವಿವಾಹ ಯೋಗ್ಯ ವಯಸ್ಸಿನವರೆಂದು ಸಾಬೀತುಪಡಿಸುವ ದಾಸ್ತಾವೇಜುಗಳಿಗೆ ಕೆಳಕಂಡಂತೆ ಆದ್ಯತೆ ನೀಡತಕ್ಕದ್ದು :

- i. ಜನನ ಪ್ರಮಾಣ ಪತ್ರ
- ii. ಜನನ ಪ್ರಮಾಣ ಪತ್ರ ಲಭ್ಯವಿಲ್ಲದ ವ್ಯಕ್ತದಲ್ಲಿ -  
ಶಾಲಾ ದಾಖಲಾತಿ ರಿಜಿಸ್ಟರ್ ನಕಲು / ಶಾಲಾ ವರ್ಗಾವಣೆ ಪತ್ರ / ದೃಢೀಕೃತ  
ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ ಅಂಕ ಪಟ್ಟಿ

iii. ಮೇಲೆ ತಿಳಿಸಿದ ದಾಸ್ತಾವೇಜುಗಳು ಲಭ್ಯವಿಲ್ಲದ ವ್ಯಕ್ತದಲ್ಲಿ ವಯಸ್ಸಿನ ದೃಢೀಕರಣವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸರ್ಕಾರಿ ವೈದ್ಯಕೀಯ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಪಡೆದ ಮೋಷಕರ ಹೇಳಿಕೆಯಂತೆ (ತಮ್ಮ ಮಗ / ಮಗಳನ್ನು ) ಶಾಲೆಗೆ ದಾಖಲಿಸಿರುವುದಿಲ್ಲ ಎಂಬ ಹೇಳಿಕೆಯೊಂದಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

2. ಮೇಲೆ ತಿಳಿಸಿದ ದಾಸ್ತಾವೇಜುಗಳಲ್ಲದೇ ಬೇರೆ ಯಾವುದೇ ಅಧಿಕಾರಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳಿಂದ ಪಡೆದ ವಯಸ್ಸಿನ ದೃಢೀಕರಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸತಕ್ಕದ್ದಲ್ಲ. ವಯಸ್ಸಿನ ದೃಢೀಕರಣ ಪತ್ರವನ್ನು ನಿಗದಿತ ನಮೂನೆಯಲ್ಲಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು. ಅನುಮಾನಾಸ್ಪದ ಪ್ರಕರಣಗಳಲ್ಲಿ ವೈದ್ಯಕೀಯ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯತಕ್ಕದ್ದು.

3. ವೈದ್ಯಾಧಿಕಾರಿಗಳಿಂದ ನಿಗದಿತ ನಮೂನೆಯಲ್ಲಿ ವಯಸ್ಸಿನ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯತಕ್ಕದ್ದು ಹಾಗೂ ಕೆಳಕಂಡ ದಾಸ್ತಾವೇಜುಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು:

ವಧು / ವರನ ಬಾವಚಿತ್ರ, ಸಹಿ / ಹೆಚ್ಚಿಟ್ಟಿನ ಗುರುತು,  
ತಂದೆ ಹಾಗೂ ತಾಯಿ / ಮೋಷಕರ ಹೆಸರು,  
ತಂದೆ ಹಾಗೂ ತಾಯಿ / ಮೋಷಕರ ಸಹಿ / ಹೆಚ್ಚಿಟ್ಟಿನ ಗುರುತು.  
ಮನೆ ವಿಳಾಸ.

ದೃಢೀಕೃತ ಸರ್ಕಾರಿ ವೈದ್ಯಾಧಿಕಾರಿಗಳ ಹೆಸರು, ಹುದ್ದೆ, ಸಹಿ ಹಾಗೂ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಸಂಖ್ಯೆ

# CHILD LABOUR

The term child labour, suggests ILO, is best defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school or experience a healthy childhood.

The practice deprives children of their childhood, and is harmful to their physical and mental development. Poverty, lack of good schools and growth of informal economy are considered as the important causes of child labour in India. The 1998 national census of India estimated the total number of child labour, aged 4–15, to be at 12.6 million, out of a total child population of 253 million in 5-14 age group. A 2009-2010 nationwide survey found child labour prevalence had reduced to 4.98 million children (or less than 2% of children in 5-14 age group). The 2011 national census of India found the total number of child labour, aged 5–14, to be at 4.35 million, and the total child population to be 259.64 million in that age group.

Indian law specifically defines 64 industries as hazardous and it is a criminal offence to employ children in such hazardous industries. In 2001, an estimated 1% of all child workers, or about 120,000 children in India were in a hazardous job. Notably, Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a Fundamental Right under Article 24.

In India both the central and state governments can and have legislated on child labour. The major national legislative developments include the following:

**The Factories Act of 1948:** The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

**The Mines Act of 1952:** The Act prohibits the employment of children below 18 years of age in a mine.

**The Child Labour (Prohibition and Regulation) Act of 1986:** The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, 2008, and again in 2010.

**The Juvenile Justice (Care and Protection) of Children Act of 2000:** This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage.

**The Right of Children to Free and Compulsory Education Act of 2009:** The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. This legal and development initiative continues, with a current central government funding of billion, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India.

# CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

The Child Labour [Prohibition and Regulation] Act 1986 was enacted to prohibit the engagement of children in certain employments, and to regulate their conditions of work in certain other employments.

This Act is based on Article 24 of the Constitution under which no child below the age of 14 years is to be employed in any factory or mine or engaged in any other hazardous employment. Under this Act, a child means a person who has not completed 14 years of age.

This Act contains a Schedule with two parts, i.e. Part A and Part B. Part A contains a list of occupations such as transport of passengers or goods or mail by railway, cinder picking, etc. Part B contains a list of processes such as bidi-making, carpet-weaving, manufacture of matches, explosives and fireworks, etc. No child is to be employed in any of the occupations and processes listed in the Schedule.

The Central Government has the powers to add any occupation or process to the Schedule in consultation with the Child Labour Technical Advisory Committee. In 2010, domestic work, hotels and dabhas were added to this list.

The government is to employ Inspectors to ensure compliance with this Act. This Act contains provisions to regulate the conditions of work in those occupations or processes in which child labour can be employed, e.g. a child should not be made to work between 7.00 p.m. and 8.00 a.m., nor should a child be made to work overtime, nor should a child be made to work for a period exceeding six hours a day.

Any person who employs a child in any occupation or process mentioned in the Schedule or who does not comply with the provisions of this Act, is to be punished with imprisonment or fine or both.

Any person, police officer or Inspector may file a complaint in respect of non-compliance of the provisions of this Act before the Metropolitan Magistrate or a Magistrate of the First Class.

The Supreme Court directed:-

- (a) The offending employer to pay compensation of Rs. 20,000/- for every child employed in contravention of the provisions of the Child Labour (Prohibition and Regulation) Act.
- (b) This sum to be deposited in a fund known as Child Labour Rehabilitation-cum-Welfare Fund. Such fund is to be established district wise.
- (c) Inspectors appointed under the Act to secure compliance of the payment.
- (d) An adult member of the family to be provided by the State Government with a job. If State Government is unable to provide a job to an adult member of the family, the State Government to contribute Rs. 5,000/- to the Child Labour Rehabilitation-cum-Welfare Fund.
- (e) The liability of the employer does not cease even if he desires to disengage the child presently employed.
- (f) On discontinuation of employment, the child to be assured an education in a suitable institution.



# PROCEDURES FOR HANDLING CASES OF CHILD LABOUR

## 1. Reporting

Any person can report an incidence of child labour. A complaint can be filed by:

- \* Persons designated as Sec. 17 Officers under the Child Labour (Prohibition & Regulation Act)
- \* A parent or guardian of the child.
- \* A non-governmental organisation having reasonable information.
- \* Child Line

When a child below the age of 14 years is employed in any of the 18 occupations or 65 processes prohibited as per the Act

Or

When a child above the age of 14 years employed is being/has been abused

Or

When a child/or group of children have been trafficked for labour

## 2. Prosecuting

- \* Make a DD entry (an entry in the Daily Diary Register maintained at every police station)
- \* Register an FIR (First Information Report) based on such complaint using sections of IPC and JJA, 2015.
- \* Employing a child below the age of 14 yrs is a punishable offence as per the Child Labour (Prohibition and Regulation) Act of 1986 as per Sec. 14. The punishment is imprisonment of 3 months to 1 year or fine of minimum Rs.10,000/- to maximum Rs.20,000/- or both
- \* The Karnataka shops and Commercial Establishments Act, 1961 – Sec. 24, prohibits the employment of child labour. The offence is punishable with imprisonment for a term of minimum 3 months and maximum of 6 months, fine of minimum Rs.10,000/- and maximum of Rs.20,000/- or both
- \* Book the middle men or the agents under Sec. 370 IPC
- \* Cease the vehicles used for transporting children for labour and book them under Motor Vehicle Act – passengers exceeding number permitted.
- \* Follow procedures laid down for ‘children in need of care and protection’ and produce the child before the Child Welfare Committee.

## 3. Prevention

- \* Organise Convergent Enforcement drives against offenders employing children in prohibited hazardous work.
- \* Organise ‘Open House’ and Community Program – SO920 to create awareness on the issue.

# GOVERNMENT OF KARNATAKA

No. HD 69 PCC 2008

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated:02.08.2008.

## NOTIFICATION

In exercise of the powers conferred by sub-section(1) of section 13 of the Immoral Traffic(Prevention) Act, 1956(Central Act 104 of 1956) read with section 21 of the General Clauses Act, 1897(Central Act X of 1897) and in supersession of all the notifications issued earlier in this behalf, the Government of Karnataka here by appoints the officers mentioned in Column(2) of the schedule below as Special Police Officer in respect of the areas specified in the corresponding entries within the jurisdiction mentioned in column(3) for the purpose of the said Act.

### SCHEDULE

Sl.No.	Officers	Area
1	Superintendents of Police, Incharge of the Districts.	Within their respective jurisdiction.
2	Additional Superintendents of Police.	Within their respective jurisdiction.
3	Sub-Divisional Police Officers	Within their respective jurisdiction.
4	Inspector of Police, Incharge of Circles	Within their respective jurisdiction.
5	Deputy Commissioners of Police, Law and Order, East, West and DCP Crime in Bangalore City.	Within their respective jurisdiction.
6	Assistant Commissioners of Police of divisions in Bangalore City.	Within their respective jurisdiction.
7	Assistant Commissioners of Police, Special squad, Bangalore City.	Within their respective jurisdiction.
8	Police Inspectors Incharge of Sub-Divisions in Bangalore City.	Within their respective jurisdiction.
9	Police Inspectors, Special Squad, Bangalore City.	Within their respective jurisdiction.

10	The Deputy Superintendents of Police of C.A. Squad, C.O.D.	Within the State of Karnataka.
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By order and in the name of the  
Governor of Karnataka,

*[Signature]*  
(D.P. HULIKERI)  
Under Secretary to Government (I/c),  
Home Department (Crimes).

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of Extra-ordinary Gazette and supply 100 copies to the undersigned.

Copy to:

1. The Director General and Inspector General of Police, Nrupatunga Road, Bangalore.
2. The Director General of Police, COD, Trg. Special Units and Economic Offences, Palace Road, Bangalore-01.
3. The Commissioner of Police, Bangalore City, Bangalore.
4. All the Police-Superintendents of the District in the State.
5. All the Additional Superintendents of Police in the State.
6. The Deputy Commissioner of Police, Law and Order, East and West of Bangalore City.
7. The Deputy Commissioner of Police, Crime, Bangalore City.
8. The Assistant Commissioner of Police of all divisions in Bangalore City.
9. The Assistant Commissioner of Police, Special Squad, Bangalore City, Bangalore.
10. The Deputy Superintendents of Police, CA Squad, COD, Carlton House, Bangalore.
11. The Sub divisional Police Officers in the State.
12. The Inspector of Police, Incharge of Circles.
13. The Police Inspectors Incharge of Sub-divisions in Bangalore City.
14. The Police Inspectors, Special Squad, Bangalore City.
15. Guard File/Spare Copies.





**Child Labour and Bonded Labour are still realities in India today.** According to the Child Labor Act, employment of any child below the age of fourteen years, in the certain occupations and processes listed within the Schedule of the Act, is illegal. Additionally, any child who is below fourteen years of age cannot work for more than six hours, which shall include at least an hours break.

Outlined here are best practices to observe in the successful handling of cases of child labour. The problem will not be effectively addressed unless all stakeholders involved come together to work effectively for the best interests of the victim. The Labour Department, the Sub Divisional Magistrate, the Department of Women and Child Development (DWCD), Child Welfare Committees (CWC), the Police Department and Non-Governmental Organisations (NGOs), all have an important role to play.

## Operation Stages

### 1. Information Dispersed:

On receipt of information about the exploitation of a child, in violation of the **Child Labour Act** or the **Bonded Labour Act**, the appropriate authorities must be informed. These include the Labor Department and Police officials, the CWC and DWCD, with the assistance of voluntary welfare organisations or NGOs.

### 2. Rescue Intervention:

The rescue team should be multi-disciplinary and should comprise of representatives from the Police and Labor Department, Sub Divisional Magistrate or his authorised subordinate officer, NGO/ complainant, Woman Police Constable (WPC)/ volunteer, Employee's State Insurance (ESI), Doctor and a member/s of the CWC.

### 3. FIR and Panchnama Procedure:

Post-rescue, a First Information Report (FIR) must be filed with the correct provisions of law in place. If it is a large rescue, it is best to base the division of FIR on the number of establishments. If Labour Department officials conduct the rescue alone, during the normal course of inspection or on specific complaint, then the responsibility of lodging an FIR of cognizable offence under the appropriate criminal law will be with the concerned Labour Department official.



The following facts must be included in an FIR:

- a. Complainant details - name, age, occupation and address.
- b. Name of informant/ organisation who provided information to the police regarding those forced into labour
- c. The presence of Labour Department official during the rescue procedure
- d. Details of children rescued- number of children rescued and their name, age, sex, address
- e. Details of the arrested accused
- f. Address, location and description of the place of search
- g. Industry in which the victims are employed
- h. Physical conditions of work, working hours
- i. List and details of evidence recovered
- j. Statement of the victims, if any, stated to the police – attribute the roles, and elements of offences to each arrested accused
- k. In case of child labour operations, ensure **Child Labour Act, 1986** provisions are included along with sections of IPC. The former makes the child eligible for compensation and the latter for making the offense non-bailable and cognizable
- l. The timings as stated in FIR must be consistent with that stated in the Panchanama

The FIR must include all the laws of the land that have been violated. These include, Sections 363A, 367, 370, 371, 374 of the **Indian Penal Code**, Section 26 of the **Juvenile Justice (Care and Protection of Children's) Act**, Sections 16, 17, and 18 of the **Bonded Labour System (Abolition) Act**, Sections if applicable from **Protection of Children from Sexual Offences Act, 2012** and other sections, as applicable, from various Acts involved.

The charges must be applied after the initial statement has been taken from the children so that the basis of the charges is valid.

If the rescued child is a bonded labourer, the action must be also initiated simultaneously under the **Bonded Labour System (Abolition) Act** through the appropriate authority. It has been held that, any case of forced labour where there is service without wages or with paltry wages, denial of choice of alternative avocations or denial of right of movement, are all to be considered as forced labour and the offence is deemed to be cognizable<sup>1</sup>. The Supreme Court has held that forced labour is to be considered as a form of bonded labour under law and the victim is entitled to benefits<sup>2</sup>.

#### 4. Issue of Release Certificate:

The District Magistrate, or his authorised subordinate officer, shall be present at the time of the rescue. After talking to the rescued child, if the Magistrate or officer has reason to believe that there is an element of bonded labour, such Magistrate or officer must issue a release certificate in the interest of the child. This certificate will relieve him from the debt of any advance paid to him, or any agreement or contract that was entered into by him or his family/ ancestors, declaring them to be void and inoperative.

**Magistrate or officer must issue a release certificate in the interest of the child. This certificate will relieve him from the debt of any advance paid to him, or any agreement or contract that was entered into by him or his family/ ancestors, declaring them to be void and inoperative.**

#### 5. Age to be Verified:

The age of the child may be verified with the help of the doctor present during the rescue. This age need not be accurate, but may be approximate to get a general view of their age. This will ensure that the protection of the State can be extended until an exact age is determined, either through obtaining additional documents or a medical age verification.

The District Labour Department must always be involved in a rescue operation of a child labourer<sup>3</sup>. The Department should be held responsible for determining the age of the victim, in order that necessary proceedings can be initiated against the offender. They should also begin the proceedings for the immediate recovery of the Rs. 20,000 fine, which is to be recovered from the employer under the Supreme Court guidelines of **M.C. Mehta Vs. State of Tamil Nadu**<sup>4</sup>.

1 People's Union for Democratic Rights vs Union of India [1982 3 SCC 235]

2 Bandhua Mukti Morcha vs. Union of India [AIR 1984 SC 802]

3 Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked & Migrant Child Labor, 2008 - Ministry of Labour and Employment, Government of India

4 [1996 6 SCL 756]

## 6. Statements of the Victims to be Taken:

As per common practice, a victim's statement is initially taken under section 161 Cr.PC in front of the police officer. A second statement is then given under section 164, and in front of the Magistrate. It is in the best interest of the victim that this second statement is taken only once the victim is well prepared, not in a state of fear or coercion, and has begun to recover from the trauma they have experienced. This will also help to ensure a true and accurate statement. Any major discrepancies in the statement given under 164 Cr.PC, and the statement given during the trial, can be used against a victim and may aid an unfavourable outcome.

## 7. Production Before CWC:

After the rescue is carried out, the child should be produced before the CWC, under Section 32 of the **Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act)**, which is the final authority to determine the best interest of the child. The rehabilitation and re-integration process must be initiated by the CWC as soon as possible.

The JJ Act has separate provisions for 'juveniles in conflict with law' and 'juvenile in need of care and protection'. A child rescued under child labour falls into the category of 'juvenile in need of care and protection'.

According to Section 2(d) of the JJ Act, a child in need of care and protection means:

- A child who is found without any home or settled place or abode and without any ostensible means of survival
- A child who is found begging or who is either a street child or a working child
- A child who resides with a person, whether a guardian of the child or not, and such person has threatened to kill or injure or abuse the child
- A child who is mentally or physically challenged or suffering from terminal or incurable disease having no one to support or look after
- A child who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child

**Production before CWC: The rehabilitation and re-integration process must be initiated by the CWC as soon as possible.**

In following up on the progress of the rescued child, appropriate methods to be followed by the CWC include:

- Issuing orders to the police authorities for the repatriation of the rescued child, if required
- Issuing letters to the District Magistrate for the release certificate, if the Magistrate has not already provided such certificate
- Passing orders for an ideal rehabilitation and aftercare plan in the best interest of the child
- Ensuring that available compensation schemes must be applied for, in the best interests of the child
- Ordering periodic reports from various authorities to keep a check on the child's progress

It has been held that missing children, i.e. children below 18 years of age whose whereabouts are not known to the parents, legal guardians etc., fall into the category of 'child in need of care and protection' under **Juvenile Justice (Care and Protection of children's) Act, 2000**.







All images are for  
representational purposes only.

#### 8. Victims Taken to Rehabilitation Homes / Protective Homes:

1. After the rescue is done, the victim should be taken to an appropriate rehabilitation or protective home. Prior to the rescue, such homes should be identified and communicated with, so that last minute problems can be avoided.
2. Since these victims are minors and have gone through immense trauma, it is appropriate to have a counsellor accompany the victim during and after the rescue, so that the victim is not under the impression that they are being apprehended rather than being rescued.
3. It is vital to ensure that there is absolutely no contact between the trafficker and the victims during, and after, the rescue.
4. The rescue team, along with the police, should ensure that the child is safely rehabilitated at an appropriate location.

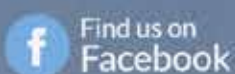
#### 9. Accused Taken into Police Custody:

The police should take any person found with the child labourer into custody. No contact is allowed between the traffickers and the rescued victims.

#### 10. Information Collated:

The Probation Officer should collect information from the victims regarding home address, age, details on the trafficker, names of the accused etc. The Probation Officer is also in charge of carrying out the Home Investigation Report (HIR) of the victim. The purpose of carrying out an HIR is to determine if it is safe to send the child back to their home, and to assess the possibility of the child being re-trafficked.

The purpose of carrying out an HIR is to determine if it is safe to send the child back to their home, and to assess the possibility of the child being re-trafficked.



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2008

# Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked & Migrant Child Labour

The protocol provides practical guidelines to key stakeholders on crucial issues relating to prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour.

Ministry of Labour & Employment  
Government of India





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2. Constitutional Provisions and International Conventions
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8. Rehabilitation and Prevention

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- I. Roles of key stakeholders
- II. Bare Acts
  - a. Child Labour (Prohibition & Regulation Act), 1986
  - b. Juvenile Justice Act, 2000

## Chapter 1: Introduction

There is an increasing trend of migration and trafficking of children for labour in different parts of the country. Compelled by the socio-economic conditions, a large number of children are migrating from economically backward areas to big cities for work. In many of these cases, these children are being trafficked by middle men and agents who are bringing them to the employers in the city by extending meagre advances to the parents and giving false assurances of lucrative jobs etc. These children work under highly exploitative situations like very long working hours, paltry wages, unhygienic and most difficult working conditions. Such children mostly work in industries like zari making, jewellery units, domestic help, dhabas, tea stalls, etc. Very often, they are kept within the confines of the work places and therefore, lack any kind of freedom and are vulnerable to abuse.

Various State Governments have been conducting raids to rescue such children from the clutches of these unscrupulous employers. On being rescued, they are, in most cases, repatriated to their native places. Till their repatriation, they are kept in temporary shelters. These shelter homes lack in basic facilities like clean toilet, sleeping place, clothes, health care facilities, food etc. Lack of sensitization of the staff there and lack of proper security arrangements are the other negative factors in shelter homes. In addition, they also face a number of other problems relating to their transit to their native places, including the delay in presentation before Child Welfare Committees (CWCs), delay in payment of compensation, legal delays etc. Once they are sent back to their native places, there is lack of proper rehabilitation measures there. Under the circumstances

and in the absence of monitoring, many of these children sooner or later get re-trafficked for labour.

There are a number of factors that make children more vulnerable to trafficking for labour. Some of these are at the family level and some others at the community or society level. While at the family level, the major push factors are poverty, illiteracy, dysfunctional family life, under-employment and a lack of income-generating opportunities for families, those at the community or society level are a general apathy or tolerance towards exploitative forms of child labour, degeneration of moral values, increasing commercialization, lack of community support, social vulnerabilities and weak law enforcement.

Considering the complexity of the problem, a comprehensive multi-pronged approach to this problem is required. This would cover not only the educational rehabilitation of these children to prevent them from entering and re-entering such exploitative labour situations but also various socio-economic causal factors such as poverty, illiteracy, lack of awareness etc. The measures could include economically empowering the families by covering them under various schemes of the Government, community mobilization and attitudinal changes through awareness generation, creation of suitable rehabilitation infrastructure, backed by unambiguous legislative provisions against offenders and stronger enforcement.

Some of the crucial areas requiring attention are as follows:

**Better coordination among key players** - Trafficking of children for labour touches on many other concomitant issues like child bonded labour or servitude, labour as well as sexual exploitation, infringement of human rights etc. There is a

need for better coordination of the activities among various government departments looking into these areas including the police, labour department officials, judiciary, NGOs etc.

**Strict enforcement** - Lack of complete awareness, sometimes apathy on the part of enforcement officials and long time taken in settlement of cases of prosecution can lead to the weak enforcement of the laws. To make a dent into this problem, there is a need for consistent enforcement of various laws relating to trafficking of children for labour and regular monitoring of enforcement by the State government. To ensure strict enforcement there is a need for the enforcement officers, prosecutors and judicial officers to be adequately sensitized about the provisions of the laws dealing with child trafficking.

**Long drawn repatriation process** - There are number of time consuming procedures involved in the repatriation of the rescued children to their native place and at times, it takes many days/weeks of waiting in the Shelter Homes. This involves delay in production of rescued children before CWCs, delay in police investigation, filing of a charge sheet, filing of complaint in the court, and judicial proceedings etc. These children are in the meanwhile kept in the Shelter Homes where the arrangement in many cases is inadequate. Locating their home addresses and establishing contact with the local administrations for their rehabilitation also takes time. This adds up to the miseries of these children and at times, they also run away from these Shelter Homes.



## **Cross Border Trafficking**

There are instances of migration or trafficking of children for labour from neighbouring countries like Nepal and Bangladesh. These children are being brought to big cities in India in search of labour and they end up working in most difficult conditions, mostly in dhabas, tea stalls or as domestic servants. So far away from their families, these children are highly vulnerable to all kinds of abuses, including physical and sexual abuse. Issues related to repatriation and rehabilitation of children who are victims of cross border trafficking becomes even more complex and difficult as it involves coordination with other countries from where these children are coming. There has to be a mechanism for smooth repatriation of such children so that these children do not suffer in the process and they are safely sent back home.

## **Need for a Protocol**

There is no specific protocol that deals with various issues involved in prevention, rescue, repatriation and rehabilitation of trafficked and migrant child labour. There are a number of Government Departments and other stakeholders which have an important role to play in the rescue, repatriation and rehabilitation of these children. During raids as well as post-raid operations, there are no clearly laid out mechanisms and supporting instructions, which could be relied upon by various stakeholders for taking all the necessary steps. Inter departmental linkages therefore have to be formalized and mechanisms for coordination clearly laid out. Hence, this protocol has been developed as a set of guidelines for smooth rescue, repatriation and rehabilitation of these children.

Considering the seriousness of the problem, the judiciary has also taken up the issues of rehabilitation of such children. In a recent case relating to

trafficking of children for labour, the Hon'ble High Court of Delhi has directed that the Union Labour Secretary may form a Committee consisting of the concerned Labour Secretaries to look into the issue of rehabilitation of migrant children rescued in Delhi and develop an appropriate Scheme for this purpose. The Committee has already been formed under the Union Labour & Employment Secretary and this draft protocol has taken into account the decisions taken by the Committee.

## Chapter 2: Constitutional Provisions & International Conventions

The Constitution of India places a primary responsibility on the State to ensure that all needs of Children are met and their human rights are fully protected. The specific provisions under the Constitution relating to protection of children from economic exploitation and their education are given below:

### **Article 21: A Right to Education**

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

### **Article 23: Prohibition of traffic in human beings and forced labour**

- (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purpose, and in imposing such service the State shall not made any discrimination on grounds only of religion, race, caste or class or any of them. \_\_

### **Article 24: Prohibition of employment of children in factories, etc.**

No child below the age of fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

**Article 39: The State shall, in particular, direct its policy towards securing**

that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

## **International Conventions**

### **UN Convention on the Rights of the Child (1989)**

The UN Convention on the Rights of the Child (CRC) has prescribed a set of standards to be adhered to by all State Parties in protecting the child and securing the best interest of the Child. It deals directly with protection of children especially girl children. Under this Convention, the States are to take all appropriate measures to prevent trafficking in children and also protect them from all forms of exploitation and abuse. The Government of India acceded to the UN Convention on the Rights of the Child in 1992 with a declaration that considering the existing socio-economic conditions, it was not possible to agree to the provisions of Article 32 of the Convention relating to the Minimum age for employment.

### **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)**

As per the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children, 2000 supplementing the UN Convention against Transnational Organized Crimes, definition of trafficking includes situations of forced labour, servitude and slavery. It defines "Trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of



persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs". In case of children, however the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means mentioned above.

The Government of India has signed the protocol, but not yet ratified it. This implies that India has expressed its intent to consider criminalizing trafficking in domestic legislation, but not yet given specific commitment through an instrument of ratification.

The General principles of the UN Protocol, viz., Protection of rights of the child, Best interest of the child, Protection of the child, Equality and non discrimination, Avoidance of harm, Non criminalization of the child, Respect for views of the child, Right to confidentiality, Right to information shall be broadly followed in the rescue, repatriation and rehabilitation of migrant and trafficked child labour.

## Chapter 3: National Legal Framework

Some of the provisions of the laws that can be invoked for most common situations of trafficking of children for labour as seen in the country are listed below:

### **Child Labour (Prohibition and Regulation) Act, 1986**

- Prohibits employment of children below 14 years in certain hazardous processes and regulates it in other non-hazardous processes (Section 3) At present, 15 occupations and 57 processes are prohibited under the Act for employment of children.
- Further, the Act regulates the condition of employment of children in other occupations and processes that are not prohibited.

### **Indian Penal Code, 1860**

- Kidnapping or maiming a minor for purpose of begging (Section 363A)
- Kidnapping or abduction to subject a person to slavery (Section 367)
- Buying or disposing off any person as a slave (Section 370);
- Habitual dealing in slaves (Section 371);
- Unlawful compulsory labour (Section 374).

### **The Juvenile Justice (Care and Protection of Children) Act (JJA), 2000**

- Procurement of a child for the purpose of any hazardous employment, keeping such child in bondage and withholding the child's earnings for one's own use (Section 26)

### **The Bonded Labour System (Abolition) Act, 1976**

- Enforcement of bonded labour (Section 16)
- Advancement of bonded debt (Section 17)
- Extracting bonded labour under the bonded labour system (Section 18)

### **The Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989**

- Compelling or enticing a member of SC or a ST to do 'begaar' or similar form of forced labour or bonded labour other than any compulsory service for public purposes imposed by Government (Section 3(1) (vi))

### **Children (Pledging of Labour) Act, 1933**

- Declares any agreement by a parent or guardian to pledge the labour of a child below 15 years of age for payment or benefit other than reasonable wages, to be illegal and void. It also provides punishment for such parent or guardian as well as those who employ a child whose labour is pledged

### **Other Key Labour legislations**

Some of the other labour laws such as, the Shops and Establishment Acts of various States, the Factories Act, 1948, the Plantation Labour Act, 1951, the Mines Act, 1952; the Merchant Shipping Act, 1958; the Apprentices Act, 1961; and the Motor Transport Workers Act, 1961 can also be used to take action against the offenders.

## Chapter 4: Government Policy & Programmes

The National Policy on Child Labour enunciated in 1987 lays down following action plan for tackling the problem of child labour.

- A legislative action plan
- Focusing and convergence of general development programmes for benefiting children wherever possible, and
- Project-based action plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour.

Based on the above, Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 13 child labour endemic districts of the country. Its coverage has been increased progressively since then to 250 districts in the country in the 10<sup>th</sup> plan. The Government plans to cover all the districts of the country in which there is an incidence of child labour during the 11<sup>th</sup> Plan. Giving due consideration to the specific needs of the migrant child labour, one of the proposals given for the 11<sup>th</sup> Plan includes a provision of residential schools in the metropolises and other big cities

Under the NCLP Scheme, children are withdrawn from work and put into special schools, where they are provided with bridging education, vocational training, mid-day meals, a stipend of Rs. 100 per month, health-care facilities etc. Under the Scheme, funds are given to the District Collectors for running special schools for child labour. Most of these schools are run by NGOs in the district. Linking the child labour elimination efforts with the Scheme of Sarva Shiksha Abhiyan (SSA) of the Ministry of Human Resource Development, efforts are made to ensure that children in the age group of 5-8 years get directly admitted to regular schools and that the older working children are mainstreamed to the



formal education system through special schools functioning under the NCLP Scheme. At present, there are 8,887 NCLP schools being run in the country with an enrolment of 3.4 lakhs children and 4.5 lakhs working children have already been mainstreamed to regular education under the NCLP Scheme.

Since poverty and illiteracy are the root causes for child labour, Government is taking steps to supplement Educational Rehabilitation of these children with economic rehabilitation of their families so that they are not compelled by their economic circumstances to send their children to work. Efforts are being made for convergence between the schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, Panchayati Raj etc., so that child labour and their families get covered under the diverse schemes of these Ministries also. A Core Group under the Chairpersonship of Union Labour Secretary comprising all these Ministries was formed for this purpose in September, 2006 to take measures for effective convergence of various developmental Schemes of the Government for education rehabilitation of child labour & economic empowerment of their families.

In addition, the Government is also implementing some other international projects for child labour elimination in association with ILO. An important project among these is the INDUS Project launched in 2003 and jointly funded by the Government of India and the US. It is being implemented in 21 districts of 5 States of Delhi, M.P., Maharashtra, T.N. and U.P. The project aims to rehabilitate 80,000 child workers in these identified districts. This Project has some additional features, such as vocational training programme for adolescents, convergence with Education Department etc. This project has been extended till March, 2008. In addition, the Ministry is also implementing some other smaller

international child labour projects, one in Karnataka State, funded by Government of Italy and another in Andhra Pradesh State, funded by DFID.

The Government is also laying lot of stress on the enforcement of the Child Labour (Prohibition & Regulation) Act. State Governments are the appropriate authority for implementation of the Act for areas under their jurisdiction and the Chief Labour Commissioner (Central) for areas under the Central sphere. Strong enforcement measures act as deterrents and also lead to voluntary action on the part of the employers not to employ child labour in their respective units.

The Government took a major step last year in the direction of elimination of child labour by banning the employment of children below the age of 14 years in two occupations viz., children working as domestic workers (CDL) and in tea-shops, hotels, road side eateries, etc. For the effective enforcement of the ban and the rehabilitation of the affected children, The Government has been coordinating with the State Governments for taking appropriate measures in this direction. Extensive awareness generation campaign against child labour is being launched from time to time in the print and electronic media. Recently, beginning from 14<sup>th</sup> November, 2007 the Government had launched a fortnight long nation wide special enforcement drive against child labour.

## Chapter 5: Key concepts

This Protocol shall apply to any migrant or trafficked child labour in the country, irrespective of the child's home State or country of origin, without any discrimination on the grounds of gender, caste, language, ethnicity, religion or origin.

**Child:** For the purposes of this Protocol, a child shall mean any person who has not completed the fourteenth year of age, pursuant to Section 2 (k) of the Child Labour (Prohibition & Regulation) Act. The term 'children' shall be construed accordingly. The definition of child has to be in consonance with that given under the Child Labour (Prohibition & Regulation) Act, 1986.

**Child Labour:** Pursuant to the definition of child under the Child Labour (Prohibition & Regulation) Act, the child labour will include children below 14 years of age engaged in hazardous occupations and processes as detailed by the Act.

**Migrant child labour:** Migrant child labour may be broadly taken to be a child who has moved with or without the family across State borders or even within the same State and is engaged in hazardous work as specified under the Child Labour (Prohibition & Regulation) Act.

**Trafficked child labour:** In comparison, a trafficked child labour may be taken as a child who has been recruited, transported, transferred, harboured or received for the purpose of labour exploitation through forced labour or forced services, bonded labour, slavery, practices similar to slavery, or servitude. A child

has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.

**Prevention:** It would mean various activities to be taken up to prevent migration and trafficking of children into exploitative labour. It would include stepping up enforcement drives against offenders employing children in prohibited hazardous work to act as a detriment, increasing community level awareness of the problem, providing alternative income generating or educational opportunities to children at risk. It would also include raising general awareness among public against child labour. Monitoring and reporting of movement of children under suspicious circumstances will also have to be strengthened.

**Rescue operations:** It would involve all activities associated with organizing inspections and raids, for identification, establishment, and withdrawal of child labour engaged in prohibited work as specified under the Child Labour (P&R) Act, with the aim of securing the rehabilitation and social reintegration of the rescued child. The term rescue operation shall include both the rescue of an individual child or of several children.

**Interim protection:** All processes to be adopted pursuant to the rescue operation and until the repatriation of the child has been secured shall be termed as interim protection. In case repatriation is not possible, then it would also include measures to secure the rehabilitation and social reintegration of child within the State they are rescued from with a view towards ensuring the safety and well being of the child, in accordance with the Juvenile Justice Act, 2000 or any other Act or Rules in operation in the State supporting the process of interim protection



**Prosecution:** Legal proceedings against the offenders under Child Labour (P&R) Act or any other labour or criminal laws applicable.

**Repatriation:** It would involve all actions taken after the rescue of the children till their effective restoration with their families or legal guardians or others, in line with the proceedings outlined under the Juvenile Justice Act and the Rules laid down in this regard. Repatriation shall include intra state repatriation, if the child belongs to the State of rescue and inter state repatriation, if the child is from any other State in the country and repatriation shall be cross border if the child is from any other country.

**Rehabilitation and Social Reintegration:** The term 'rehabilitation and social reintegration' shall include the processes included in Chapter IV of the Juvenile Justice (Care and Protection of Children), 2000 Act. The term 'rehabilitation' shall include the economic rehabilitation of the family and educational rehabilitation of the child.

All terms and expressions used in this document, but not defined, unless the context requires otherwise and defined in the Child Labour (Regulation and Prohibition) Act, 1986 and Juvenile Justice (Care and Protection of Children) Act, 2000 shall have the meanings respectively assigned to them in those Acts.

## Chapter 6: Pre-Rescue and Rescue operations

Broadly, the rescue related activities can be divided into two sub stages: pre rescue operations and operations during the actual rescue.

### Pre-Rescue operations

Pre-rescue operations include all steps taken to facilitate effective rescue operation. Some of the key steps are given below:

#### Source of information:

Information from primary source, such as a child labour or relative of a child labour or anyone else on behalf of the child, may be the basis for planning a rescue operation.

Information about child labour is also available from secondary sources, such as surveys conducted under Sarva Shiksha Abhiyan, surveys conducted by the Department of Labour or community micro-planning. Data available with NGOs, Childline Service could also be used as the basis for identifying 'hotspots' or clusters of child labour for planning rescue operations.

The onus for sharing the information with other responsible authority will rest with the responsible authority receiving<sup>1</sup> information from the informant, and not with the informant. The responsible authorities are empowered to conduct rescue operation or get it conducted on its behalf. However, the District

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Labour Department must always be involved in the rescue operations of the child labour.

In case rescue is conducted by Labour Department officials alone during normal course of inspection or on specific complaint, the responsibility of lodging an FIR, wherever required will be of the concerned labour department official under the appropriate criminal law.

Wherever possible, voluntary assistance of social organizations or NGOs or other responsible citizens shall be sought in the rescue as well as in the post rescue operations to take care of the children rescued.

#### **Verification of the information:**

(1) In case of a rescue operation, as soon as the responsible authority is informed of the likelihood of any act of child labour, if required and only in exceptional circumstances where it is necessary to verify the information in the best interest of the child, the responsible authority shall at the earliest, **but in any event not beyond 72 hours** make a prima facie determination of whether the information provided is true or not. After verification, the responsible authority shall start making arrangements to ensure logistical, financial and other arrangements, which would be necessary in the rescue operation as well as post rescue operations. The informant, NGOs or any other party interested in facilitating the rescue of the child may help the responsible authority, by providing such information, which may help in the verification of the information provided.

(2) The responsible authority shall simultaneously inform all the relevant Government Departments, including but not limited to the Department of Women & Child Development and Child Welfare Committee, Municipal Corporation, Home Department, with the view towards ensuring that adequate preparations are undertaken to facilitate the interim care and protection and for taking care of logistical and other requirements subsequent to the rescue operations.

**Preparation of a plan of action towards undertaking the rescue operation:**

(1) In case of a rescue operation, a plan of action shall be prepared towards facilitating the safe rescue of the children and towards ensuring that the rescue operation itself **does not inflict additional trauma on** the children to be rescued.

(2) The rescue team to be involved in the actual planning shall be kept to the minimum with a view to have secrecy and confidentiality of the rescue operation. Care should be taken that as far as possible the proceedings are kept confidential.

(3)The rescue team can consider preparation of a map of the rescue area on the basis of the information provided, which marks out where child labourers are likely to be found as well as identifying spots which maybe potentially dangerous for the child, with the assistance of NGOs and other concerned officials, as may be feasible.



## Creation of the Rescue Team:

- (1) While carrying out a rescue operation, a rescue team<sup>2</sup> shall be constituted, which may comprise of the following members:
- a) The Department of Labour;
  - b) The Police;
  - c) The Municipal Corporation or the local self government like the Zilla Parishad, panchayats etc, as the case maybe;
  - d) Social Welfare Officer/Probation Officer/DM's nominee/CWCs; and
  - e) NGOs, social organizations, trade unions or other responsible citizens.
  - f) Doctor with first aid kit.
  - g) Lady Police/volunteers when rescuing girls.

The actual number of the members of the team will be determined by estimated number of children to be rescued, the geographic area of operation and any other significant factor.

- (2) The Department of Labour will be responsible for initiating and coordinating efforts towards legal & administrative action.
- (3) As far as possible, for carrying out any rescue operation, at least four of the aforesaid members shall participate in the same.
- (4) In addition, the rescue team could be accompanied by the support team while carrying out the rescue operation. The members of the support team could be stationed at critical places to check escape of offenders themselves as well as the children to be rescued.

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<sup>2</sup> For the purposes of constitution of the rescue team, the members of the rescue team need not necessarily be the same members of the State/District Child Labour Taskforce.

## **Orientation of all members to be involved in the rescue operation:**

In case of a rescue operation, a basic Orientation shall be provided to all persons who shall be involved in the rescue operation, including voluntary members, community members etc and shall include the following:

- (1) Briefing about key provisions of relevant laws that are applicable while dealing with the issue of child labour;
- (2) All members involved in the rescue operation shall have their respective roles clearly articulated;
- (3) The members need to be made aware of the different strategies adopted by employers to avoid detection.
- (4) Since the actual rescue operations may be traumatic for the child, the nodal department should sensitize the members of the rescue team about how to deal with such children, the use of appropriate language and to adopt child sensitive and friendly behaviour, and treating the child as a victim and not as an offender. As these children have been rescued from an exploitative situation, they need to be reassured about the benefits of the rescue operation that will be available to them.

## **Rescue operations**

For the purposes of conducting a rescue operation in an effective child friendly manner and towards making the procedures less traumatic for the child, the following procedures can be applied:

- (1) Strategic placement of rescue team members in pre-planned locations shall be undertaken, in order to locate the actual employer of children in that area, and towards preventing the children from being relocated by the employer to evade detection;
- (2) The police personnel, including women police officers shall accompany the rescue team wherever possible;
- (3) Physical separation of employers/intermediaries and children and to prevent any communication between them, during the rescue, to ensure that the employers do not threaten the children, or brief them to misguide the team conducting the actual rescue operation. At all stages, care shall be taken by the concerned officials to ensure that the child is not exposed to the employer or his agents;
- (4) The assigned members of the Rescue Team shall simultaneously collect evidence in the form of documents, and other material & forensic evidence to facilitate effective prosecution against the employers under the law. As far as possible, information must also be collected from the employer towards determining the status and age of the child. The entire operation should be so organized that it does not delay the rescue of the child labourers concerned;
- (5) The Rescue Team shall ensure the safety of the child as the utmost priority and ensure that they are treated in a humane manner. They shall facilitate that the personal belongings of the child are collected, listed and kept in safe custody to be produced before the Child Welfare Committee/Court.

(6) As far as possible and wherever considered appropriate, a trained counselor, Inspector (Factories) and the doctor or suitably trained Para-medic with a first aid kit may be included in the team.

(7) The Rescue Team shall ensure that the details revealing the identity of the children rescued are not divulged to the media so that provisions under Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended by Amendment Act, 2006 regarding confidentiality are not violated. A draft model press note should be kept ready and should be completed and issued after the rescue operation;

(8) The nodal department must make prior arrangements for transportation for shifting rescued children to temporary shelter homes/drop-in centres, etc. They should also make adequate arrangements for their food and refreshment.

(9) The details of every child must be included in the FIR. In case the rescue is conducted by Labour Department officials alone during normal course of inspection or on specific complaint, the responsibility of lodging an FIR of cognizable offence under the appropriate criminal law, wherever applicable, will be with the concerned labour department official.

(10) In case the rescued child also happens to be a bonded labour, then the action must be also initiated simultaneously under the Bonded Labour System (Abolition) Act through the appropriate authority.

(11) Every rescued migrant or trafficked child labour, including bonded child labour, has to be presented before the Child Welfare Committee. However, in case of bonded child labour, they need to be also produced before the Sub-



Divisional Magistrate for grant of certificate and other compensations. This would also include the bonded child labour rescued along with the family.

(12) After the rescue operation is carried out, the Child Welfare Committee, as the competent authority under the Juvenile Justice (Care and Protection of Children) Act is empowered to take all actions and decisions with regard to the child, including the decision to release such children, as per the provisions of the Juvenile Justice (Care and Protection of Children) Act.

(13) In cases where children are found to be working in non-hazardous occupations or processes, provisions of the Child Labour (Prohibition & Regulation) Act should be invoked to ensure that the working conditions of such children are well regulated as laid down under the provisions of the Act. Action should be initiated against the defaulting employers for violation of the Act, including its regulatory features.

(14) Provisions of the Factories Act/the Shops & Establishments Act may also be invoked, wherever possible to initiate action against the offending employers.

## Chapter 7: Post-rescue and Repatriation

**The Post-Rescue operations include following:**

### **Medical Examination:**

(1) As soon as the rescue operation has been completed, within 24 hours, a medical team shall be dispatched to the place where the children are kept to undertake a medical examination. However, the admission to any children's home should not be conditional on the requirement of a prior medical examination.

(2) Wherever there are actual signs of injuries, hurt or the likelihood of sexual abuse, the child shall be sent to the prescribed medical authority for further medical examination immediately.

(3) The medical officer shall undertake a detailed physical examination and record the findings in writing, drawing particular attention to any signs of physical or sexual abuse or any adverse mental health condition. Wherever considered appropriate, the medical officer must keep the child for further observation and also arrange for counseling.

### **Investigation and Collection of Evidence:**

In addition to the medical examination, the rescue team shall promptly collect all forms of evidence that shall be used in the legal proceedings, which shall include documents of employment, attendance registers, photographs of the workplace, statements of children and other people.

## **Production of the Child before the Child Welfare Committee (CWC):**

- (1) Once the child has been rescued, the child shall be produced before the Child Welfare Committee, under Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (2) The Labour Department shall coordinate and liaise with the Child Welfare Committee towards facilitating necessary action for best interest of the child in accordance with Juvenile Justice (Care and Protection of Children) Act;
- (3) The Child Welfare Committee shall be the guardian of the rescued child who are empowered to take decisions in the best interest of the child and shall have the power to secure all relevant information and documentation in order to plan the rehabilitation plan of the child;
- (4) Wherever required, under the provisions of the Juvenile Justice (Care and Protection of Children) Act and the Juvenile Justice Rules of the State, or in case the Rules have not been framed by the concerned State, in consonance with the Rules framed by the Centre, assistance from the probation officer or the child welfare officer or suitable social worker should be sought.
- (5) Having rescued the children from work, they shall be produced before the CWC and the nodal Department shall monitor the children till they are restored to their families. If the child belongs to some other State, the child shall be restored to the family by coordinating with State Resident Commis-

sioners, local administration of the district as well as the CWC of the destination district.

### **Temporary shelter for rescued children**

- (1) Immediately after the rescue, these children should be taken to the drop-in centres or the temporary shelter homes under the control of Social Welfare Department.
- (2) Adequate arrangements should be made by the nodal Department for food, clothing and security of these children in the shelter homes in coordination with the Department of Social Welfare/Women & Child Welfare or the NGOs as the case may be.
- (3) The rescued children to be kept in these temporary shelter homes/drop-in centres until arrangements are made for their repatriation to the home States/families as per the decision of the Child Welfare Committee.

### **Legal Action:**

- (1) Once the Police have completed the investigation, a charge sheet shall be prepared and the judicial proceedings under the Code of Criminal Procedure, 1973 shall apply;
- (2) Care shall be taken to ensure that all provisions that apply, across different statutes, are incorporated into the Charge sheet/complaint.



(3) Investigation into the FIR of cognizable offences will be carried out by Police having jurisdiction over the case. The Investigating Officer (IO) shall ensure that all relevant evidence including material, forensic, documentary evidence is collected and analyzed to build a proper case for prosecution. IO shall also ensure that all relevant and applicable provisions of the criminal laws and labour laws are invoked for the case. IO should also collect and include as evidence relevant reports such as orders of the CWC, home enquiry report conducted under the JJ Act, reports prepared by the officials of the shelter homes/counselors/partner NGOs, etc.

(4) Complaints and challans under the labour laws shall be filed by the labour officials. In order to ensure that the case is covered completely, the officials must examine implementation of all applicable labour laws and assess the violations. The labour officials shall also take necessary action for obtaining compensation/claim/wage arrears on behalf of the rescued child.

(5) In case, it also turns out to be a case of bonded labour, the labour officials shall immediately inform the concerned executive magistrate to initiate action under the Bonded Labour Systems (Abolition) Act simultaneously.

(6) As per the directions of the Hon'ble Supreme Court of India<sup>3</sup>, labour officials shall also issue a notice to the defaulting employers to deposit Rs.20,000 per child in the District Child Labour Rehabilitation cum Welfare Fund.

(7) The Labour Officials would also take appropriate action for deposit of Rs 5,000 by the State Government in the Child Labour Welfare & Rehabilitation

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<sup>3</sup> M.C. Mehta Vs. State of Tamil Nadu

Fund for every rescued child, in case employment cannot be provided to an adult member of his\her family.

**Assessment and Verification of the Child's background on the basis of the information provided:**

(1) The home addresses of the rescued children shall be verified by the State Resident Commissioner/Labour Department officials of the State to which the child belongs, or the district administration as the case may be before these children are repatriated to their home states;

(2) In case of claimants of the child, the CWC shall adopt extreme caution and should seek specific documentation, wherever possible, to verify the claims, considering the risks of claims by the employers or their representatives or agents;

(3) Considering the risk of the employees tutoring the child, the Child Welfare Committee shall adopt extreme care and caution and must satisfy itself completely and shall record the reasons in writing for taking a decision.

(4) For children who cannot be repatriated, care shall be taken for specific measures to ensure their effective short term and long-term rehabilitation within the State itself.

(5) The Child Welfare Committee in the home district shall coordinate with the District Collector/District Magistrate towards tracing the child's family and

inform the other Child Welfare Committee of the course of action that would be adopted for their restoration and reintegration with their family.

### **Transportation and Restoration of rescued children:**

(1) The nodal department of the rescuing State shall make arrangements to send the child to his family under escort. However, it would be the responsibility of the State of the child's origin to pay for his transportation back to the child's family. The fare for the child as well as the escorts shall be borne by the State of the child's origin.

(2) The State repatriating the rescued child however will, as far as possible keep a reserve pool of such personnel who could be used for escorting these rescued children. These officials would be adequately sensitized so as to ensure the comfort and safety of these children during the transit back to their families. It goes without saying that these escorts would be responsible for the safety and security of these children until they are handed over to the local authorities of the State of origin.

## Chapter 8: Rehabilitation and Prevention

### Rehabilitation Plan:

(1) The rehabilitation plan shall include two independent components: the educational rehabilitation for the child and economic rehabilitation for the family. The Labour Department and the District Collector of the home district of the rescued child shall be responsible for implementing the rehabilitation plan.

(2) The rehabilitation plan must include measures that are sustainable and match both the short term rehabilitation needs as well as long term integration needs of the child and his/her family. The local panchayats must be consulted and taken into confidence by the local authorities while identifying the family of the child labour and their rehabilitation.

(3) The Labour Department shall make efforts for the educational rehabilitation of rescued children in their home places under the National Child Labour Project (NCLP) Scheme of the Government in the districts, where this Scheme is in operation and under special bridge centres under Sarva Shiksha Abhiyan (SSA) Scheme in the other districts. The labour department officials shall coordinate the enrolment of these children in the Special Schools under NCLP Scheme and also in counseling and motivating the parents of these children to send them to schools

(4) The child labour, who are migrating along with their families on seasonal basis, should be enrolled in the Special Schools under NCLP Scheme in the migrated district or the SSA bridge centres, wherever NCLP Special Schools are not



available. The nodal Department along with the District Authorities shall ensure that there is no disruption in their schooling due to migration.

(5) Along with the educational rehabilitation of the children, efforts should also be made towards the economic upliftment of their families by covering them under various developmental schemes of the Government in convergence with the other concerned departments. It is, therefore of utmost importance that there is an effective convergence of different income generation and employment generating schemes with the NCLP Scheme. Some of such Schemes could be NREGA, Schemes for BPL families, other poverty alleviation Schemes, Pension Schemes, Schemes for setting up of SHGs under DRDA and DUDA, Indira Awas Yojana, Swaran Jayanti Shahari Rozgar Yojana, Swavlamban, Swadhar, etc.

(6) Panchayati Raj institutions should invariably be involved in monitoring the rehabilitation efforts in general and tracking these children and their families in particular for their educational and economic rehabilitation. In fact, they need to be adequately sensitized for this work through extensive workshops and social mobilization campaigns.

(7) Efforts shall also be made by the District Child Labour Society formed under the NCLP Scheme for monitoring and tracking of children enrolled in these Schools to identify cases of drop outs and subsequently after mainstreaming to regular education for at least one year so that they do not relapse to exploitative situations. This monitoring and tracking would also help in covering the families of these children labour under various poverty alleviation and income generation Schemes of different Ministries to economically empower these families.

## Prevention:

The following action points are essential for a effective strategy for prevention of child Labour:

(1) Awareness and sensitization of the concerned officials of their respective roles and methods to be adopted with the issue of child labour in a child friendly manner and taking proactive steps towards the detecting and eliminating child labour;

(2) Public awareness strategies to make people aware of the issues related to child labour and their role and responsibilities in tackling this problem. It would also empower the community members, leaders, teachers, to play an active role in detecting, monitoring, eliminating, and creating awareness on the issues of child labour. This would help to promote universal education at least till the age of 14 years.

(3) The Labour Department should make all efforts to step up enforcement of Child Labour (Prohibition & Regulation) Act in the feeder as well as recipient areas. Stringent action against the erring employers shall deter others from trafficking and employing children for labour. Towards this end, the State Governments shall have to create wide awareness on the issue and regularly monitor the enforcement of the Act.

(4) The activities of the Recruitment/Placement Agencies need to be regulated by the State Labour Department so that these agencies do not indulge in recruitment and placement of children in hazardous employments and also in their trafficking. The State Governments need to issue strict guidelines for this

purpose and as soon as possible enact suitable legislation for registration, regulation and control of the activities of these agencies. In this regard, a model Act drafted by the National Commission for Women may be referred to for regulation of Employment Agencies.

(5) Investigation should also focus on identifying the middlemen and agents involved in trafficking of children for labour and action should be taken against them under the relevant legislation. The States should share such information with other States in case of inter State migration and trafficking.

(6) In case of cross-border trafficking (across international boundaries) the State Governments should inform the Ministry of Home Affairs for taking up with the concerned country from where children have been trafficked so as to organize their smooth repatriation.

(7) Steps should be taken for creation of monitoring and vigilance committees at both the source as well as demand areas, to prevent children from entering into labour situations. The functionaries of the Panchayati Raj institutions should be actively involved in the committees as they can play a very important role in monitoring of these children within the community.

(8) To facilitate developing rehabilitation plan for these children, Governments should encourage studies, research activities, data collection, data dissemination on issues of child labour;

(9) To ensure quality care in children's institutions and homes, there should be dissemination of information on the various existing Schemes, whose funds could be utilized for running these Children's Homes in a better way.

(10) To prevent children from getting into the workforce, the families of these children, who are migrating or are trafficked for labour need to be effectively covered under the poverty alleviation and income generation Schemes and Programmes of the Government through convergence of various such Schemes under different Ministries/ Departments. In this direction, every State need to constitute a Core Committee on Child Labour (CCCL) under the State Chief Secretary for providing policy level convergence and State Monitoring Committee (SMC) for Elimination of Child Labour under the State Labour Secretary for convergence in implementation of various programmes and schemes at the state level.

(11) The different Government Departments and other stakeholders, including Child Welfare Committees, the State Children's Commission, the State Human Rights Commission, NGOs etc should work in coordination and develop common strategies towards eliminating child labour.

(12) Traditional and cultural practices that violate the full enjoyment of the rights of every child and support child labour should be campaigned against.

(13) The State shall ensure that all the concerned stakeholders, particularly the officials entrusted with the labour enforcement work shall be regularly trained and capacity building exercises be undertaken, at periodic intervals, in collaboration with NGOs and other institutions, towards creating a well trained work force.

## Annexure - 1

### Roles of key stakeholders

#### 1. Labour – Nodal Department:

- Conduct regular surveys of areas having high probability of child labour.
- Conduct raids with the help of Task Force in case of hot spots having high incidence of child labour.
- Actively participate in all rescue operations of child labour.
- Action to be initiated against the employer of the child labour under the Sec 3 of the Child Labour (Prohibition & Regulation) Act in case of hazardous occupations & processes and Sec 7, 8, 9, 11, 12 & 13 in case of non-hazardous occupations & processes.
- Surveillance of the establishment where there is information that child labour is being used.
- Post rescue coordination with NGOs for accommodation, transportation, producing of children before the Child Welfare Committee, food and clothing and medical check-up.
- Coordination with Police for providing security during the raid and afterwards. And also sensitize police of its role and responsibilities during and after the rescue operation.
- Involve Chief Inspector of Factories to ensure that area Factory Inspector and Inspector Factories (Medical) is included in the rescue operation.
- After the raid, intimation to press including maintaining data-bank of press, prepare draft press note in advance etc.



- While conducting rescue operation for girls, to ensure that the lady police and lady representative from NGO/Labour Department/Social Welfare department is included.
- Enrollment of rescued child labour in Special Schools under NCLP Schools or SSA bridge centres in the home district.
- Coordinate with CWC for speedy repatriation of rescued child labour.
- Coordinate with Social Welfare and other Departments, NGOs, etc. for temporary shelter for the rescued children.
- Make arrangements for safe transportation of rescued children to home States/families.
- Enable safe restoration and rehabilitation of rescued child labour in their home places.
- Any other role mentioned in the Protocol.

## 2. **Police:**

- Provide sufficient police force for Raids
- Active Participation during the Raids.
- Evidence collection during raids and thereafter.
- Taking Custody of the rescued Child Labour by the Task Force.
- Arrest the employers under the relevant provisions of law.
- Treat the rescued children with care & respect and to hand over safely them to the authorities of Children's Home.
- Juvenile Aid Police Unit (JAPU) for escorting children to their home States.
- Cases of child labour should be properly pleaded (as per sec 32), before The Child Welfare Committee.
- Booking of middlemen and agents under appropriate criminal laws.
- Any other role mentioned in the Protocol.

### **3. District Administration:**

- To ensure action under the Bonded Labour System (Abolition) Act, 1976, if applicable.
- Arrange for accommodation in temporary shelters of children rescued until they are produced before CWC and repatriated to their homes places.
- Instructions to be given to SDMs to give priority to respond to raid/inspection calls.
- Make adequate arrangements for the rehabilitation of child labour in their home places including verification of the information pertaining to their home addresses.
- Any other role mentioned in the Protocol.

### **4. Social Welfare Department:**

- Extend Childline toll-free 1098 helpline service, wherever available for child labour.
- Improve infrastructure in Children's Shelter Homes and increase their strength.
- Sensitize CWC about the special needs of the child labour and the rehabilitation plan so as to ensure speedy and adequate reparation and rehabilitation of these children.
- Any other role mentioned in the Protocol.

**5. Education Department:**

- Child labour to be accommodated in Residential Bridge Centres under SSA where NCLP special schools are not available.
- Providing books and uniforms to the children enrolled in Special schools.
- Smooth mainstreaming of children from Special Schools to regular SSA schools.
- Identifying child labour in the district level surveys conducted for out of school children.
- Any other role mentioned in the Protocol.

**6. Municipal Authorities:**

- Rescued children to be admitted in schools without insisting on various formalities and certificates.
- Children should be admitted irrespective of the time of the year i.e. even after the month of October.
- Any other help sought by the local administration/labour Department in the rescue and rehabilitation of child labour.
- Any other role mentioned in the Protocol.

**7. Health Department:**

- Doctors/female doctors to accompany in raids if required.
- Appropriate instructions to be issued to the hospitals for the medication examination of the rescued child labour.
- Team of psychiatrists to be identified and communicated, which could help in counseling of the rescued child labour.
- Medical benefits to be provided to child labour under the School Health Scheme by the Health Dept.
- Any other role mentioned in the Protocol.

**F.No.15011/20/2012-ATC (CF-145675)**  
**GOVERNMENT OF INDIA/BHARAT SARKAR**  
**MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA**  
**CENTRE STATE DIVISION**

New Delhi, 12<sup>th</sup> August 2013

**SUBJECT: Standard Operating Procedure to handle Trafficking of Children for Child Labour – measures to be taken for rescue of trafficked child labourers' and action against the traffickers/employers**

1. The trafficking of children for economic exploitation, bonded labour, forced labour, physical/sexual abuse and misuse is a heinous crime. The trafficking of children are vulnerable and need care and protection. After they are rescued they also need to be rehabilitated. It is, therefore, necessary that effective steps be taken for investigating of cases relating to trafficking of children for child labour and/or forced labour.
2. Please refer to our MHA Advisory on trafficking and combating human trafficking in India F.No.15011/6/2009-ATC(Advisory) dated 9<sup>th</sup> September, 2009 to all States and UTs.
3. The following paragraphs supplements the previous advisory :-
  - i) The Article 23 of the Indian Constitution prohibits trafficking in human beings and forced labour and other forms of forced labour.
  - ii) As per Section 2 (K) of the Juvenile Justice (Care and Protection of Children) Act, 2000(hereinafter referred to as JJ Act) juvenile or child means a person who has not completed 18 years of age. Section 2 (D) of the JJ Act defines "a child in need of care and protection" in detail.
  - iii) The trafficked child could suffer from any or all the handicaps stated in Section 2 (D) of the JJ Act and is clearly in need of care and protection. Sections 23, 24, 25, 26 of the JJ Act which deals with various forms of exploitation of the child are declared to be a cognizable offence under the JJ Act.
  - iv) The Criminal Law Amendment Act, 2013 has amended the Indian Penal Code on the specific offence of trafficking. Section 370 defines trafficking in detail. It is to be noted that the consent of victim is immaterial in determination of the offence of trafficking and the offence as already stated are cognizable.



v) The Supreme Court in PUDR Vs Supreme Court in 1982 3SCC235 has elaborated on the issue of forced labour. Therefore, service without wages or with paltry wages; denial of choice of alternative avocations, denial of right of movement are all to be considered as forced labour. The trafficked children from the any one of these conditions are not only to be retrieved but the offender has to be charged as having committed a cognizable offence.

vi) The trafficked children are often those children who have gone missing. Wherever there are more than one case relating to trafficked children or forced labour, Section 155 (4) of CrPC makes it very clear that the case shall be deemed to be cognizable notwithstanding that the other offences charged are non-cognizable.

4. As regards missing children, the Supreme Court in the case of Bachpan Bachao Andolan Vs. Union of India and Others dated 10.05.2013, defined missing child in detail. It also stated that the child missing shall be treated within the meaning of JJ Act in need of care and protection as per the JJ Act. The Supreme Court has also stated that all cases of missing child will be prima facie treated as cognizable act (until proved otherwise) and a FIR filed accordingly. The registration of FIR should be stressed not only with reference to JJ Act but all Acts wherever children are the victims. Trafficked child upon recovery should be counseled by a social worker and proper investigation launched against the offenders/traffickers.

5. The AHTU shall take all necessary steps to investigate all the cases relating to trafficked persons with special emphasis on investigating crimes relating to trafficked children and women and treat the same as being part of organized crime and target the economics of crime syndicates. This may be done through cancellation of licences of establishments/factories, sealing, attachment and confiscation of property etc. During and after the rescue of the child, the SOP for investigating the crime relating to crime on trafficking for forced labour; developed by UNODC-MHA may be effectively utilized. The protocol for prevention, rescue, repatriation and rehabilitation issued by the Ministry of Labour and Employment in 2008 may be followed.

6. The rescue team should be multi-disciplinary and should comprise representative of Police or Labour, SDM or his representative, NGO/complainant, lady police/volunteer, and member of child welfare committee. Under no circumstance should any interaction between the child and the employer/trafficker be allowed. The children rescued must be sent immediately to child welfare committee and action taken under the JJ Act 2000. The Labour Department should be held responsible for filing of FIR and to initiate other necessary proceedings against the offender. The repatriation of the child should be a prime objective in the investigation to ensure that the child goes back to safety. The police shall take all necessary precaution for the safety of the child and/or other witnesses wherever cases of organized trafficking is investigated. The statement of victim should be

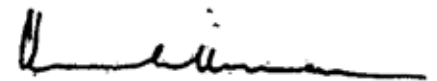


recorded under Section 164 of CrPC and charge sheet be filed soon after investigation. There should also be an inquiry for home verification under the JJ Act before repatriation and child welfare committee in the home district shall be responsible for the wellbeing of the child. Before the repatriation of the child, efforts should be made by the Police to obtain as much information from the child about his/her traffickers as possible. This information must be uploaded to the district/state database on trafficked children and traffickers/employers. The Labour Department should initiate proceeding for immediately recovery of the fine of Rs.20,000 to be recovered from the employer under the Supreme Court guidelines of M.C. Mehta Vs. State of Tamil Nadu 1996 (6 SCC 756). After recovery, the said amount shall go to the Rehabilitation Cum Welfare Society of Child Labour in the native district of the child for his/her socio-economic and educational rehabilitation. The Department of Labour shall also initiate proceeding for the recovery of the back wages of the child as per the Minimum Wage Act, 1948.

7. The various provisions of law applicable at various stages of trafficking of child labourers' are in the table attached as Annexure-A.

8. The aforementioned measures are only indicative and the States/UTs may consider any additional measures for dealing with the crime of human trafficking and child labour. This Ministry may also be kept apprised of any special measures/mechanisms introduced in their respective jurisdictions so that the same could be circulated to other State Governments and UT Administrations for consideration/adoption. States/UTs may consider translating this SOP into regional languages for dissemination.

The receipt of the SOP may be acknowledged.



(S.Suresh KUMAR)

Joint Secretary to Govt. of India,  
Ministry of Home Affairs,  
Tel. No. 23438100

To  
The Chief Secretaries &  
The Principal Secretary/Secretary (Home)  
All State Governments and Union Territories

Copy also for information and necessary action to:

- i. The DGs of all State Governments/UTs.
- ii. National Commission for Protection of Child Rights
- iii. Director General BPR&D
- iv. Director NCRB

- v. Director CBI
- vi. Director, IB
- vii. Director General BSF
- viii. Director General ITBP
- ix. Director General SSB
- x. Ministry of Women and Child Development
- xi. Ministry of Labour
- xii. Ministry of Social Justice and Empowerment
- xiii. Nodal officers Human Trafficking



**(S. Suresh KUMAR)**

**Joint Secretary to Govt. of India**

**LEGAL PROVISIONS IN CHILD LABOUR TRAFFICKING**

Sl. No.	Situation of the child	Statute	Offence (Provision)	Section	Classification	Punishment
1.	Children are lied to and enticed to be brought for work	Indian Penal Code (IPC) 1860	a) Cheating	Section 417 and related	Bailable and non cognizable	Up to 1 year or fine
			b) Abduction			
			i) Abduction for wrongful confinement	Section 365, 367 and related	Non bailable and cognizable	Up to 7 years and fine
			ii) Abduction for slavery	Section 367	Non bailable and cognizable	Upto 10 years or fine
			c) Kidnapping through enticement	Section 363	Cognizable and Bailable (Non-Bailable in Delhi)	Upto 7 years and fine
	JJ Act	Procurement	Section	Cognizable and	Upto 3 years	

Sl. No.	Situation of the child	Statute	Offence (Provision)	Section	Classification	Punishment
		2000	t of a child for hazardous employment	26	Bailable (Non-Bailable in Delhi)	and fine
2.	By paying some money to the parents as consideration or as advance	a) Indian Penal Code, 1860	Buying of a person as a slave	Section 370	Bailable and non-Cognizable	Upto 7 years and fine
		b) The Bonded Labour System (Abolition) Act, 1976	Punishment for advancement for bonded labour	Section 17	Bailable and Cognizable	Upto 3 years and fine
3.	Giving away the procured (Trafficked child) to the employer for monetary consideration for the purpose of employment.	a) Indian Penal Code 1860	Selling a minor for the purposes of Prostitution.	Section 372	Non Bailable and Cognizable	Upto 10 years and fine
4.	Employin	a) Child Labour	Employing the child in	Section	Non-Cognizable	Upto 1 year. Repeat offence

Sl. No.	Situation of the child	Statute	Offence (Provision)	Section	Classification	Punishment
	g the child	(Prohibition and Regulation Act, 1986	prohibited occupations and processes	3/14	and Bailable	upto 2 years and fine upto 20,000 (Min. 10,000 and max. 20,000 as per Supreme Court Guidelines
		b) JJ Act, 2000	Procuring child/juvenile for hazardous employment	Section 26	Cognizable and Bailable (Non-Bailable in Delhi)	Upto 3 years and fine
5.	a) Not allowing the child to move freely, return home as per his/her will	Indian Penal Code, 1860	Wrongful confinement of a kidnapped or abducted person/child	Section 368	Cognizable and non Bailable	Upto 10 years and fine
	b) Not paying wages or paying less than the minimum	a) The Bonded Labour System (Abolition) Act, 1860	Enforcing forced or bonded labour	Section 16	Bailable and Cognizable	Upto 3 years and fine



# Human Trafficking

The Government of India's Ministry of Home Affairs describes human trafficking in the *Comprehensive Scheme for Establishment of Integrated AHTUs and ToTs*:



The Trafficking in Human Beings is a crime committed in order to target, lead or drive a human being into an exploitative situation with the aim to make profits. Such exploitation may take many forms, for example commercial sexual exploitation, child labour, forced labour, bonded labour or illegal organ removal etc.<sup>1</sup>



## Human Trafficking Compared to the Slave Trade

Slavery is the possession and control of a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploiting that person through the use, management, profit, transfer or disposal of that person. Usually, this exercise will be achieved through means such as violence or threats of violence, deception and/or coercion.<sup>2</sup>

The earliest known form of slavery dates back to the Shang Dynasty in China.<sup>3</sup> Over the centuries, there was an increased awareness of the injustice of slavery. In 1807 the British Parliament passed the *Abolition of the Slave Trade Act* which was later followed with the *Slavery Abolition Act* in 1833.<sup>4</sup> Despite the abolition of legal slavery in the 19th century, illegal forms of slavery still exist in large numbers. *The Global Slavery Index 2014* estimates that there are 35.8 million enslaved people worldwide.<sup>5</sup>

All trading in slaves is human trafficking. Human trafficking, however, is a wider concept which includes forms of exploitation other than slavery, for which a human being can be bought and sold. A person may be sold to the sustained control of another (e.g. slavery) or for more temporary exploitation (e.g. the illegal removal of an organ).

## Human Trafficking and International Law

International agreements and conventions dealing with human trafficking first emerged at the beginning of the 20th century. At that time, trafficking was discussed in the context of trading women internationally for the purpose of prostitution. The latest UN convention gives a definition of trafficking which includes all races, all ages, males and females, national and international trade; it recognises many other forms of exploitation beyond sexual exploitation.

**Table 1A: International Treaties on Trafficking**

Year	Title	Exploitation	Protected Group
1921	International Convention for the Suppression of the Traffic in Women and Children <sup>6</sup>	Immoral purposes that gratify passions of another	Woman or child (male or female)

<sup>1</sup> Ministry of Home Affairs, *Comprehensive Scheme for Establishment of Integrated AHTUs and ToTs*, page 1.

<sup>2</sup> Walk Free Foundation. *The Global Slavery Index 2014*, page 11.

<sup>3</sup> Encyclopaedia Britannica. Slavery Article: <http://www.britannica.com/EBchecked/topic/548305/slavery>.

<sup>4</sup> <http://www.nationalarchives.gov.uk/education/lesson27.htm>.

<sup>5</sup> Walk Free Foundation. *The Global Slavery Index 2014*, page 6.

Year	Title	Exploitation	Protected Group
1933	International Convention for the Suppression of the Traffic in Women of Full Age <sup>7</sup>	As mentioned above	Woman of full age
1949	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others <sup>8</sup>	Prostitution	Any person
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime <sup>9</sup>	Prostitution, sexual exploitation, forced labour, slavery, servitude or the removal of organs	Any person

## Human Trafficking Laws in India Before 2013

Before 2013, there was no specific law in India defining and covering all forms of human trafficking. Different aspects of trafficking were dealt with by different laws:

### A. Human Trafficking in the Constitution

Part III of the Constitution of India sets out the Fundamental Rights. Articles 19 to 22 are under the heading “Right to Freedom.” Articles 23 to 24 are under the heading “Right Against Exploitation.” According to the Constitution, exploitation includes trafficking in human beings, *begar*, forced labour and child labour in hazardous work.

**Table 1B: Articles of the Constitution Related to Trafficking of Persons**

Fundamental Right	Article
The right to move freely throughout the territory of India	Article 19 (1)(d) (Right to Freedom)
The right to reside and settle in any part of the territory of India	Article 19 (1)(e) (Right to Freedom)
The right to practise any profession, or to carry on any occupation, trade or business	Article 19 (1)(e) (Right to Freedom)
No person shall be deprived of his life or personal liberty except according to procedure established by law.	Article 21 (Right to Freedom)
Traffic in human beings and <i>begar</i> and other similar forms of forced labour are prohibited, and any contravention of this provision shall be an offence punishable in accordance with law.	Article 23 (Right Against Exploitation)
No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.	Article 24 (Right Against Exploitation)

So, according to the Constitution, exploitation includes trafficking in human beings, *begar*, forced labour and child labour in hazardous work.

<sup>6</sup> [http://www.uate.org/uploads/files/Convention\\_Traffic\\_Women\\_Children.pdf](http://www.uate.org/uploads/files/Convention_Traffic_Women_Children.pdf)

<sup>7</sup> <http://www1.umn.edu/humanrts/instree/women-traffic.html>

<sup>8</sup> <http://www2.ohchr.org/english/law/trafficpersons.htm>

<sup>9</sup> [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)

## B. Human Trafficking in Other Indian Law

Many other Acts contain provisions related to types of trafficking or targeting the exploitation itself (rather than the way in which the person ended up in the exploitative environment):

- Bonded Labour System (Abolition) Act, 1976
- Indian Penal Code, 1860, sections 359-374
- Immoral Traffic (Prevention) Act, 1956
- Prohibition of Child Marriage Act, 2006
- Transplantation of Human Organs Act, 1994
- Karnataka Devadasis (Prevention of Dedication) Act, 1989
- Karnataka Prohibition of Beggary Act, 1975
- Factories Act, 1948
- Children Act, 1960
- Child Labour (Prohibition and Regulation) Act, 1986
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
- Protection of Children from Sexual Offences Act, 2012

## Human Trafficking Laws in India After 2013

The Criminal Law (Amendment) Act, 2013 removed the previous section 370 of the IPC - 'Buying or Disposing of a Person as a Slave' - and replaced it with the offence of Trafficking of Persons. The wording is very similar to that found in the UN protocol for the prevention of trafficking.

### Section 370: Trafficking of Persons

(1) Whoever, for the purpose of exploitation,

- (a) recruits,
- (b) transports,
- (c) harbours,
- (d) transfers or
- (e) receives, a person or persons, by—
  - First — using threats, or
  - Secondly — using force, or any other form of coercion, or
  - Thirdly — by abduction, or
  - Fourthly — by practising fraud, or deception, or
  - Fifthly — by abuse of power, or
  - Sixthly — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

commits the offence of trafficking.

Explanation 1 — The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude or the forced removal of organs.

Explanation 2 — The consent of the victim is immaterial in a determination of the offence of trafficking.

## Types of Exploitation

According to section 370 of the IPC, trafficking is only an offence if it is for the purpose of exploitation. Exploitation is not defined in section 370 of the IPC, but it does give an explanation of what is included in exploitation:

“ The expression ‘exploitation’ shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. ”

The legal dictionary definition of exploitation is ‘the act of taking advantage of something; especially the act of taking unjust advantage of another for one’s own benefit.’<sup>10</sup>

The Constitution does not define exploitation, but it does create two fundamental rights against exploitation: Article 23 and Article 24. Therefore, according to the Constitution of India, trafficking of persons, *begar*, and other similar forms of forced labour and employing a child under fourteen years in a factory, mine or hazardous employment is exploitation.

**The Ministry of Home Affairs** in its advisory on Preventing and Combating Human Trafficking in India described Trafficking in Human Beings as “a crime committed in order to target, lead or drive a human being into an exploitative situation with the aim to make profits. **Such exploitation may take many forms**, for example commercial sexual exploitation, child labour, **forced labour, bonded labour** or illegal organ removal etc.”<sup>11</sup>

### Forced Labour and Bonded Labour

Bonded labour is a form of forced labour.<sup>12</sup>

Bonded labour is the most prevalent form of forced labour. Other forms of forced labour include compulsory participation in public works, domestic workers in forced labour situations, forced labour exacted by the military, prison labour etc.<sup>13</sup> According to Siddharth Kara’s recent estimate, however, 63% of all forced labour in South Asia is debt bondage/bonded labour.<sup>14</sup> Most instances of forced labour will be bonded labour. In addition, the definition of bonded labour in India is not limited to situations of bondage to a financial debt (see *Bonded Labour System (Abolition) Act, 1976, Chapter I (2)*). The Supreme Court has thus ruled that, “whenever it is shown that a labourer is made to provide forced labour, the court would raise the presumption that he is required to do so in consideration of an advance or other economic consideration received by him and he is therefore a bonded labourer.”<sup>15</sup>

Although parts of the Bonded Labour System (Abolition) Act, 1976 (BLA) are specific to bonded labour, section 12 of the BLA gives the duty to the District Magistrate to inquire into whether ‘any person is found to be enforcing the bonded labour system or any other system of forced labour’ and to forthwith take action necessary to ‘eradicate the enforcement of such forced labour.’ Therefore, the distinction between bonded labour and forced labour is marginal both in the definition and procedure to be followed. However, it is important to understand this difference and not interchange the terms. This manual will use the term bonded labour because this type of exploitation has been given a specific definition in the *Bonded Labour System (Abolition) Act, 1976*.

<sup>10</sup> Garner, Bryan. (Ed) Black’s Law Dictionary (8th Ed, Thomson West, USA, 2004), page 619.

<sup>11</sup> Ministry of Home Affairs Advisory on Preventing and Combating Human Trafficking in India (9 September 2009).

<sup>12</sup> *Bandhua Mukti Morcha v. Union of India* (1984) 3 SCC 161, 206 (“Bandhua”).

<sup>13</sup> Kara, Siddharth. *Bonded Labor* (Columbia University Press, New York, 2012), page 29.

<sup>14</sup> *Ibid.* Table A.1 (“Bonded Labor”), page 236.

<sup>15</sup> *Bandhua*, above n. 10, page 207.

**Table 1C: Summary of Exploitation Types and Their Associated Legislation**

Type of Exploitation	Definition	Examples
Any act of physical exploitation	The act of taking unjust advantage of another for one’s own benefit <sup>15</sup>	<i>Bonded Labour System (Abolition) Act, 1976</i> <i>Karnataka Prohibition of Beggary Act, 1975</i> <i>Scheduled Caste @ Scheduled Tribe (Prevention of Atrocities) Act, 1989</i> IPC s. 363A
Any form of sexual exploitation	The use of a person in prostitution, pornography, or other sexually manipulative activity that has caused or could cause serious emotional injury <sup>16</sup>	<i>Protection of Children from Sexual Offences Act, 2012</i> <i>Immoral Traffic (Prevention) Act, 1956</i> <i>Prohibition of Child Marriage Act, 2006</i> <i>Karnataka Devadasis (Prevention of Dedication) Act, 1989</i> IPC s. 372, s. 373
Any form of slavery	Slavery is the possession and control of a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploiting that person through the use, management, profit, transfer or disposal of that person. <sup>17</sup>	IPC s. 371, s. 367
Practices similar to slavery, servitude	The compulsion of service... for when that occurs the condition of servitude is created <sup>18</sup>	<i>Bonded Labour System (Abolition) Act, 1976</i> IPC s. 374 (Unlawful Compulsory Labour)
Forced removal of organs	Human organ means any part of a human body consisting of a structured arrangement of tissues which, if wholly removed, cannot be replicated by the body. <sup>19</sup>	<i>Transplantation of Human Organs Act, 1994</i>

The role of this manual is not to cover all types of trafficking. Human trafficking is a concept that includes a wide range of exploitative abuse, which will in many, but not all, cases also amount to forced labour. Likewise, forced labour describes various forms of labour exploitation, which will in most, but not all, cases amount to bonded labour.

Trafficking for sexual exploitation and trafficking for forced removal of organs will not be considered here, for instance. Rather, this manual will look at the most prevalent form of trafficking in India: trafficking for bonded labour. Particular acts compelling bonded labour will constitute “physical exploitation,” while the enforcement of the bonded labour system as a whole is more likely to be classified as “servitude” or a “practice similar to slavery.” However, **it is important to bear in mind that cases of bonded labour will be cases of human trafficking only if they have the “act” and the “means” as defined for human trafficking itself.**

<sup>16</sup> *People’s Union for Democratic Rights v. Union of India*. AIR 1982 SC 1473 (“Asiad Case”).

<sup>17</sup> *Transplantation of Human Organs Act, 1994* s. 2(h).

<sup>18</sup> *Black’s Law Dictionary*, above n. 8, page 619.

<sup>19</sup> *Ibid.*



## Exploitation Through Bonded Labour

Bonded labour is exploitation. The Preamble to the *Bonded Labour System (Abolition) Act, 1976* states the purpose of the Act is “to provide for the abolition of bonded labour system with a view of preventing the economic and physical exploitation of the weaker sections of the people...”<sup>20</sup>

The Anti-Human Trafficking Unit (AHTU), the local District Administration and the district police are tasked with dealing with trafficking in human beings which is repeatedly explained as including forced labour and bonded labour.<sup>21</sup>

Bonded labour occurs when a person forfeits fundamental freedoms because of an advance payment, because of another economic consideration or because of a custom or social obligation. People may end up in bonded labour because they have no other choice, because they have been deceived or because they have been coerced into a bonded labour system.

**Table 1D: Estimates of the Number of Forced Labourers<sup>22</sup>**

Sources	Gandhi Peace Foundation & National Labour Institute	Kevin Bales, <i>Disposable People</i>	Siddharth Kara, <i>Bonded Labor</i>	ILO, Global Estimate of Forced Labour	Walk Free Foundation, <i>Global Slavery Index</i>
Persons in Forced Labour (millions)	2.6 <sup>23</sup>	18 <sup>24</sup>	11 to 13 <sup>25</sup>	11.7 <sup>26</sup>	14.3 <sup>27</sup>
Geographical Area	India	India, Pakistan, Nepal	India	Asia Pacific	India

The Supreme Court has noted that bonded labour ‘...is rampant in brick kilns, stone quarries, crushing mines, beedi manufacturing, carpet weaving, construction industries, agriculture, in rural and urban unorganised and informal sector, power looms and cotton handlooms, fish processing etc.’<sup>28</sup>

<sup>20</sup> Preamble to the *Bonded Labour System (Abolition) Act, 1976*.

<sup>21</sup> Ministry of Home Affairs. *Advisory on Preventing and Combating Human Trafficking in India* (9 September 2009).

<sup>22</sup> Refer to Disclaimer of this book.

<sup>23</sup> Survey Conducted by *Gandhi Peace Foundation* and the *National Labour Institute Survey*, May-December 1978.

<sup>24</sup> Bales, Kevin. *Disposable People: New Slavery in the Global Economy* (California University Press, USA, 1999).

<sup>25</sup> Kara, Siddharth. *Bonded Labor*, above n. 11, 2011.

<sup>26</sup> International Labour Organization. *Global Estimate of Forced Labour 2012* (includes all forced labour including sexual exploitation and state-imposed forced labour).

<sup>27</sup> Walk Free Foundation. *Global Slavery Index 2014*, page 76 (includes estimates of forced labour and human trafficking).

<sup>28</sup> *Public Union for Civil Liberties v. State of Tamil Nadu @ Ors Writ Petition No. 3922 of 1985*, Supreme Court, 15 October 2012.

# Trafficking for Bonded Labour

## Law and Procedure

Human Trafficking involves an act or acts, a means and a purpose. The purpose has to be exploitation. Where it can be proved that labour extracted from a person is bonded labour, that labour amounts to exploitation. So the purpose element of trafficking will always be fulfilled in such a bonded labour case. **It is trafficking for bonded labour when two other elements of the definition are met. There need to be one of the required acts and one of the required means laid out in section 370 of the IPC.**

### Section 370: Trafficking of Persons

(1) *Whoever, for the purpose of exploitation,*

(a) *recruits,*

(b) *transports,*

(c) *harbours,*

(d) *transfers or*

(e) *receives, a person or persons, by—*

*First — using threats, or*

*Secondly — using force, or any other form of coercion, or*

*Thirdly — by abduction, or*

*Fourthly — by practising fraud, or deception, or*

*Fifthly — by abuse of power, or*

*Sixthly — by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,*

*commits the offence of trafficking.*

Explanation 1 — *The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude or the forced removal of organs.*

Explanation 2 — *The consent of the victim is immaterial in a determination of the offence of trafficking.*

### Defining a Bonded Labour System

Bonded labour violates the fundamental rights guaranteed to all citizens by the Indian Constitution. In recognition of this, the enactment of the *Bonded Labour System (Abolition) Act, 1976*, abolished the system of bonded labour from all of India.

### Section 2 (g) of the *Bonded Labour System (Abolition) Act, 1976* defines a bonded labour system:

*“Bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has or is presumed to have entered into an agreement with the creditor to the effect that --*

(i) *in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or*

(ii) *in pursuance of any customary or social obligation, or*

(iii) *in pursuance of an obligation devolving on him by succession, or*

(iv) *for any economic consideration received by him or by any of his lineal ascendants or descendants, or*

(v) *by reason of his birth in any particular caste or community,*

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he would --

- (1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or
- (2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or
- (3) forfeit the right to move freely throughout the territory of India, or
- (4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has or is presumed to have entered into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor.

**Section 2 (g) consists of two parts.** Section 2 (g)(1-4) are the rights or freedoms which may be forfeited under a bonded labour system. Section 2 (g)(i-v) are debts or other types of obligations necessary for a bonded labour system.



### I. Section 2 (g)(1-4): Rights and Freedom(s) Forfeited

Forfeit means to lose.<sup>30</sup> It can include deprivation of rights, the loss of rights or the extinction of rights.<sup>31</sup>

#### Four Rights and/or Freedoms That May Be Forfeited

##### 1. Forfeit the Right to Receive the Legal Minimum Wage

A labourer renders labour for less than the legal minimum wage.

**Example:** An employer in a brick kiln promises a labourer a wage of Rs. 350 for every 1000 bricks he produces. The labourer produces 6000 bricks in 7 days, but at the end of the week, he receives only Rs. 600 for his wages. When he asks the employer for clarification, he is told that the remaining amount from his wages has been deducted towards his advance. Thus, the actual wage received of Rs. 600 per week should be considered for analysis, not the promised wage of Rs. 350 per 1000 bricks.

<sup>30</sup> Aiyar, P Ramanatha. *The Law Lexicon* (3rd Ed, LexisNexis, Haryana, 2012), page 662.

<sup>31</sup> *Unity Company P. Ltd v. Diamond Sugar Mills*, AIR 1971 Cal 18, page 37.

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## Four Rights and/or Freedoms That May Be Forfeited

### 2. Forfeit Freedom of Employment

A labourer forfeits his or her right to choose his or her employment.

**Example:** Although it is the rainy season and there is no work available at his rice mill, the employer does not allow his employees to find work elsewhere unless their debts have been repaid.

**Example:** Labourer Ramu working in a brick kiln is severely injured while at work and is advised bed rest until he has recovered. During the recovery period Ramu's wife is unable to produce the required number of bricks by herself. As a result, the couple does not get paid since they have not completed their portion. The wife then finds temporary work at a tomato farm next to the kiln, but the owner of the brick kiln doesn't permit her.

### 3. Forfeit Freedom of Movement Throughout India

A labourer is prevented from freely travelling throughout India.

**Example:** A labourer is forced to live at the brick kiln facility owned by the creditor who gave him the advance. The creditor may allow him to leave the facility only to purchase items at the market for a short period of time or restrict the labourer from leaving the facility completely. The creditor may also permit the labourer to leave on the condition that one of the labourer's family members remains at the facility. This acts as surety which forces the labourer to return.

**Example:** Labourer Hari working in a stone quarry and his wife are taken to the market in a tractor owned by the employer. They are allowed by the supervisor to shop for an hour, but then are dropped back at the sheds in the quarry.

### 4. Forfeit Freedom to Buy or Sell Goods and Services at Market Value

A labourer is prevented from appropriating or selling possessions or labour at market value.

**Example:** Bonded silk weavers are required to sell their goods only to their owners and do not enjoy marketplace freedom.

**Example:** Labourer Lakshmi makes garlands using flowers and is required to sell them to the owner of the estate and not at the market.

Only **ONE** of the four freedoms needs to be forfeited for a labourer to be considered bonded. In most cases, however, multiple freedoms have been forfeited simultaneously.

## II. Section 2 (g)(i-v): Debt or Obligation

Under the BLA, a bonded debt or obligation:

- Does NOT have to be a written document or formal contract;
- Can be created without the consent of the labour or it could be asked for by the labourer himself.

The BLA provides for five types of **debt or obligation**. These are described in the following chart:

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## Types of Debt or Obligation in the BLA

<p><b>Advance</b><sup>34</sup></p>	<p>An advance per the BLA refers to “an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor).”<sup>35</sup></p> <ul style="list-style-type: none"> <li>• Most common type of obligation.</li> <li>• Can be taken by the victim or any lineal ascendants or descendants.</li> </ul> <p><b>Example:</b> A labourer’s daughter is sick and requires money to pay for the medical expenses. The money is given to the labourer by the employer who then forces the labourer to work at his brick kiln to repay the loan.</p>
<p><b>Custom or Social Obligation</b><sup>36</sup></p>	<p>Tradition or economic social structure causes the forfeiture of freedom.</p> <p><b>Example:</b> In many parts of India, it is tradition for wealthy members of society to provide money to families from economically weaker sections for a wedding. The families are compelled to work as bonded labourers for such owners.</p>
<p><b>Succession</b><sup>37</sup></p>	<p>A requirement or obligation to labour that is passed on from one family member to another family member.</p> <p><b>Example:</b> A father takes an advance from a creditor and starts working. His children may later continue the work for the creditor to help pay off the father’s loan. This can even extend after the death of the father.</p>
<p><b>Other Economic Consideration</b><sup>38</sup></p>	<p>On-going consideration such as food, clothes or housing. Though this may be very inadequate, the options available for the labourer back in his or her native place may be worse. The creditor can use this to enforce a bonded labour system.</p> <p><b>Example:</b> During the summer months in parts of Odisha, when there is very little work or food available, labourers are easily enticed into coming to cities such as Bangalore. Their employer may not provide much more than some food, clothes or housing, but the labourer thinks that accepting this opportunity would be better than starving back home. The employer uses this to exploit the labourer and enforce a bonded labour system.</p>
<p><b>Caste or Community</b><sup>39</sup></p>	<p>An obligation due to birth in any particular caste or community.</p> <p><b>Example:</b> The caste system often results in people from certain castes being obliged to labour as their livelihood, rather than being educated or having a profession. The obligation to labour is due to birth in certain castes.</p>

<sup>35</sup> Bonded Labour System (Abolition) Act, 1976, s. 2 (b).

<sup>36</sup> Bonded Labour System (Abolition) Act, 1976, s. 2 (g)(ii).

<sup>37</sup> Bonded Labour System (Abolition) Act, 1976, s. 2 (g)(iii).

<sup>38</sup> Bonded Labour System (Abolition) Act, 1976, s. 2 (g)(iv).

<sup>39</sup> Bonded Labour System (Abolition) Act, 1976, s. 2 (g)(v).

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## Advances, Debts and Loans

An **advance** is a payment made before it is due.<sup>41</sup> If wages for the next two months are given before the work period is completed, then this is an advance.

A **loan** is distinguished by the fact that it must be repaid. Further, a loan is unrelated to wages or where the person works. The debtor receives the lump sum of money, and the creditor receives interest and eventually repayment.

A **debt** could be due to a loan or due to an advance. In both cases the creditor is owed something.

If a labourer receives money with a requirement to repay the debt by working, then the labourer has received an advance. If the money received requires no work and just the repayment of the principal sum with interest, then it is a loan.

A labour agreement with an advance will be void if any part of the consideration is unlawful.<sup>42</sup> **The maximum amount that can be given as an advance is two months wages.**<sup>43</sup>

Even if an advance or loan is legally given, it still does not permit the employer to force a person to work. If the employment contract or loan agreement is breached by the labourer, the employer is entitled to sue for the recovery of the debt or for damages from a breach of contract.<sup>44</sup> However, a creditor is never entitled to force a debtor to work or require the forfeiture of the debtor's rights and freedoms in order to enforce the advance or loan - this would be a bonded debt and is therefore null and void.

1. The amount deducted from wages can only be a maximum of one quarter of wages for that period.<sup>45</sup>
2. Deductions for other expenses (e.g. deductions against loans for housing or deductions for accommodations provided as part of the employment contract) are also possible, but the absolute maximum of all deductions is fifty percent.<sup>46</sup>
3. **Any deductions for an advance that extend beyond one year are illegal.**<sup>47</sup>

<sup>41</sup> *The Law Lexicon*, above n. 14, page 53.

<sup>42</sup> *Indian Contract Act*, 1872, s. 24.

<sup>43</sup> *Karnataka Payment of Wages Rules*, r. 19.

<sup>44</sup> *Indian Contract Act* 1872, s. 73.

<sup>45</sup> *Karnataka Minimum Wages Rules*, 1958, r. 22(2)(vi).

<sup>46</sup> *Payment of Wages Act*, 1936, s. 7 (3)(ii)

<sup>47</sup> *Karnataka Payment of Wages Rules*, 1963, r. 19(2).

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# Step-by-Step Actions of Police Officers in Bonded Labour Cases<sup>121</sup>

**Upon Receipt of Credible Information About Trafficking  
for Bonded Labour from Anyone:**

**Record First Information Report (FIR)**



**Send Information to District Magistrate and AHTU**



**Conduct Rescue**



**Collect Evidence During Spot Inquiry**



**Arrest**



**Ensure Safety During DA Inquiry**



**Record Section 161 Statement**



**Provide Protection for Victims During Repatriation**



**File Charge Sheet/Final Report**

<sup>121</sup> The order of the steps may vary depending upon the stage at which the case comes to the police or others factors.

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# Sample Questions for 161 Statements

## Employer/ Suspect

Who is your employer?  
How did you come to work for him?  
How long ago?  
Why do you work for him?

## Trafficking

How did you travel? Who travelled with you? How did they treat you?  
Who received you? What did they do?  
Who accompanied you from your village to the place of work?  
What was promised to you if you agreed to work (e.g. house, advance (money), job etc.)?

## Advance

Did you receive an advance from your employer?  
How much was the advance?  
How long ago did you receive it?  
How do you pay it back?  
Are any records kept of your advance?

## Wages

What are your wages?  
Are any deductions taken from your wages?  
How much of the wage did you get in your hand?  
Is that wage just for you or is it for your entire family?  
What time do you start work? What time do you finish?

## Restricted Freedom

Where do you live?  
Are you allowed to leave the facility?  
If so, what makes you return to the facility?  
Are you allowed to work elsewhere?  
What do you do when there is no work at the facility?

## Abuse

How does the owner/supervisor treat you?  
Have you or any of your co-workers suffered any violence from the owner/supervisor?  
Have you or any of your co-workers been insulted by the owner/supervisor?

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# Procedure under the Immoral Trafficking Prevention Act



## Points to note:

### 1) Arrest without warrant

- a. An arrest without warrant can only be done by a special police officer (SPO under ITPA) or under his written direction or with his prior written permission.<sup>1</sup>
- b. An officer subordinate to the SPO can arrest a person without the presence of the SPO only if the SPO gives him an order in writing, specifying the person to be arrested and the offence for which the arrest is being made; and the latter officer before arresting the person shall inform him of the substance of the order and, on being required by such person, show him the order.

### 2) Any officer not below the rank of sub-inspector can arrest a person suspected only if

- a. He is specially authorized by the special police officer to do so;
- b. If he has reason to believe that on account of delay involved in obtaining the order of the SPO, any valuable evidence relating to any offence under this Act is likely to be destroyed. But in such case he must report to the SPO as soon as possible.<sup>2</sup>

### 3) For a search without warrant to be legal

- a. A SPO must attend the search;
- b. The SPO must have reasonable grounds for believing that an offence is being committed and that search of the premises cannot be made without undue delay and record those grounds;
- c. Two respectable witnesses (Pancha) of the locality must be present. At least one must be female (she need not be from the locality);<sup>3</sup>
- d. Two female officers must be present. In the absence of Women Police Officers, interrogation of any woman or girl removed from any place under the ITPA, must be done in the presence of a lady member of a recognised welfare organisation or institution;<sup>4</sup>
- e. SPO is entitled to remove from there all persons found therein.

"The Child Welfare Committee shall function as a Bench of Magistrates and shall have the Powers conferred by the Code of Criminal Procedure 1973 on a Metropolitan Magistrate or as the case may be, a Judicial Magistrate of the first Class."

<sup>1</sup> Juvenile Justice Act 2000, Section 29(5)

<sup>1</sup> Section 2(i) defines SPO as the police officer in the special area to be in charge of police duties for the purpose of this Act

<sup>2</sup> Section 14 ITPA

<sup>3</sup> When a person refuses to attend such a search when a written order is given to him without any reasonable ground he or she shall be deemed to have committed an offence under section 187 of IPC.

<sup>4</sup> Section 15 (6-A)



#### 4) Procedure to be followed after arrest

- a. After arrest police shall forthwith produce the victim before the appropriate Magistrate;
- b. The Magistrate shall order for the victim to be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases;<sup>5</sup>
- c. In the case of a minor, after rescue, police shall forthwith produce the victim before the appropriate Child Welfare Committee;
- d. In the case of a minor, the Child Welfare Committee shall order for the victim to be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases;
- e. In the case of a minor, when the CWC is not sitting, the victim is to be produced before at least any one member of the CWC, even if the victim needs to be produced at the house of the CWC member. This order of such CWC member will be ratified when the CWC next has its sitting;

<sup>5</sup> Section 15 ITPA.



### Protection of Children from Sexual Offences

SECTION	OFFENCE	FINE	IMPRISONMENT
4	Punishment for penetrative sexual assault	Fine	7 years to life
6	Punishment for aggravated penetrative sexual assault	Fine	10 years to life
8	Punishment for sexual assault	Fine	3 to 5 years
10	Punishment for aggravated sexual assault	Fine	5 to 7 years
12	Punishment for sexual harassment	Fine	Up to 3 years
17	Punishment for abetment	As provided for under the relevant section	As provided for under the relevant section
21	Punishment for failure to report or record a case	Fine	Up to 6 months in case of any person; Up to 1 year in case of person in charge of company or institution
22	Punishment for false complaint or false information	Fine	Up to 6 months in case of offences under Ss. 3, 5, 7 and 9; No punishment in case of child; Up to 1 year in case of false information against child



## Immoral Trafficking Prevention Act

SECTION	OFFENCE	PUNISHMENT		EVICTION	BAIL-ABLE
		FINE	IMPRISONMENT		
3 (1)	Punishment for keeping a brothel or allowing premises to be used as a brothel	On first time: Rs 2000 On second time: Rs 2000	On first time: 1-3 years On second time: 5 years	Yes	No
3 (2)	Allowing premises to be used as a brothel	On first time: Rs 2000 On second time: Fine	On first time: 0-2 years On second time: up to 5 years	Yes	First time: Yes Second time: No
4	Living off the earnings of prostitution	RS 1000	2 years Minor: 7-10 years	No	Yes For minor: No
5	Procuring, inducing or taking a person for the sake of prostitution	Rs 2000	3-7 years If minor or not consenting major: 7-14 years	No	No
6	Detaining a person in premises where prostitution is carried out	Fine	7-life Or up to 10 years. With reasons less than 7	No	No
7 (1)	Prostitution in or in the vicinity of public places (prostitute or customer)		Up to 3 months	Yes	Yes
7 (1).A	Prostitution of minor in or in the vicinity of public places (prostitute or customer)	Fine	Minor: 7-life Or up to 10 years. With reasons less than 7	Yes	No
7 (2)	Prostitution in or in the vicinity of public places: keeper, owner, landlord	On first time: Up to Rs 200 On second time: License suspended if hotel	On first time: Up to 3 months On second time: Up to 6 months	Yes	Yes
9	Seduction of a person in custody	Fine	7-life or up to 10 years. With reasons less than 7. Can pass for order in corrective institution and probation	No	No



## Indian Penal Code

SECTION	OFFENCE	FINE	IMPRISONMENT
354A	Sexual harrasment	Fine	Up to 5 years
354B	Assault or use of force to woman with intent to disrobe	Fine	3 to 7 years
366	Kidnapping, abducting or inducing a woman to compel her to marriage, etc.	Fine	Up to 10 years
366A	Procuration of a minor girl	Fine	Up to 10 years
366B	Importation of a girl from a foreign country	Fine	Up to 10 years
367	Kidnapping or abducting in order to subject person to grievous hurt, slavery	Fine	Up to 10 years
370	Trafficking of person/s	Fine Fine Fine Fine	In case of adults: One person: 7-10 years More than one person: 10 years to life In case of minors: One minor: 10 years to life More than one minor: 14 years to life
370A	Employing of a traffickied person	Fine	5 to 7 years in case of child 3 to 7 years in case of adult
372	Selling a minor for purposes of prostitution	Fine	Up to 10 years
373	Buying a minor for purposes of prostitution, etc.	Fine	Up to 10 years
376	Punishment for secual assault	Fine	7 years to life 10 years to life in listed cases
376A	Punishment for causing death or resulting in persistent vegetative state of the victim	Fine	20 years to life
376C	Sexual intercourse by a person in authority	Fine	5 to 10 years
376D	Sexual assault by gang	Compensation towards medical and rehabilitation expenses	20 years to life
376E	Punishment for repeat offenders		Life

**"The Child Welfare Committee shall have the Final Authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children, as well as to provide for their basic needs and protection of human rights."**

- Juvenile Justice Act 2000, Section 31(1)



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# VIOLENCE AGAINST WOMEN

Violence against women can fit into several broad categories. These include violence carried out by "individuals" as well as "states". Some of the forms of violence perpetrated by individuals are rape; domestic violence; sexual harassment; coercive use of contraceptives; female infanticide; prenatal sex selection; obstetric violence and mob violence; as well as harmful customary or traditional practices such as honor killings, dowry violence, female genital mutilation, marriage by abduction and forced marriage. Some forms of violence are perpetrated or condoned by the state such as war rape; sexual violence and sexual slavery during conflict; forced sterilization; forced abortion; violence by the police and authoritative personnel; stoning and flogging. Many forms of VAW, such as trafficking in women and forced prostitution are often perpetrated by organized criminal networks.

Phase	Type of violence
Pre-birth	Sex-selective abortion; effects of battering during pregnancy on birth outcomes
Infancy	Female infanticide; physical, sexual and psychological abuse
Girlhood	Child marriage; female genital mutilation; physical, sexual and psychological abuse; incest; child prostitution and pornography
Adolescence and adulthood	Dating and courtship violence (e.g. acid throwing and date rape); economically coerced sex (e.g. school girls having sex with "sugar daddies" in return for school fees); incest; sexual abuse in the workplace; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner violence; marital rape; dowry abuse and murders; partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy
Elderly	Forced "suicide" or homicide of widows for economic reasons; sexual, physical and psychological abuse

The term violence refers to all acts that cause direct physical, mental or sexual harm or suffering and includes threats of such acts. Violence also includes indirect acts such as coercion, intimidation, oppression and forcing a person to do something against his or her will. Whilst women, men, boys and girls can be victims of violence, women and girls are disproportionately affected.

The term "gender-based violence" refers to violence that targets individuals or groups on the basis of their gender. The United Nations Office of the high Commissioner for Human Rights' Committee on the Elimination of Discrimination Against Women (CEDAW) defines it as "violence that is directed against a woman because she is a woman or that affects women disproportionately" in its General Recommendations 19. Gender-based violence is the result of gendered inequities that exploit distinctions between men and women, among men and among women. Although not exclusive to women and girls, Gender-based violence principally affects them across all societies.

This includes acts that inflict physical, mental or sexual harm or suffering, the threat of such acts, coercion and other deprivations of liberty. Together with "sexual violence" and "violence against women", "gender-based violence" is used interchangeably. Violence is experienced by women at home, work place and in public domain such as street, while accessing service etc.

**Domestic violence** As defined by the Protection of Women from Domestic Violence Act, 2005, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it -  
 (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

**Physical abuse** is abuse involving contact intended to cause pain, injury, or other physical suffering or bodily harm. It includes hitting, slapping, punching, choking, pushing, throwing objects, burning and other types of contact that result in physical injury to the victim. The victim may be abused by several perpetrators: for instance the victim may be held down by a person so that someone else can assault the victim. The victim may be locked in a room or tied down.

**Acid attacks** also seen in domestic violence, occur when acid is thrown in anger or vengeance at the victims, usually at their faces, burning them, and damaging skin tissue, often exposing and sometimes dissolving the bones. This can result in long-term blindness and permanent scarring of the face and body.

**Sexual abuse**, is defined by World Health Organization as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim. It also includes obligatory inspections for virginity and female genital mutilation. Aside from initiation of the sexual act through physical force, sexual abuse occurs if a person is unable to understand the nature or condition of the act, unable to decline participation, or unable to communicate unwillingness to engage in the sexual act. This could be because of underage immaturity, illness, disability, or the influence of alcohol or other drugs, or due to intimidation or pressure

**Emotional abuse** (also called psychological abuse or mental abuse) can include verbal abuse and is defined as any behavior that threatens, intimidates, undermines the victim's self-worth or self-esteem, or controls the victim's freedom. Emotional abuse can include threatening the victim with injury or harm, telling the victim that they will be killed if they ever leave the relationship, isolating them from others, and public humiliation. Controlling behavior includes monitoring the victim's movements, or restricting their access to financial resources, employment, education or medical care. Constant criticism, devaluing statements, and name-calling are emotionally abusive behaviors. It may also include conflicting actions or statements which are designed to confuse and create insecurity in the victim. These behaviors also lead the victims to question themselves, causing them to believe that they are making up the abuse or that the abuse is their fault. Perpetrators may alienate a child from a parent or extended family member by teaching or forcing them to harshly criticize another person. Stalking is a common form of psychological intimidation, and is most often perpetrated by former or current partners.

People who are being emotionally abused may feel that their significant other has nearly total control over them. Isolation damages the victim's sense of internal strength, leaving them feeling helpless and unable to escape from the situation. Victims often suffer from depression, which puts them at increased risk of eating disorders, suicide, and drug and alcohol abuse.

**Verbal abuse** is a form of emotionally abusive behavior involving the use of language, which can involve threats, name-calling, blaming, ridicule, disrespect, and criticism. Less obviously aggressive forms of verbal abuse include statements that may seem benign on the surface that are thinly veiled attempts to humiliate, falsely accuse, or manipulate others to submit to undesirable behavior, make others feel unwanted and unloved, threaten others economically, or isolate victims from support systems.



**Economic abuse** is a form of abuse when one intimate partner has control over the other partner's access to economic resources. Economic abuse may involve preventing a spouse from resource acquisition, limiting the amount of resources to use by the victim, or by exploiting economic resources of the victim. The motive behind preventing a spouse from acquiring resources is to diminish the victim's capacity to support herself, thus forcing her to depend on the perpetrator financially, which includes preventing the victim from obtaining education, finding employment, maintaining or advancing their careers, and acquiring assets. Forcing or pressuring a family member to sign documents, to sell things, or to change a will are forms of economic abuse.

In addition, the abuser may also put the victim on an allowance, closely monitor how the victim spends money, spend victim's money without his/her consent and creating debt, or completely spend victim's savings to limit available resources. When an allowance is broken or there is a disagreement about the justification for any money spent, the abuser may punish the victim with physical, sexual or emotional abuse.

In parts of the world where women depend on husbands in order to survive (due to lack of opportunities for female employment and lack of state welfare) economic abuse can have very severe consequences. Abusive relations have been associated with malnutrition among both mothers and children. In India, for example, the withholding of food is a documented form of family abuse.

### **Factors that lead to violence against women:**

Gender bias and patriarchal social order where women are seen as property of men (father, husband, and partner) and are expected to behave in accordance with the accepted social/gender norms. With no status in the family and denied the right to take decisions for herself and family women become vulnerable to exploitation in the event of death of father/husband, indebtedness, natural and manmade calamities etc.

The caste and class structure prevalent in our society places certain sections of women at a disadvantage and this marginalization makes them vulnerable to violence. Women from dalit, Schedule Caste/Schedule Tribe and tribal communities are more vulnerable. Communities that are out of social security net such as excluded communities, families migrating for work, families and children living on the streets, etc are highly prone to exploitation.

Lack of access and control over property, assets, resource and finance make them dependent on the men in their lives for support. Being denied of education especially higher and technical/vocational education deprives them of work opportunities thereby forcing them into sex work.

Deceived by promises of marriage and work women are forced into sex work and prostitution. The widely prevalent heinous practice of child marriage which in itself is a form of violence against girl child, many a times leaves them widowed at a young age. With no options for employment some of them end up in sex work. Girl children of women in sex work are more vulnerable to sexual assault by clients and partners.

When protection measures in family, community or village/towns are not in place children and women become vulnerable to trafficking for various purposes including labour, prostitution and commercial sexual exploitation.

The state's response to women and children in crisis is limited and often delayed that places them in a position of vulnerability. Due to various factors the justice system also does not respond to the needs of women and children immediately.

The impact of violence against women, as vividly depicted in the flow chart below is manifold and can leave a woman/girl scared for life. It affects her personally at one level while also affecting her adversely in her occupation.



# PROTECTION MECHANISMS FOR WOMEN

## ಮಹಿಳಾ ರಕ್ಷಣಾ ವ್ಯವಸ್ಥೆಗಳು

ಮಹಿಳೆಯರ ಹಿತಾಸಕ್ತಿಗಳನ್ನು ರಕ್ಷಿಸುವ ಮತ್ತು ಅವರ ಪ್ರಗತಿ ಹಾಗೂ ಆರ್ಥಿಕ ಅಭಿವೃದ್ಧಿ, ಸಮಾನತೆ, ಲಿಂಗತಾರತಮ್ಯ ರಹಿತ ಸಾಮಾಜಿಕ ನ್ಯಾಯದೊಂದಿಗೆ ಸಮಾಜದ ಮುಖ್ಯ ವಾಹಿನಿಗೆ ತರುವುದನ್ನು ಖಚಿತ ಪಡಿಸುವ ಸಂವಿಧಾನಿಕ ಗುರಿಗೆ ಅನುಗುಣವಾಗಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಹಲವು ರೀತಿಯ ರಕ್ಷಣೆ ವ್ಯವಸ್ಥೆಗಳನ್ನು ರಚಿಸಿದೆ.

## ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಹಿಳಾ ಆಯೋಗ

ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಹಿಳಾ ಆಯೋಗ ಅಧಿನಿಯಮ ೧೯೯೫ರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾಗಿದೆ. ಇದು ಶಾಸನಬದ್ಧ ಆಯೋಗವಾಗಿದ್ದು, ೧೯೯೬ ರಿಂದ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಪ್ರಾರಂಭಿಸಿತು.

ಕೌಟುಂಬಿಕ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಮಹಿಳಾ ಸಹಾಯ ವೇದಿಕೆ ರಚನೆ, ಪಾರಿವಾರಿಕ್ ಲೋಕ್ ಆದಾಲತ್, ಕಾನೂನು ಅರಿವು ಕಾರ್ಯಕ್ರಮಗಳು, ವಿಶಾಖಾ ತೀರ್ಪಿನ ಅನುಸಾರ ಲೈಂಗಿಕ ಕಿರುಕುಳ ನಿವಾರಣೆಗಾಗಿ ದೂರು ಸಮಿತಿಗಳ ರಚನೆ ಹಾಗೂ ಮೇಲ್ವಿಚಾರಣೆ, ಸುರಕ್ಷಾ ಯೋಜನೆಯಡಿ ಆಸಿಡ್ ಹಾಗೂ ಸೀಮೆಎಣ್ಣೆ ದಾಳಿಗೆ ಒಳಗಾದ ಮಹಿಳೆಯರಿಗೆ ಧನಸಹಾಯ, ಗರ್ಭ ಧಾರಣಾ ಪೂರ್ವ ಮತ್ತು ಪೂರ್ವ ಲಿಂಗ ಪತ್ತೆ ತಂತ್ರ (ನಿಯಂತ್ರಣ ಮತ್ತು ತಡೆಗಟ್ಟುವಿಕೆ) ಅಧಿನಿಯಮ ೧೯೯೪ರ ಅನುಷ್ಠಾನದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಪಾತ್ರ, ಪೊಲೀಸ್ ಮತ್ತು ಕಾನೂನು ಘಟಕ, ಕೌಟುಂಬಿಕ ಸಲಹಾ ಕೇಂದ್ರ.

## ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ-೨೦೦೫

ಕುಟುಂಬದೊಳಗೆ ಮಾನಸಿಕವಾಗಿ, ದೈಹಿಕವಾಗಿ, ಲೈಂಗಿಕವಾಗಿ ಹಾಗೂ ಆರ್ಥಿಕವಾಗಿ ದೌರ್ಜನ್ಯಕ್ಕೊಳಪಟ್ಟ ಮಹಿಳೆಯರಿಗೆ "ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ-೨೦೦೫, ನಿಯಮ-೨೦೦೬" ರಡಿ ರಕ್ಷಣೆ ಸುರಕ್ಷಿತ ವಾಸಸ್ಥಳ, ಆರ್ಥಿಕ ಪರಿಹಾರ, ಮಕ್ಕಳ ಅಭಿರಕ್ಷೆ ಮತ್ತು ವೈದ್ಯಕೀಯ ಸೌಲಭ್ಯಕ್ಕಾಗಿ ಪ್ರತಿಯೊಂದು ಜಿಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಉಪ ನಿರ್ದೇಶಕರು, ಹಾಗೂ ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ಶಿಶು ಅಭಿವೃದ್ಧಿ ಯೋಜನಾಧಿಕಾರಿಗಳು ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ ಅವರನ್ನು ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಯರನ್ನು ರಕ್ಷಿಸಲು ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳೆಂದು ನೇಮಿಸಲಾಗಿದೆ.

## ಸಾಂತ್ವನ

ದೌರ್ಜನ್ಯಕ್ಕೆ ಒಳಪಟ್ಟ ಮಹಿಳೆಯರಿಗೆ ಆರ್ಥಿಕ ಸಹಾಯ, ಕಾನೂನು ನೆರವು ನೀಡುವುದು. ಆಶ್ರಯ ಒದಗಿಸುವುದು ಹಾಗೂ ಸ್ವ-ಉದ್ಯೋಗ ಮಾಡಲು ಅನುಕೂಲವಾಗುವಂತೆ ತರಬೇತಿ ನೀಡಿ ಮಹಿಳೆಯರು ಸ್ವಾವಲಂಬಿಗಳಾಗಿ ಬದುಕುವಂತೆ ಮಾಡುವುದೇ ಈ ಯೋಜನೆಯ ಉದ್ದೇಶವಾಗಿರುತ್ತದೆ. ತೊಂದರೆಗೊಳಗಾದ ಮಹಿಳೆಯರು ಸಮೀಪದ ಸಾಂತ್ವನ ಕೇಂದ್ರವನ್ನು ದೂರವಾಣಿ ಮೂಲಕ ಸಂಪರ್ಕಿಸಿದಲ್ಲಿ ಅವರಿಗೆ ಅವಶ್ಯಕ ನೆರವು ನೀಡಲಾಗುವುದು. ದಿನದ ೨೪ ಗಂಟೆಗಳು ದೂರು ಸ್ವೀಕರಿಸುವ ವ್ಯವಸ್ಥೆ ಇರುತ್ತದೆ. ರಾಜ್ಯದಲ್ಲಿನ ೩೦ ಜಿಲ್ಲಾ ಕೇಂದ್ರಗಳಲ್ಲಿ ಹಾಗೂ ಆಯ್ದು ೧೦೫ ತಾಲ್ಲೂಕುಗಳಲ್ಲಿ ಸ್ವಯಂ ಸೇವಾ ಸಂಸ್ಥೆಗಳ ಮೂಲಕ ೧೩೫ ಸಾಂತ್ವನ ಕೇಂದ್ರಗಳು ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿವೆ.

## "ಮಹಿಳಾ ವಿಶೇಷ ಚಿಕಿತ್ಸಾ ಘಟಕ"

ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಯರಿಗೆ ಒಂದೇ ಸೂರಿನಡಿ ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆ, ಪೊಲೀಸ್ ನೆರವು, ಕಾನೂನು ನೆರವು, ಸಮಾಲೋಚನೆ ಮತ್ತು ಮಹಿಳಾ ಸಹಾಯವಾಣಿ ಮುಂತಾದ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸುವುದು.

ಮಹಿಳಾ ವಿಶೇಷ ಚಿಕಿತ್ಸಾ ಘಟಕವು ಒಂದು ಸಮಗ್ರವಾದ ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವ ಹಾಗೂ ಒಂದು ಇಲಾಖೆಯಿಂದ ಮತ್ತೊಂದು ಇಲಾಖೆಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಮುಖ್ಯವಾಗಿ ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ಸೇವೆಗಳ ಮೂಲಕ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಯರಿಗೆ ಪುನರ್ವಸತಿ ಕಲ್ಪಿಸುವುದು.

ಸಾರ್ವಜನಿಕ ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ಸದರಿ ಚಿಕಿತ್ಸಾ ಘಟಕಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಪ್ರತಿ ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ ೨-೪ ಕೊಠಡಿಗಳನ್ನು ನೀಡುವುದು. ಈ ಘಟಕಗಳ ಸ್ಥಾಪನೆಯಿಂದಾಗಿ ಎಲ್ಲಾ ವಿಧದ ಚಿಕಿತ್ಸೆಗಳು ಹಾಗೂ ವೈದ್ಯಕೀಯ ಪರಿಣಿತರ ಸೇವೆಯು ಲಭ್ಯವಿರುತ್ತವೆ. ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಯು ತುರ್ತು ಚಿಕಿತ್ಸೆಗಾಗಿ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಾದಾಗ ಈ ಘಟಕಗಳು ಅಗತ್ಯವಾದ ಪೊಲೀಸ್ ನೆರವು, ಕಾನೂನು ನೆರವು ಹಾಗೂ ಸ್ವಯಂಸೇವಾ ಸಂಸ್ಥೆಗಳ ಮೂಲಕ ಸಮಾಲೋಚನೆ ನೆರವನ್ನು ಒದಗಿಸುತ್ತದೆ. ಈ ಘಟಕಗಳು ದಿನದ ೨೪ ಘಂಟೆಗಳು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿವೆ. ಹಾಗೂ ಮಹಿಳೆಯರ ಸಹಾಯಕ್ಕಾಗಿ ಸ್ವಯಂ ಸೇವಾ ಸಂಸ್ಥೆಯಿಂದ ನೇಮಿಸಲ್ಪಟ್ಟ ಸಮಾಜ ಕಾರ್ಯಕರ್ತರು ಘಟಕಗಳಲ್ಲಿ ಲಭ್ಯವಿರುತ್ತಾರೆ. ೨೪\*೨ ಉಚಿತ ಮಹಿಳಾ ಸಹಾಯವಾಣಿ ೧೦೯೧ ಸೌಲಭ್ಯ ಸದಾ ಲಭ್ಯವಿರುತ್ತದೆ.

## ಸಹಾಯವಾಣಿ

೧೦೯೧ ದೂರವಾಣಿ ಸಂಖ್ಯೆ ಉಚಿತ ಮಹಿಳೆಯರ ಸಹಾಯವಾಣಿಯಾಗಿದ್ದು, ದಿನದ ೨೪ ಗಂಟೆ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತದೆ. ಪ್ರತಿ ತಾಲ್ಲೂಕಿಗೊಂದರಂತೆ ಇರುತ್ತದೆ. ಯಾವುದೇ ಮಹಿಳೆ ತನಗೆ ರಕ್ಷಣೆ ಮತ್ತು ನೆರವು ಬೇಕಾದಲ್ಲಿ ಸಹಾಯವಾಣಿಗೆ ಕರೆ ಮಾಡಬಹುದು. ಈ ಸಹಾಯವಾಣಿಯಲ್ಲಿ ಕೌಟುಂಬಿಕ ಹಿಂಸೆ ಪ್ರಕರಣಗಳು, ಆಪ್ತ ಸಲಹೆ, ತಾತ್ಕಾಲಿಕ ಪುನರ್ ವಸತಿ, ಉಚಿತ ಕಾನೂನು ನೆರವು, ಆರ್ಥಿಕ ಪರಿಹಾರ, ವೈದ್ಯಕೀಯ ನೆರವನ್ನು ಒದಗಿಸಲಾಗುತ್ತದೆ.

# PROCEDURE FOR HANDLING CASES RELATING TO WOMEN

## Process before formal registration of complaint

- \* Complainant is offered a seat.
- \* SHO gives the woman a glass of water to drink.
- \* SHO enquires the case.
- \* When listening to the complainant the SHO has to understand
  - Facts of case
  - Feelings and emotions of the woman
- \* SHO paraphrases' the case to reconfirm facts of the case.
- \* SHO gives the complainant options available to handle the case
  - Calling for and warning the husband with entry in NCR/CMis
  - Registering a criminal case against the husband
  - Referring the case to the CDPO for action as per the PWDV Act
  - Sending the couple for professional counselling.
- \* Make entry in the Station House Diary mentioning:
  - Name and details of the complainant
  - Case details
- \* Complainant's choice of the action to be taken
- \* Inform Officer In-charge of the station
- \* Make entry in the Register maintained to record cases related to crimes against women as per DG&IGP circular No.3/DG&IGP/2011 dated 28.3.2011

## Mediation in cases of domestic violence

After completion of pre-registration procedures

- \* A written complaint with details of the case –
  1. Name, address and contact details of the complainant
  2. Name, address and contact details of the accused
  3. Relationship with the accused
  4. Details of violence
  5. Action to be taken
- \* Acknowledgement to be given for complaint received.
- \* Accused is asked to come to the police station.
- \* SHO briefs the accused about the complaint received against him.
- \* Accused is given an opportunity to narrate his side of the story.

- \* SHO together with the complainant and accused negotiates for a settlement.
- \* A written statement from both parties on the agreed settlement is taken.
- \* Entry is made in the SHD.
- \* Details of case is entered in the register for 'Crimes against women' with action taken and case number given.
- \* Follow up of case – either the police on 'Beat Duty' are asked to check on the couple or woman could be asked to call/ come to the PS.

## **Registering a formal complaint**

After completion of preregistration procedures

A written complaint or statement from the woman with details of the case –

1. Name, address and contact details of the complainant
2. Name, address and contact details of the accused
3. Relationship with the accused
4. Details of violence
5. Action to be taken

Acknowledgement to be given for complaint received.

## **Domestic violence (Physical & Mental)**

Husband or relatives of husband subjecting a woman to cruelty either physical or mental harassment during any time of her marriage.

- \* Complainant is sent for medical examination if necessary.
- \* Register FIR using 498(a) and appropriate sections of the IPC for physical, sexual and mental violence.
- \* Use of multiple sections necessary :
  1. To strengthen evidence supporting the case.
  2. More options for proving occurrence of crime leading to conviction.
  3. Less opportunity for accused to prove his innocence.
- \* Arrest accused.
- \* Visit scene of crime and spot mazzar is done. As far as possible witnesses to be people from the neighbourhood who are aware of the crime.
- \* Proof of marriage:
  1. Invitation printed at the time of marriage
  2. Photographs of marriage
  3. Receipt/ statement of the person in-charge of the place where the marriage took place.
  4. Statement of at-least 3 persons involved in the agreement of/ participated in the marriage.
- \* Statement from parents/relatives of the woman regarding the violence.
- \* In case of previous attempts of mediation – statements of persons involved in the process.
- \* Charge Sheet to be filed within 60 days of registration of FIR.

## **Domestic violence in relation to dowry**

Husband or relatives of husband subjecting a to woman cruelty either physical or mental harassment with relation to dowry during any time of her marriage.

- \* Complainant is sent for medical examination if necessary.
- \* Register FIR using :
  1. IPC Sec 498(a)
  2. Appropriate sections of the IPC for physical, sexual and mental violence.
  3. Read with Sec 3 (giving dowry), Sec 4 (demanding dowry) and Sec 6 (transfer of stree dhan / dowry to the wife or her successor) of the 'Dowry Prohibition Act – 1961'
- \* Use of multiple sections necessary :
  1. To strengthen evidence supporting the case.
  2. More options for proving occurrence of crime leading to conviction.
  3. Less opportunity for accused to prove his innocence.
- \* Arrest accused.
- \* Visit scene of crime and spot mazzar is done. As far as possible witnesses to be people from the neighbourhood who are aware of the crime.
- \* Proof of marriage:
  1. Invitation printed for the marriage
  2. Photographs of marriage
  3. Receipt/ statement of the person in-charge of the place where the marriage took place.
  4. Statement of at-least 3 persons involved in the agreement of/ participated in the marriage.
- \* Statement from parents/relatives of the woman
  1. Demand for dowry before marriage.
  2. Details (receipt and related documents) of property, material, vehicle, jewellery, cash etc. given as dowry during or after the marriage.
  3. Violence in relation to dowry – where and by whom.
- \* In case of previous attempts of mediation – statements of persons involved in the process.
- \* Charge Sheet to be filed within 60 days of registration of FIR. (In case the accused is in police custody Charge sheet to be submitted within 30 days of registration of FIR)

## **Compensation and Protection for Domestic violence**

After completion of pre-registration procedures and written complaint is taken:

- \* Information on the PWDV Act and outcome to be given to the complainant.
- \* Information to be given to the complainant that she can also initiate criminal proceeding by lodging an FIR.
- \* SHO assists the complainant to fill out the 'Domestic Incident Report (DIR)'



- \* Entry is made in the SHD as per the information contained in the DIR with a remark that the woman in question has chosen to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information given by her, the matter has been kept pending for appropriate enquiry before registration of FIR.
- \* Details of case entered in the register for 'Crimes against women' with action taken and case number given.
- \* Reference and contact details of the concerned 'Protection Officer' (CDPO) are given.
- \* Copy of the DIR and related orders to be maintained in a separate file at the Police Station.

### **Un-natural death of married women**

Written complaint can be given by parents, siblings or blood relatives of the woman with details of the case –

1. Name, address and contact details of the complainant
2. Name, address and contact details of the suspect
3. Relationship with the suspect
4. Details of crime
5. Circumstances that lead to the crime
6. Details of violence from husband and relatives of the husband

### **Proof of marriage:**

7. Invitation printed at the time of marriage
8. Photographs of marriage
9. Receipt/ statement of the person in-charge of the place where the marriage took place
10. Statement of at-least 3 persons involved in the agreement of/ participated in the marriage.

### **Domestic violence - Death by murder/suicide**

- \* Acknowledgement to be given for complaint received.
- \* Entry in Station House Diary
- \* Register FIR using :
  1. IPC Sec 498(a) (cruelty to married woman by husband or relatives of husband)
  2. IPC Sec 302 (in case of murder) or Sec 306 (in case of abetted suicide)
- \* Use of multiple sections necessary :
  1. To strengthen evidence supporting the case.
  2. More options for proving occurrence of crime leading to conviction.
  3. Less opportunity for accused to prove his innocence.
- \* Arrest the accused.
- \* Body inquest done by Investigation Officer and sent for post-mortem with relating reports and material used to commit murder/ to commit suicide.
- \* Body fluids and other material to be given for forensic analysis as directed Dept. Of Post-mortem.

- \* Spot mazzar to be done.(As far as possible witnesses to be people from the neighbourhood who are aware of the crime).
- \* Circumstantial evidence collected (suicide note, diary maintained by the woman, etc) .
- \* Statement from parents regarding history of violence.
- \* Statement from neighbours.
- \* In case of previous attempts of mediation – statements of persons involved in the process.
- \* On receipt of post-mortem and forensic report FIR rewritten with appropriate sections.
- \* Charge Sheet to be filed within 90 days of registration of FIR.
- \* Charge Sheet to be submitted along with:
  1. Post-mortem Report
  2. Forensic Report
  3. Case diary
  4. Photographs/video of the body and scene of crime
  5. Material used for murder/suicide
  6. Circumstantial evidence

### **Dowry death – murder/suicide (un-natural death of a married woman within seven years of marriage)**

- \* Acknowledgement to be given for complaint received.
- \* Entry in Station House Diary
- \* Investigation to be done by Asst. Commissioner of Police or Dy. Superintendent of Police.
- \* Register FIR using :
  1. IPC Sec 498(a) (cruelty to married woman by husband or relatives of husband)
  2. IPC Sec 302 (in case of murder) or Sec 306 (in case of abetted suicide)
  3. Sec 304 (b) (dowry death)
- \* Use of multiple sections necessary :
  1. To strengthen evidence supporting the case.
  2. More options for proving occurrence of crime leading to conviction.
  3. Less opportunity for accused to prove his innocence.
- \* Arrest the accused.
- \* Body inquest done by Tasildhar or Revenue Officer and sent for post-mortem with relating reports and material used to commit murder/ to commit suicide.
- \* Body fluids and other material to be given for forensic analysis as directed Dept. Of Post-mortem.
- \* Spot mazzar to be done. As far as possible witnesses to be people from the neighbourhood who are aware of the crime.
- \* Circumstantial evidence collected (suicide note, diary maintained by the woman, etc).
- \* Statement from parents/relatives of the woman
  1. Demand for dowry before marriage.
  2. Details (receipt and related documents) of property, material, vehicle, jewellery, cash etc. given as dowry during or after the marriage.
  3. Violence in relation to dowry – where and by whom.

- \* Statement from neighbours.
- \* In case of previous attempts of mediation – statements of persons involved in the process.
- \* On receipt of post-mortem and forensic report FIR rewritten with appropriate sections.
- \* Charge Sheet to be filed within 90 days of registration of FIR.
- \* Charge Sheet to be submitted along with:
  1. Post-mortem Report
  2. Forensic Report
  3. Case diary
  4. Photographs/video of the body and scene of crime
  5. Material used for murder/suicide
  6. Circumstantial evidence

### **Important points for Investigation**

- \* In case of delay in giving a complaint, reason for delay to be mentioned clearly in the FIR.
- \* Importance to be given for the immediate arrest of the accused and his voluntary statement.
- \* Scene of crime to be sealed off, till mazzar is done.
- \* When spot mazzar is done ensure:
  - Mazzar is done in the presence of the witness.
  - Specify time taken to complete the mazzar.
- \* Statements of witness to be taken during the initial stages of the investigation to avoid allegations of false statements and corroboration.
- \* Circumstantial evidence to be collected immediately to avoid loss of evidence.
- \* Circumstantial evidence and property seized to be produced in court within the specified time limit.
- \* During trial ensure that circumstantial evidence and property seized is presented in connection with the appropriate witness.
- \* Death note of the victim and items used to commit the offence to be sent to competent authorities for forensic investigation immediately.
- \* Post-mortem and forensic report to be submitted to the court in time.
- \* On receipt of information of MLC where victim has been admitted with serious injuries, competent officer to be sent immediately to take statement of the victim.
- \* When taking statement of injured victim, doctor's certification to state that the victim is mentally and physically fit to give statement is a must.
- \* Investigation officer to certify name and designation of the police personnel who writes the mazzar report, witness statement, voluntary statement of the accused and all documents relating to the case.
- \* Importance to be given for the use of technical and scientific methods of investigation.
- \* Ensure that summons is served on time for witnesses to present themselves in court.

### **General Do's and Don'ts**

- \* Be sensitive to the influence of 'Gender Bias' and prejudice regarding misuse of law.
- \* Ensure that the woman is provided with access to
  - \* Water
  - \* Toilet
  - \* Food
  - \* Emergency medical care
  - \* Phone call
- \* When handling case of women presence of a women police officer is a must.
- \* Ensure confidentiality and privacy when handling cases.
- \* Do not treat her as a routine case but as a victim of violence who is in need of protection and assistance.
- \* Avoid using statements and phrases like 'adjust madi', 'happens in all house holds', 'break up of family when case is registered', 'think about the future of you and your children' etc.
- \* Keep directory of short stay homes, Stanwana, Swadhar Kendra, counselling centres, contact details of CDPO at the police station.

### **Reference material**

- \* Bare Act - Protection of women from Domestic Violence Act, 2005
- \* Bare Act – Dowry prohibition Act, 1961 and amendment Act 1984 & 1985
- \* In exercise of the Powers Conferred by Section 174 of the CrPC 1973 (Central Act 2 of 1974) - Karnataka State Rules to investigate Un-natural Deaths, No. HD/95/COD/99 (Part 1) Dated 24.1.2004
- \* DG& IGP Circular No.CRM/56/Misc(2)/98 Dated 27.2.1999 on 'Dying Declaration'

In exercise of the Powers Conferred by Section 174 of the code of criminal Procedure 1973 (Central Act 2 of 1974)

ಕರ್ನಾಟಕ (ಅಸಹಜ ಸಾವಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಡೆಸುವ ತನಿಖೆ ಮತ್ತು ಶವ-ಪಂಚನಾಮೆ ಕುರಿತು)

ನಿಯಮಗಳು - 2004

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಹೆಚ್.ಡಿ:95:ಸಿ.ಓ.ಡಿ:99(ಭಾಗ-1), ಬೆಂಗಳೂರು, ದಿ: 24-01-2004

ಶವ ಪಂಚನಾಮೆ (ಶವ ಮಹಜರು) ನಡೆಸುವ ಕಾಲಕ್ಕೆ

ಪೋಲಿಸರು ಅನುಸರಿಸಬೇಕಾದ ಕ್ರಮಗಳು

- 1) ಅಸ್ವಾಭಾವಿಕ ಮರಣದಿಂದಾಗಿ ಮೃತ ದೇಹ ದೊರೆತಿದೆ ಎಂದು ಅಥವಾ ಬೇರೆ ಘಟನೆಯಿಂದಾಗಿ ಅಪಮೃತ್ಯು ಸಂಭವಿಸಿದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮೃತ ದೇಹ ದೊರೆತಿದೆ ಎಂಬ ಮಾಹಿತಿ ತಾಣಾಧಿಕಾರಿಯು ಸ್ವೀಕರಿಸಿದಾಗ ಮಾಹಿತಿ ನೀಡಿದವರ ಹೆಸರು ಮತ್ತು ಅವನ ವಿಳಾಸ ಇತ್ಯಾದಿ ವಿವರಗಳು, ಅಸಹಜ ಸಾವಿನ ವಿವರಗಳು, ಮಾಹಿತಿ ಕೊಡುವ ವ್ಯಕ್ತಿಯೊಂದಿಗೆ ಮೃತ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧ, ಘಟನೆ ಸ್ಥಳ ಅಥವಾ ಜಾಗ (ಮೃತ ದೇಹ ದೊರಕಿರುವ ಜಾಗದ) ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ಪಡೆಯಬೇಕು. ಮಾಹಿತಿ ಸ್ವೀಕರಿಸುವ ವ್ಯಕ್ತಿ ತಾಣಾಧಿಕಾರಿ ಆಗಿರದಿದ್ದಲ್ಲಿ, ಆತನು ಪಡೆದ ಮಾಹಿತಿಯನ್ನು ಪೋಲಿಸ್ ತಾಣಾಧಿಕಾರಿಗೆ ಬರಹದಲ್ಲಿ ಸಲ್ಲಿಸಬೇಕು. ಪೋಲಿಸರು ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡುವವರೆಗೆ ಮೃತ ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಬಾರದೆಂಬ ಸೂಚನೆಯನ್ನು ಮಾಹಿತಿದಾರನಿಗೆ ನೀಡಬೇಕು. ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ ತಾಣಾಧಿಕಾರಿ, ತಾಣಾ ಡೈರಿ (ಎಸ್.ಹೆಚ್.ಡಿ)ಯಲ್ಲಿ ಈ ವಿಷಯವನ್ನು ನಮೂದಿಸಿ, ನಂತರ ನಮೂನೆ-'ಎ'ನಲ್ಲಿ ಈ ಪ್ರಥಮ ಮಾಹಿತಿಯನ್ನು ದಾಖಲಿಸಿಡಬೇಕು. (ನಿಯಮ-3)
- 2) ಅಸಹಜ ಮರಣದ ಬಗ್ಗೆ ಮಾಹಿತಿ ಸ್ವೀಕರಿಸುವ ತಾಣಾ ಪ್ರಭಾರದಲ್ಲಿರುವ ತಾಣಾಧಿಕಾರಿ, ಮರಣದ ಕಾರಣದ ಬಗ್ಗೆ ಶವ ಪಂಚನಾಮೆ ನಡೆಸಲು ಸಶಕ್ತಗೊಳಿಸಲಾದ ಮತ್ತು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಹೊಂದಿರುವ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಎಲ್ಲಾ ವಿವರಗಳನ್ನು ನಮೂನೆ-'ಬಿ'ಯಲ್ಲಿ ಸಲ್ಲಿಸಬೇಕು. (ನಿಯಮ-4)
- 3) ಘಟನಾ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ:- ನಮೂನೆ-'ಎ'ನಲ್ಲಿ ಅಸಹಜ ಸಾವಿನ ಎಲ್ಲಾ ವಿವರಗಳನ್ನು ದಾಖಲಿಸಿದ ತಾಣಾ ಪ್ರಭಾರದಲ್ಲಿದ್ದ ತಾಣಾಧಿಕಾರಿಗಳು, ಸ್ವತಃ ಮೃತ ದೇಹ ಪತ್ತೆಯಾಗಿರುವ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಬೇಕು ಅಥವಾ ಅಸಹಜ ಮರಣ ಸಂಭವಿಸಲು ಕಾರಣವಾದ ಸ್ಥಳಕ್ಕೆ ಅಥವಾ ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ಕೊಡಬೇಕು. ಘಟನಾ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿದ ಬಗ್ಗೆ ವರದಿ ತಯಾರಿಸಬೇಕು. ಮಹಿಳೆಯ ಅಸಹಜ ಸಾವಿನ ಬಗ್ಗೆ ವರದಿ ಸಲ್ಲಿಸಬೇಕಾದರೆ, ಪೋಲಿಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಮತ್ತು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ದರ್ಜೆ ಪೋಲಿಸ್ ಅಧಿಕಾರಿಗಳೇ ಅಂತಹ ವರದಿ ತಯಾರಿಸಿ ಸಲ್ಲಿಸಬೇಕಾಗುತ್ತದೆ. (ನಿಯಮ-5)
- 4) ಘಟನಾ ಸ್ಥಳದ ವರದಿ:- ಘಟನಾ ಸ್ಥಳದ ವರದಿಯನ್ನು ವಿಳಂಬವಿಲ್ಲದೆ ಹೆಚ್ಚು ಅಂದರೆ, ಅಸಹಜ ಮರಣದ ಬಗ್ಗೆ ಮಾಹಿತಿ ಬಂದ 6 ಗಂಟೆ ಒಳಗಾಗಿ ಮತ್ತು ದೇಹ ಪತ್ತೆಯಾದ 3 ಗಂಟೆ ಒಳಗಾಗಿ ಘಟನಾ ಸ್ಥಳದ ವರದಿಯನ್ನು ತಯಾರಿಸಬೇಕಾಗುತ್ತದೆ. ಅದನ್ನು ನಮೂನೆ-'ಸಿ'ಯಲ್ಲಿ ನಮೂದಿಸಬೇಕಾಗುತ್ತದೆ. ಇಂತಹ ವರದಿಯನ್ನು ಪೋಲಿಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್‌ರವರು ಮರಣದ ಕಾರಣದ ಬಗ್ಗೆ ಶವ ಮಹಜರು ನಡೆಸಲು ಸಶಕ್ತವಾದ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ್‌ರವರಿಗೆ ಮತ್ತು ಪೋಲಿಸ್ ಅಧೀಕ್ಷಕರಿಗೆ ಮತ್ತು ವಿಭಾಗೀಯ ಪೋಲಿಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಬೇಕು. ಮತ್ತು ಇದರ ಒಂದು ಪ್ರತಿಯನ್ನು ತಾಣೆಯಲ್ಲಿಡಬೇಕು. (ನಿಯಮ-6)
- 5) ಘಟನಾ ಸ್ಥಳದ ಕಾವಲು:- ಘಟನಾ ಸ್ಥಳದಲ್ಲಿ ಸಾಕ್ಷ್ಯ ಪುರಾವೆ ಹಾಳಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ, ಪೋಲಿಸ್ ತಾಣಾಧಿಕಾರಿ ಅಥವಾ ಪೋಲಿಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಪೋಲಿಸ್ ಕಾವಲು ಹಾಕಿ ಸ್ಥಳವನ್ನು ರಕ್ಷಿಸಬೇಕು. ಅವಶ್ಯಕತೆ ಇದ್ದಲ್ಲಿ ಸದರಿ ಜಾಗಕ್ಕೆ ಬೀಗ ಹಾಕಿ, ಅದರ ಕೀಯನ್ನು ಸ್ಥಳ ಮಹಜರ್ ಮುಗಿಯುವವರೆಗೆ ತನ್ನ ಹತ್ತಿರ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು. ಸ್ಥಳದಲ್ಲಿ ಸೇರಿರುವ ಜನ ನೋಡುವವರ, ಹಾದು ಹೋಗುವವರ ಜನ ಜಂಗುಳಿಯನ್ನು ಅಲ್ಲಿಂದ ಹೋಗುವಂತೆ ಮಾಡಬೇಕು. (ನಿಯಮ-7)
- 6) ಘಟನಾ ಸ್ಥಳದ ವರದಿ ತಯಾರಿಸುವ ಬಗ್ಗೆ:- ಘಟನಾ ಸ್ಥಳದ ವರದಿಯಲ್ಲಿ ಮೃತ ದೇಹ ಯಾವ ಸ್ಥಿತಿಯಲ್ಲಿ ಬಿದ್ದಿದೆ ಮತ್ತು ಮೃತ ದೇಹದ ಮೇಲೆ ಇರುವ ಗಾಯಗಳ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರಬೇಕು. ಇಬ್ಬರು ಸ್ಥಳೀಯ ಗೌರವಾನ್ವಿತ ವ್ಯಕ್ತಿಗಳ ಸಮಕ್ಷಮದಲ್ಲಿ ವರದಿ ತಯಾರಿಸಬೇಕು. ತಯಾರಿಸುವ ಅಧಿಕಾರಿ ಹಾಜರಿದ್ದ ವ್ಯಕ್ತಿಗಳ ರುಜುಗಳನ್ನು ಪಡೆದುಕೊಂಡು, ತನಿಖೆ ಮಾಡಿದ ಅಧಿಕಾರಿ ಸಹ ರುಜು ಹಾಕಬೇಕು. (ನಿಯಮ-8)



- 7) ವಿವಾಹಿತ ಮಹಿಳೆಯ ಶವ ದೊರೆತಾಗ :- ಮಹಿಳಾ ಸಂಘಟನಾ ಪ್ರತಿನಿಧಿಗಳು ಮಹಜರ್ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಹಾಜರಿರುವುದಾಗಿ ಕೇಳಿಕೊಂಡಲ್ಲಿ ಅಂತಹವರನ್ನು ಮಹಜರ್ ನಡೆಸುವ ಕಾಲಕ್ಕೆ ಇರಲು ಅನುಮತಿಸಬೇಕು ಮತ್ತು ಹಾಜರಿದ್ದ ಮಹಿಳೆಯರ ರಜುಗಳನ್ನು ವರದಿಗೆ ಪಡೆದುಕೊಳ್ಳಬೇಕು. (ನಿಯಮ-9)
- 8) ಘಟನಾ ಸ್ಥಳದ ವರದಿ ತಯಾರಿಸುವ ಕಾಲಕ್ಕೆ ಮೃತ ದೇಹದ ವಿವರವನ್ನು ನಮೂದಿಸುವುದು:- ಘಟನಾ ಸ್ಥಳದ ವರದಿಯಲ್ಲಿ ದೇಹದ ಮೇಲಿರುವ ಗಾಯಗಳ ಬಗ್ಗೆ ಮತ್ತು ಈ ಬಗ್ಗೆ ತೆಗೆದ ಫೋಟೋ ಮತ್ತು ಗಾಯದ ವಿವರಗಳು, ಸ್ವರೂಪ, ಉದ್ದ ಅಗಲ ಇತ್ಯಾದಿ ವಿವರಗಳನ್ನು ಕೂದಲುಗಳ ಸ್ಥಿತಿ, ಕಾಲಿನ ಮೇಲೆ ಚಪ್ಪಲಿ ಅಥವಾ ಬೂಟು ಗುರುತು, ಕಿವಿಯಲ್ಲಿ ತೂತು, ಜಾತಿ, ಸೂಚಕ ಗುರುತುಗಳು, ನರುಲಿ ಗುರುತುಗಳು, ಎತ್ತರ, ಮೈ ಮೇಲಿರುವ ಬಟ್ಟೆಗಳು, ಹಾಕಿಕೊಂಡ ಆಭರಣಗಳು, ಆಭರಣಗಳನ್ನು ಕಿತ್ತುಕೊಂಡಾಗ ಆಗಿರಬಹುದಾದ ಗಾಯಗಳು, ರಕ್ತದ ಕಲೆಗಳು ಇತ್ಯಾದಿ ವಿವರಗಳನ್ನು ನಮೂದಿಸಬೇಕು. ಈ ಬಗ್ಗೆ ವೀಡಿಯೋಗ್ರಾಫ್ ಮಾಡಿಸಬೇಕು. ಸದರಿ ವೀಡಿಯೋಗ್ರಾಫ್, ವರದಿಯ ಒಂದು ಭಾಗವಾಗುತ್ತದೆ. (ನಿಯಮ-10(1))
- 8(1) ಸುಟ್ಟ ಗಾಯಗಳಿಂದ ಸಾವು ಸಂಭವಿಸಿದೆಯೆಂದು ಪೊಲೀಸರಿಗೆ ಅನಿಸಿದಾಗ, ಸುಟ್ಟ ಗಾಯ ಇಲ್ಲವೆ ಹಲ್ಲೆ ಗುರುತುಗಳನ್ನು ವೀಕ್ಷಿಸಿ ನಮೂದಿಸಬೇಕಾಗುತ್ತದೆ. ದೇಹದ ಕೆಳ ಭಾಗದಲ್ಲಿ ಸುಟ್ಟ ಗಾಯಗಳಾಗಿದ್ದಲ್ಲಿ ಅಥವಾ ವ್ಯಕ್ತಿಯನ್ನು ಆತನ ಕೈ ಕಟ್ಟಿ ಬೆಂಕಿ ಹಚ್ಚಿದ ಸಂಭವ ಇದ್ದಲ್ಲಿ ಈ ಬಗ್ಗೆ ಇರಬಹುದಾದ ಗುರುತುಗಳು, ಬೆಂಕಿ ನಂದಿಸಲು ಉಪಯೋಗಿಸಿದ ಬಟ್ಟೆ ಬ್ಲಾಂಕೆಟ್, ಸುಟ್ಟು ಕರಕಲಾಗಿರುವ ಬಟ್ಟೆ ಇತ್ಯಾದಿ, ಬಾಯಿ ಮೂಗುಗಳಲ್ಲಿ ಸುಟ್ಟ ಕರಿ ಕಣಗಳು ಇವೆಯೇ ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸಿ ನಮೂದಿಸಬೇಕು. (ನಿಯಮ-10(2))
- 8(2) ನೇಣಿನಿಂದ ಸಾವು ಸಂಭವಿಸಿದ್ದರೆ:- ನೇಣಿನಿಂದ ಸಾವು ಸಂಭವಿಸಿದ್ದರೆ, ನೇತಾಡುತ್ತಿರುವ ದೇಹವನ್ನು ಕೆಳಗೆ ಇಳಿಸುವ ಮೊದಲು ಉರುಳು ಹಾಕಲು ಉಪಯೋಗಿಸಿದ ಸ್ಥಿತಿಗತಿ ಬಗ್ಗೆ ದೇಹದ ಸ್ಥಿತಿ, ಮುಖ, ಕಣ್ಣುಗಳ ನೋಟ, ನಾಲಿಗೆ ಹೊರಬಂದಿದ್ದರೆ ವಿವರ ಅಥವಾ ಎರಡು ತುಟಗಳ ಮಧ್ಯೆ ಹಿಚುಕಲ್ಪಟ್ಟದೆಯೇ ಎಂಬ ಬಗ್ಗೆ ವಿವರ, ಬಾಯಿ ಮೂಗಿನ ಹೊರಳುಗಳಿಂದ ದ್ರವ ಸೋರುತ್ತಿದ್ದರೆ ಈ ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ನಮೂದಿಸಬೇಕು. ನೇತಾಡುತ್ತಿರುವ ದೇಹವನ್ನು ಕೆಳಗೆ ಇಳಿಸಿ ಈ ಬಗ್ಗೆ ಉಪಯೋಗಿಸಿದ ಹಗ್ಗ ಪ್ಲಾಸ್ಟಿಕ್ ದಾರ ಇತ್ಯಾದಿಗಳನ್ನು ವಶಪಡಿಸಿಕೊಂಡು, ನಂತರ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಬೇಕಾಗುತ್ತದೆ. ಕೊರಳಿಗೆ ಹಗ್ಗದಿಂದ ಆಗಿರಬಹುದಾದ ಗುರುತು, ಕುತ್ತಿಗೆಯಲ್ಲಿ ಅಂದರೆ, ಗಾಯಗಳಾಗಿದ್ದಲ್ಲಿ ಆ ಬಗ್ಗೆ ಗುರುತುಗಳೇನಾದರು ಇದ್ದಲ್ಲಿ ಆ ಗುರುತುಗಳ ಉದ್ದಗಲ ಇತ್ಯಾದಿ ವಿವರಗಳು, ಜೊಲ್ಲು ಒಂದು ವೇಳೆ ಸೋರಿ ದೇಹದ ಮೇಲೆ ಬಿದ್ದಿದ್ದರೆ, ಆ ಬಗ್ಗೆ ಮಾಹಿತಿ, ಕಣ್ಣು ಗುಡ್ಡೆಗಳು ಹೊರಬಂದಿದ್ದಲ್ಲಿ ಬಾಯಿ ಮತ್ತು ಮೂಗಿನಿಂದ ರಕ್ತಸ್ರಾವ ಆಗಿದ್ದಲ್ಲಿ ಚರ್ಮದ ಮೇಲೆ ಬೊಬ್ಬೆ ಇದ್ದಲ್ಲಿ ಒಂದು ವೇಳೆ ಸ್ಥಳದಲ್ಲಿ ದೇಹದಿಂದ ವಾಸನೆ ಹೊರಹೊಮ್ಮುತ್ತಿದ್ದಲ್ಲಿ ಆ ವಾಸನೆ ಬಗ್ಗೆ ವಿವರಗಳು, ಕೈ ಮುಷ್ಟಿ ಮುಚ್ಚಿದ್ದಲ್ಲಿ ಮತ್ತು ಸಾಯುವ ಸಮಯದಲ್ಲಿ ವ್ಯಕ್ತಿ ಹೋರಾಡಿದ್ದಲ್ಲಿ ಸ್ಥಳದ ಗೋಡೆಯ ಮೇಲೆ ಯಾವುದಾದರು ಗುರುತು ಬಿದ್ದಿದ್ದಲ್ಲಿ ರಕ್ತದ ಕಲೆಗಳು, ವೀರ್ಯದ ಗುರುತು, ವಾಂತಿ, ಭೇದಿ ಅಥವಾ ಮೂತ್ರ ಮಾಡಿದ ಬಗ್ಗೆ ವಿವರಗಳು ಇದ್ದಲ್ಲಿ ಈ ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ನಮೂದಿಸಬೇಕು. (ನಿಯಮ-10(3))
- 8(3) ಸಾವು ನೀರಿನಲ್ಲಿ ಮುಳುಗಿದ್ದರಿಂದ ಸಂಭವಿಸಿದ್ದರೆ:- ಬಾಯಿ ಸುತ್ತಮುತ್ತ ಇರಬಹುದಾದ ರಕ್ತದ ಕಲೆಗಳು, ಬಾವಿ, ಕೆರೆಗಳಿಗೆ ಜೋಡಿಸಿದ ಕಲ್ಲುಗಳು ಇತ್ಯಾದಿಗಳ ಮೇಲೆ ತಗಲಿದ ರಕ್ತದ ಗುರುತುಗಳಿದ್ದಲ್ಲಿ ಚರ್ಮದ ತುಣುಕುಗಳು ಅಂಟಿಕೊಂಡಿದ್ದಲ್ಲಿ ಈ ಬಗ್ಗೆ ಚರ್ಮದ ಬಣ್ಣ ಬದಲಾಗಿದ್ದಲ್ಲಿ ಇತ್ಯಾದಿ ವಿವರಗಳನ್ನು ನಮೂದಿಸಬೇಕು. (ನಿಯಮ-10(4))
- 8(4) ಸಾವು ವಿಷ ಸೇವನೆಯಿಂದ ಆಗಿದ್ದಲ್ಲಿ:- ಹಲ್ಲುಗಳು ಒಂದಕ್ಕೊಂದು ಅಂಟಿಕೊಂಡಿವೆಯೇ ಎಂಬ ಬಗ್ಗೆ ಮಾಹಿತಿ ನಮೂದಿಸಬೇಕು. (ನಿಯಮ-10(5))
- 9) ಘಟನಾ ಸ್ಥಳದ ಬಗ್ಗೆ ವಿವರ ನಮೂದಿಸುವುದು:- ಘಟನಾ ಸ್ಥಳದ ಬಗ್ಗೆ ದೇಹ ಬಿದ್ದ ಸ್ಥಳದ ವಿವರವಾದ ವಿವರಗಳನ್ನು ನಮೂದಿಸಿ ಫೋಟೋ ತೆಗೆಯಬೇಕು. ದೇಹದ ಸುತ್ತಲಿನ ನೆಲ ಮತ್ತು ಗೋಡೆಯ ವಿವರವಾದ ವೀಡಿಯೋಗ್ರಾಫ್ ಮಾಡಿಸಬೇಕು. ಘಟನೆ ಒಂದು ವೇಳೆ ರೂಮಿನಲ್ಲಿ ನಡೆದಿದ್ದರೆ, ಅದರ ನಕಾಶೆಯನ್ನು ತಯಾರಿಸಿ, ಬಾಗಿಲು, ಕಿಟಕಿಗಳು ಇರುವ ಸ್ಥಳ ಗುರುತಿಸಿ ನಮೂದಿಸಬೇಕು. ಮತ್ತು ಸ್ಥಳದಲ್ಲಿ ಯಾವುದಾದರು ಅಂದರೆ, ದೇಹದ ಸುತ್ತಮುತ್ತ ಇರುವ ವಸ್ತುಗಳು ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ಬಿದ್ದ ಮತ್ತು ಇದ್ದ ಸ್ಥಿತಿ-ಗತಿಗಳನ್ನು ನಮೂದಿಸಬೇಕು. ಒಂದು ವೇಳೆ ಮೃತ ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಿದ್ದರೆ, ಈ ಬಗ್ಗೆ ನಮೂದಿಸಬೇಕು. ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸುವ ಅಥವಾ ಸಾಗಿಸುವ ವ್ಯಕ್ತಿಯ ಹೇಳಿಕೆಯನ್ನು ಮತ್ತು ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಲು ಇದ್ದ

ಕಾರಣಗಳನ್ನು ನಮೂದಿಸಬೇಕು. ಈ ಕೃತ್ಯಕ್ಕೆ ಒಳಪಟ್ಟ ವ್ಯಕ್ತಿ ಧರಿಸಿದ್ದ ಬಟ್ಟೆಗಳನ್ನು ತೆಗೆದು ಜೋಪಾನವಾಗಿ ಇಡಬೇಕು. ಮರಣ ಸಂಭವಿಸಲು ಕಾರಣವಾದ ಹಗ್ಗ ದಾರ ಬಟ್ಟೆ ತಲೆದಿಂಬು ಇತ್ಯಾದಿಗಳನ್ನು ಉಪಯೋಗಿಸಿದ್ದರೆ, ಅವುಗಳನ್ನು ಜೋಪಾನವಾಗಿ ತೆಗೆದಿಡಬೇಕು. ನಂತರ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಬೇಕಾಗುತ್ತದೆ. ಮೃತ ದೇಹದ ಪಕ್ಕದಲ್ಲಿ ವಿಷದ ಬಾಟಲಿ ಅಥವಾ ಮಾತ್ರೆಗಳು ಸಿಕ್ಕಿದ್ದರೆ ಅವುಗಳನ್ನು ತೆಗೆದಿಡಿಸಿ, ಸೀಲು ಮಾಡಿ ಎಫ್.ಎಸ್.ಎಲ್.ಗೆ ಕಳುಹಿಸಬೇಕಾಗುತ್ತದೆ. ಚಾಕು, ಗದ್ದೆ ಇತ್ಯಾದಿ ಅಥವಾ ಕಲ್ಲು ಬಿದ್ದಿದ್ದರೆ, ಅವುಗಳನ್ನು ತೆಗೆದಿರಿಸಬೇಕು. ನಂತರ ಪರೀಕ್ಷೆಗೋಸ್ಕರ ಎಫ್.ಎಸ್.ಎಲ್.ಗೆ ಕಳುಹಿಸಬೇಕು. ಕೈ ಗುರುತು, ಕಾಲು ಗುರುತುಗಳು ಇತ್ಯಾದಿಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. (ನಿಯಮ-11(1))

ದೇಹದ ಮೇಲೆ ಗಾಯವಾಗಿರುವ ಜಾಗ ಮತ್ತು ವೇಳೆಯನ್ನು ಗಮನಿಸಿ, ಆ ರೀತಿ ಆಗುವ ಸಾಧ್ಯತೆ ಇವೆಯೇ ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸಿ, ನಮೂದಿಸಬೇಕು. ದೇಹವು ಜಾಗದಲ್ಲಿ ಹರಡಿಕೊಂಡು ಬಿದ್ದಿದ್ದರೆ ಅದನ್ನು ದಾಖಲಿಸಬೇಕು.

9(1) ದೇಹದ ಮೇಲೆ ಸುಟ್ಟ ಗಾಯಗಳಿದ್ದ ಪ್ರಕರಣಗಳಲ್ಲಿ:- ಸಾಯುವಾಗ ವ್ಯಕ್ತಿ ಹೋರಾಡಿದನು ಎಂಬುದನ್ನು ತೋರಿಸಲು, ದೇಹದ ಸುತ್ತಮುತ್ತ ಒಡದ ಬಳೆಗಳು, ಚೆಲ್ಲಾಪಿಲ್ಲಿಯಾಗಿ ಬಿದ್ದ ಪಾತ್ರೆಗಳು ಮತ್ತು ಸುಟ್ಟು ಬಿದ್ದ ವಸ್ತುಗಳ ಬಗ್ಗೆ ನಮೂದಿಸುವುದು ಅವಶ್ಯಕ. ಒಂದು ವೇಳೆ ದೇಹವನ್ನು ಬಿದ್ದ ಸ್ಥಳದಿಂದ ಎಳೆಯಲ್ಪಟ್ಟಿದ್ದರೆ, ಆ ಬಗ್ಗೆ ಗುರುತುಗಳು, ಸ್ಪೌನ್ ಸಿಡಿತದಿಂದ ಸಹಜ ಮರಣವಾಗಿದ್ದಲ್ಲಿ ಸ್ಪೌನ್, ಸೀಮೆ ಎಣ್ಣೆ, ಸೀಮೆ ಎಣ್ಣೆ ಬಾಟಲ್ ಅಥವಾ ಡಬ್ಬ ಬೆಂಕಿಪೊಟ್ಟಣ ಅಥವಾ ಬೆಂಕಿ ಕಡ್ಡಿಗಳು, ಸುತ್ತಮುತ್ತಲಿನ ಪ್ರದೇಶದಲ್ಲಿ ಅಥವಾ ಸಮೀಪದಲ್ಲಿ ದಹ್ಯ ವಸ್ತುಗಳೇನಾದರು ಇವೆಯೇ ಎಂಬುದನ್ನು ನಮೂದಿಸಿ, ಅಂತಹವನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬೇಕು. ನಂತರ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ಶವ ಮಹಜರ್ ಕಾಲಕ್ಕೆ ಹಾಜರುಪಡಿಸಬೇಕು. ಪೆಟ್ರೋಲ್ ಅಥವಾ ಆಯಿಲ್ ಕ್ಯಾನ್ ಎಲ್ಲಿ ಇಡಲಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ ಸಹ ನಮೂದಿಸಬೇಕು. ಸ್ಥಳದಲ್ಲಿ ಸಿಕ್ಕ ವಸ್ತುಗಳ ಮೇಲೆ ಬೆರಳು ಗುರುತು ಪತ್ತೆಯಾದಲ್ಲಿ ಅವುಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವ ವ್ಯವಸ್ಥೆ ಮಾಡುವುದು ಮತ್ತು ಹೋಲಿಕೆಗಾಗಿ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿ, ವರದಿ ಪಡೆದುಕೊಳ್ಳಬೇಕು. ಸ್ಪೌನ್ ಸಿಡಿತದ ಪ್ರಕರಣಗಳಲ್ಲಿ ಎಷ್ಟು ಗಂಟೆಗೆ ಘಟನೆ ನಡೆದಿದೆ ಎಂಬ ಬಗ್ಗೆ ಮಾಹಿತಿ ಇದ್ದಲ್ಲಿ ನಮೂದಿಸುವುದು. ಆ ಸಮಯದಲ್ಲಿ ಅಡಿಗೆ ಮಾಡುವ ಸಾಧ್ಯತೆ ಇದ್ದವೇ ಎಂಬುದನ್ನು ದಾಖಲಿಸಬೇಕು. (ನಿಯಮ-11(2))

9(2) ನೇಣಿನಿಂದ ಸಾವು ಸಂಭವಿಸಿದ ಪ್ರಕರಣಗಳಲ್ಲಿ:- ದೇಹವು ನೆಲದಿಂದ ಎಷ್ಟು ಎತ್ತರದ ಮೇಲೆ ನೇತಾಡುತ್ತಿತ್ತು ಎಂಬ ಬಗ್ಗೆ ಅಳತೆ ಮಾಡಿ ನಮೂದಿಸುವುದು. ನೇಣು ಹಾಕಲು ಉಪಯೋಗಿಸಿದ ದಾರ ಅಥವಾ ಹಗ್ಗ ಸತ್ತ ವ್ಯಕ್ತಿಯ ತೂಕವನ್ನು ತಡೆಯುವ ಸಾಮರ್ಥ್ಯ ಹೊಂದಿತ್ತೇ ಎಂಬುದನ್ನು ನಮೂದಿಸುವುದು. ಬಾಗಿಲು ಮತ್ತು ಕಿಟಕಿಗಳನ್ನು ಒಳಗಿನಿಂದ ಅಥವಾ ಹೊರಗಿನಿಂದ ಬೋಲ್ಡ್ ಮಾಡಲಾಗಿದೆಯೇ ಎಂಬುದನ್ನು ದಾಖಲಿಸುವುದು. ಕಿಟಕಿಗಳ ಮೇಲೆ ಮತ್ತು ಬಾಗಿಲುಗಳ ಮೇಲೆ ಅಥವಾ ಬೇರೆ ಇತರ ವಸ್ತುಗಳ ಮೇಲೆ ಬೆರಳು ಗುರುತು ಪತ್ತೆ ಇದ್ದಲ್ಲಿ ಅವುಗಳನ್ನು ಎತ್ತಿಕೊಳ್ಳಬೇಕು. ಸ್ಥಳದಲ್ಲಿ ಬಾಗಿಲನ್ನು ಮುರಿದು ಪ್ರವೇಶಿಸಲಾಗಿದೆಯೇ, ಒಂದು ವೇಳೆ ಆಗಿದ್ದರೆ, ಮೊದಲು ಬಂದ ವ್ಯಕ್ತಿಯ ಬಗ್ಗೆ ಮತ್ತು ಯಾವ ರೀತಿ, ಯಾವ ಸಂದರ್ಭದಲ್ಲಿ ಮತ್ತು ಯಾವ ವೇಳೆಯಲ್ಲಿ ಹಾಗೆ ಮಾಡಲಾಯಿತು ಎಂಬ ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ಕಾಣಿಸಬೇಕು. ನೇಣು ಹಾಕಿಕೊಳ್ಳಲು ಸ್ಪೂಲ್, ಚೀರ್ ಇತ್ಯಾದಿ ವಸ್ತುಗಳನ್ನು ಬಳಸಲಾಗಿದ್ದರೆ ನಮೂದಿಸುವುದು. ರಕ್ತ, ಜೊಲ್ಲು, ಮಲ ಮೂತ್ರ ದೇಹದ ಮೇಲಾಗಲಿ ಅಥವಾ ನೆಲದ ಮೇಲಾಗಲಿ ಅಥವಾ ಬಟ್ಟೆಗಳ ಮೇಲಾಗಲಿ ಸಿಕ್ಕಲ್ಲಿ ಅವುಗಳನ್ನು ನಮೂದಿಸಿ ಪರೀಕ್ಷೆಗೋಸ್ಕರ ಸಂಗ್ರಹಿಸಿಕೊಳ್ಳುವುದು. (ನಿಯಮ-11(3))

9(3) ವಿಷ ಸೇವಿಸುವುದರ ಮೂಲಕ ಸಾವು ಸಂಭವಿಸಿದ್ದಲ್ಲಿ:- ಸ್ಥಳದಲ್ಲಿ ವಿಷ ಮಾತ್ರೆ ಇತ್ಯಾದಿಗಳು ಬಿದ್ದ ಬಗ್ಗೆ ಒಂದು ನಕಾಶೆಯನ್ನು ತಯಾರಿಸಬೇಕು. ಸಾವು ವಿಷದಿಂದ ಸಂಭವಿಸಿದೆಯೇ ಎಂಬುದನ್ನು ತಿಳಿದುಕೊಳ್ಳಲು ಅನುಕೂಲವಾಗುವಂತೆ, ಆಹಾರದ ಮಾದರಿ, ತಂಬಾಕು, ಔಷಧ ಇತ್ಯಾದಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಬೇಕು. ಯಾರಾದರೂ ವಿಷ ಸೇವನೆ ಮಾಡಿಸಿದ್ದಾರೆ ಎಂಬ ಸಂಶಯವಿದ್ದರೆ ಆ ರೀತಿ ನಮೂದಿಸುವುದು. ವಿಷ ಸೇವನೆ ನಂತರ ವಾಂತಿ ಮಾಡಿಕೊಂಡಿದ್ದರೆ, ವಾಂತಿ ಮಾಡಿದ್ದನ್ನು ಮತ್ತು ಬಟ್ಟೆ ಇತ್ಯಾದಿಗಳನ್ನು ಸಂಗ್ರಹಿಸುವುದು. (ನಿಯಮ-11(4))

9(4) ನೀರಿನಲ್ಲಿ ಮುಳುಗುವುದರ ಮೂಲಕ ಸಾವು ಸಂಭವಿಸಿದ್ದರೆ:- ನೀರಿನಲ್ಲಿ ಮುಳುಗುವುದರ ಮೂಲಕ ಸಾವು ಸಂಭವಿಸಿದ್ದರೆ, ರಕ್ಷಣಾ ಗೋಡೆಗಳ ಬಗ್ಗೆ ಮತ್ತು ಮೆಟ್ಟಿಲುಗಳ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಿ ನಮೂದಿಸುವುದು. ಕೃತ್ಯದ ತೊಂದರೆಗೆ ಒಳಗಾದ ವ್ಯಕ್ತಿಯನ್ನು ನೀರಿಗೆ ದೂಡಲಾಯಿತೆ ಎಂಬ ಮಾಹಿತಿ ಇದ್ದಲ್ಲಿ ನಮೂದಿಸುವುದು ಮತ್ತು ನೀರಿನ ಆಳ ಅಳೆದು ನಮೂದಿಸುವುದು. (ನಿಯಮ-11(5))

10) ಶವಪರೀಕ್ಷೆ:- ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ಮಾಹಿತಿಯನ್ನು ನಮೂನೆ-'ಡಿ'ಯಲ್ಲಿ ನಮೂದಿಸಿ ವೈದ್ಯಾಧಿಕಾರಿಗಳಿಗೆ ಪೋಲಿಸ್ ಪೇಡಿಯೊಂದಿಗೆ ಮೃತ ದೇಹವನ್ನು ಶವಪರೀಕ್ಷೆಗಾಗಿ ಕಳುಹಿಸಿಕೊಡಬೇಕು. ಹಾಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟ ವಿವರದ ಒಂದು ಪ್ರತಿಯನ್ನು ಸಕ್ಷಮ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಇರುವ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಸಹ ಕಳುಹಿಸಿಕೊಡಬೇಕು.

ಶವಪರೀಕ್ಷೆಗಾಗಿ ಮೃತ ದೇಹವನ್ನು ಸ್ವೀಕರಿಸಿದ ವೈದ್ಯಾಧಿಕಾರಿಗಳು, ಆ ಬಗ್ಗೆ ರಸೀದಿಯನ್ನು ನಮೂನೆ-'ಇ'ಯಲ್ಲಿ ನೀಡಬೇಕು. ದೇಹವನ್ನು ಸ್ವೀಕರಿಸಿದ, ಹೆಚ್ಚು ಅಂದರೆ 6 ಗಂಟೆ ಒಳಗಾಗಿ ಶವಪರೀಕ್ಷೆ ನಡೆಸಬೇಕು. ಶವಪರೀಕ್ಷೆ ಮಾಡಿದ ವೈದ್ಯರು ಶವಪರೀಕ್ಷೆ ಮುಗಿಸಿದ 24 ಗಂಟೆ ಒಳಗಾಗಿ ಶವಪರೀಕ್ಷಾ ಫಲಿತಾಂಶವನ್ನು ಪೋಲೀಸರಿಗೆ ನೀಡಬೇಕಾಗುತ್ತದೆ.

ಅಸಹಜ ಮರಣ ಪ್ರಕರಣಗಳಲ್ಲಿ ಪ್ರಥಮ ಹಂತದ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸುವ ಪೋಲಿಸ್ ತನಿಖಾಧಿಕಾರಿಗಳು ಅಸಹಜ ಸಾವಿನ ಸಂಬಂಧಪಟ್ಟವರನ್ನು ಕಲಂ 175 ದಂ.ಪ್ರ. ಸಂಹಿತೆ ಕೆಳಗೆ ತನಗಿರುವ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ, ತನ್ನ ಮುಂದೆ ಹಾಜರಾಗುವಂತೆ ನಮೂನೆ-'ಜಿ'ಯಲ್ಲಿ ಸಮನು ಮಾಡಬಹುದು, ಮತ್ತು ಅಂತಹ ವ್ಯಕ್ತಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ನಮೂನೆ-'ಹೆಚ್'ನಲ್ಲಿ ಮಾಡಿಕೊಳ್ಳಬೇಕು.

ಈ ಕೆಳಕಾಣಿಸಿದ ವ್ಯಕ್ತಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಗಳು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ.

- (i) ಸಾವಿನ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡಿರುವ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳು.
- (ii) ಸತ್ತ ವ್ಯಕ್ತಿಯ ಗಂಡ ಅಥವಾ ಹೆಂಡತಿ, ಅವರುಗಳ ಬಗ್ಗೆ ಗೊತ್ತಿರುವ ಸಂಗತಿಗಳ ಬಗ್ಗೆ ಮತ್ತು ಗೊತ್ತಿದ್ದ ವ್ಯಕ್ತಿಗಳ ವೈದ್ಯಕೀಯ ಸಹಾಯ, ನೆರವು ನೀಡಿದ ಸಂಬಂಧಿಕರುಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ.
- (iii) ದೇಹವನ್ನು ಮೊದಲು ನೋಡಿದ ವ್ಯಕ್ತಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಅಂತಹವರ ಹೇಳಿಕೆಗಳಲ್ಲಿ ಯಾವ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಬಿದ್ದಿತ್ತು ಮತ್ತು ಯಾವ ಪ್ರತಿಕ್ರಿಯೆಗಳು ಆಗಿವೆ ಎಂಬುದನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕು.
- (iv) ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಿರುವ ಮತ್ತು ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಮತ್ತು ಹಾಗೆ ದೇಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಲಾಯಿತು ಎಂಬ ಬಗ್ಗೆ ಅಂತಹ ವ್ಯಕ್ತಿಗಳ ಹೇಳಿಕೆಗಳು.
- (v) ಗಾಯಾಳುವನ್ನು ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ವೈದ್ಯರ ನೆರವು ಕೊಡಿಸಲು ಹೋದ ವ್ಯಕ್ತಿ.
- (vi) ಗಾಯಾಳುವನ್ನು ಆಸ್ಪತ್ರೆಗೆ ಸೇರಿಸಿಕೊಂಡ ವ್ಯಕ್ತಿ ಮತ್ತು ಹೊರ ರೋಗಿಗಳ ವಿಭಾಗದ ವೈದ್ಯರು ಮತ್ತು ಚಿಕಿತ್ಸೆ ನೀಡಿದ ವೈದ್ಯರ ಹೇಳಿಕೆ.
- (vii) ಪಾಲಕರು ಮತ್ತು ರಕ್ತ ಸಂಬಂಧಿಕರು.
- (viii) ಪಕ್ಕದ ಮತ್ತು ನೆರೆಹೊರೆ ನಿವಾಸಿಗಳು.
- (ix) ಸತ್ತ ವ್ಯಕ್ತಿಯ ಚಲನವಲನಗಳನ್ನು ಅರಿತುಕೊಂಡಿರುವ ಸ್ನೇಹಿತರು ಮತ್ತು ಇತರೆ ವ್ಯಕ್ತಿಗಳು.
- (x) ಸತ್ತ ವ್ಯಕ್ತಿಯೊಂದಿಗೆ ಸಂಬಂಧ ಇರಿಸಿಕೊಂಡಿರುವ ವ್ಯಕ್ತಿಗಳು.
- (xi) ಸತ್ತ ವ್ಯಕ್ತಿಯೊಂದಿಗೆ ವ್ಯಾಪಾರ ವಹವಾಟು ಇಟ್ಟುಕೊಂಡಿದ್ದರೋ ಅಂತಹ ವ್ಯಕ್ತಿಗಳು.
- (xii) ಸತ್ತ ವ್ಯಕ್ತಿಯ ಮಾನಸಿಕ ಸ್ಥಿತಿ ಸರಿ ಇಲ್ಲದಿದ್ದಾಗ ಚಿಕಿತ್ಸೆ ನೀಡಿದ ವೈದ್ಯರು.
- (xiii) ಅಸಹಜ ಸಾವು ಸಂಭವಿಸಿದ ಬಗ್ಗೆ ಮಾಹಿತಿ ಹೊಂದಿರುವ ಮಕ್ಕಳು.
- (xiv) ಯಾವುದೇ ಇತರೆ ವ್ಯಕ್ತಿಗಳು, ದೇಹದ ಮೇಲೆ ಗಾಯಗಳನ್ನು ಮಾಡಿದ್ದನ್ನು ನೋಡಿದವರು.
- (xv) ಯಾರ ಮುಂದೆ ಮರಣ ಪೂರ್ವ ಹೇಳಿಕೆ ನೀಡಿದ್ದಾರೆ ಅಂತಹವರನ್ನು ಪರೀಕ್ಷಿಸಿ ಅವರ ಹೇಳಿಕೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ.

(ನಿಯಮ-14)

11) ಮದುವೆಯಾದ ಮಹಿಳೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ:- ವರದಕ್ಷಿಣೆ, ಬೇಡಿಕೆ, ಅಥವಾ ತೆಗೆದುಕೊಂಡು ತೊಂದರೆ ಕೊಟ್ಟ ವಿಚಾರಗಳಲ್ಲಿ ಸಾವು ಸಂಭವಿಸಿದ್ದರೆ, ಅಂತಹ ಮಹಿಳೆಯ ಹುಟ್ಟಿದ ಮನೆಯ (ಜನ್ಮ ಸಂಬಂಧಿಕರ) ಸದಸ್ಯರ- ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಂಡು, ಸತ್ತ ಮಹಿಳೆಯ ಗಂಡ ಮತ್ತು ಇತರೆ ಗಂಡನ ಮನೆಯ ಇತರೆ ಸದಸ್ಯರು, ಸತ್ತ ವ್ಯಕ್ತಿಯೊಂದಿಗೆ ನಡೆದುಕೊಂಡ ರೀತಿಯ ಬಗ್ಗೆ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ.



ಅಂತಹ ಮಹಿಳೆಯ ಗಂಡನ ಚರಿತ್ರೆ ಮತ್ತು ಮೊದಲೇ ಇನ್ನೊಂದು ಮದುವೆಯಾಗಿದ್ದನೋ ಅಥವಾ ಅಭಾವಿತ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧವನ್ನು ಯಾರು ಸಂಗ್ರಹಿಸುತ್ತಿದ್ದರು ಎಂಬ ಬಗ್ಗೆ ಅವಳ ಸ್ವೀಕೃತ ವ್ಯವಹಾರವನ್ನು ಯಾರು ಮಾಡುತ್ತಿದ್ದರು, ಆಕೆಯ ಗಂಡ ಇನ್ನೊಬ್ಬ ಹೆಂಗಸನ್ನು ಇಟ್ಟುಕೊಂಡಿದ್ದನೇ, ಅಥವಾ ಮದುವೆಯಾಗಿದ್ದನೇ, ಮಕ್ಕಳು ಆಗದಿರುವುದಕ್ಕೆ ಕಾರಣಗಳನ್ನು ಮುಂದೆ ಮಾಡಿ ತೊಂದರೆ ಕೊಡುತ್ತಿದ್ದರೇ, ಅಂತಹ ವಿಚಾರಗಳಲ್ಲಿ ತವರು ಮನೆಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗುತ್ತೇ, ಜಗಳ ಬಗೆಹರಿಸುವಲ್ಲಿ ಪಂಚಾಯಿತಿಧಾರರು ಸಭೆ ಸೇರಿದ್ದರೇ, ವಕೀಲರ ಅಥವಾ ಮಧ್ಯಸ್ಥಗಾರರ ಸೇವೆ ಪಡೆದುಕೊಳ್ಳಲಾಗುತ್ತೇ ಎಂಬ ಬಗ್ಗೆ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಸತ್ತ ಮಹಿಳೆಗೆ ಈ ಹಿಂದೆ ಅಂತಹದ್ದೇ ತೊಂದರೆ ಇವರಿಬ್ಬರ ಮಧ್ಯೆ ಜಗಳ ಸಂಭವಿಸಿದ್ದು ಆ ಬಗ್ಗೆ ಗಂಡ ತೊಂದರೆ ಕೊಟ್ಟ ಬಗ್ಗೆ ಮತ್ತು ಪೊಲೀಸರಿಗೆ ದೂರು ನೀಡಲಾಗಿದೆಯೇ ಅಥವಾ ದೂರು ದಾಖಲಾಗಿದೆಯೇ, ಸತ್ತ ವ್ಯಕ್ತಿ ಈ ಹಿಂದೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರನ್ನಾಗಲಿ ಅಥವಾ ಮಹಿಳಾ ಸಹಾಯವಾಣಿ ಅಥವಾ ಸಂಘಟನೆಗಳನ್ನು ಸಂಪರ್ಕಿಸಿ, ಗಂಡ ಹೆಂಡತಿ ಜಗಳದ ವಿಚಾರದಲ್ಲಿ ದೂರು ಕೊಟ್ಟಿದ್ದರೂ, ಎಂಬುದನ್ನು ಮತ್ತು ಈ ಬಗ್ಗೆ ಯಾವರೀತಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿತ್ತು ಎಂಬುದನ್ನು ಸಹ ತನಿಖಾಧಿಕಾರಿಗಳು ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಮದುವೆಯಾದ ಮಹಿಳೆಯ ವಿಚಾರದಲ್ಲಿ ಅಂತಹ ಮಹಿಳೆ ಯಾವುದೇ ಪತ್ರ ವ್ಯವಹಾರಗಳನ್ನು ಮಾಡಿದ್ದಲ್ಲಿ, ಅಂತಹ ಪತ್ರಗಳನ್ನು ಟೆಲಿಗ್ರಾಂ, ಬರೆದು ಇಟ್ಟಿದ್ದ ಡೈರಿ ಇತ್ಯಾದಿಗಳನ್ನು ಮತ್ತು ಹಿಂದಿರುಗಿಸಿದ ವಿವರಗಳ ಬಗ್ಗೆ ನಮೂದು ಮಾಡಿದ್ದರೆ, ಆರ್ಥಿಕ ತೊಂದರೆ ಕೊಟ್ಟ ವಿಚಾರದಲ್ಲಿ ಸಾಕ್ಷಿ ಪುರಾವೆ ಇದ್ದರೆ ಸಂಗ್ರಹಿಸುವುದು.

12) ಮೃತಳ ಅಸಹಜ ಸಾವಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಮೃತ ದೇಹ ದೂರಕದ ಬಗ್ಗೆ ಪೊಲೀಸರಿಂದ ಅಲ್ಲದೆ ಬೇರೆ ಮೂಲಗಳಿಂದ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಮಾಹಿತಿ ತಿಳಿಯಲ್ಪಟ್ಟಿದ್ದರೆ, ಅಂತಹ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು, ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ 24 ಗಂಟೆ ಒಳಗಾಗಿ, ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯುಳ್ಳ ಪೊಲೀಸರಿಗೆ, ಘಟನಾ ಸ್ಥಳ ನೋಡಿ ಮಹಜರ್ ಮಾಡುವಂತೆ, ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳುವಂತೆ ತಿಳಿಸಬೇಕಾಗುತ್ತದೆ. ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಂದ ಅಂತಹ ಕೋರಿಕೆ ಬಂದಲ್ಲಿ, ಒಂದು ವಾರದ ಒಳಗಾಗಿ ಘಟನಾ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ಮಹಜರ್ ಮಾಡಿ ಸಂಬಂಧಪಟ್ಟವರಿಂದ ಸಾಕ್ಷಿ ಪುರಾವೆ ಸಂಗ್ರಹಿಸಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಸಂಗ್ರಹಿಸಿದ ಮಾಹಿತಿಯನ್ನು ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯುಳ್ಳ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ವರದಿಯೊಂದಿಗೆ ಸಲ್ಲಿಸಬೇಕಾಗುತ್ತದೆ. ಶವ ಮಹಜರ್ ಮಾಡುವಂತೆ ಕೋರಿಕೆ ಸಲ್ಲಿಸಿದ್ದರೆ, ವಿಳಂಬವಿಲ್ಲದೆ ಈ ಬಗ್ಗೆ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು, ಯಾವ ಜಾಗದಲ್ಲಿ ಕ್ರಮ ಜರುಗಿಸುವುದು ಎಂಬ ಬಗ್ಗೆ ದಿನಾಂಕವನ್ನು ಗೊತ್ತುಪಡಿಸಿದ್ದರೆ, ಮತ್ತು ಆ ದಿನ ಸಂಬಂಧಪಟ್ಟ ಸಾಕ್ಷಿದಾರರನ್ನು ತಜ್ಞರನ್ನು ವೈದ್ಯಾಧಿಕಾರಿಗಳನ್ನು ಮತ್ತು ತನಿಖಾಧಿಕಾರಿಗಳನ್ನು ದಾಖಲೆ ಸಮೇತ ಹಾಜರುಪಡಿಸುವಂತೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಆದೇಶ ಮಾಡಬಹುದಾಗಿದೆ. (ನಿಯಮ-21) ಅಂತಹ ದಿನ ನಿಗದಿಪಡಿಸಿದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸಾವಿನ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸುವ ಕಾಲಕ್ಕೆ ವಿಷಯವನ್ನು ಸಾರ್ವಜನಿಕರಿಗೆ ನಮೂನೆ-ಜಿಯಲ್ಲಿ ತಿಳಿಸಿ, ಹಿತಾಸಕ್ತಿಯುಳ್ಳವರು ಮತ್ತು ಮಾಹಿತಿ ಇದ್ದವರು ಮಾಹಿತಿ ನೀಡುವಂತೆ ಕೇಳಿಕೊಳ್ಳಬಹುದಾಗಿದೆ. (ನಿಯಮ-22) ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ನಡೆಸಿದ ಈ ವಿಚಾರಣೆಯಲ್ಲಿ ಸಾರ್ವಜನಿಕರು ಪಾಲ್ಗೊಳ್ಳಲು ಅನುಕೂಲವಾಗುವಂತೆ ನಡೆಸಬೇಕಾಗುತ್ತದೆ. (ನಿಯಮ-23)

13) ತನಿಖೆ ಮಾಡುವ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು, ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಬೇಕಾದ ದಾಖಲಾತಿಗಳು ಮತ್ತು ವಸ್ತುಗಳು. (ನಿಯಮ-24)

- (i) ಠಾಣಾ ಡೈರಿ
- (ii) ಅಸಹಜ ಸಾವಿನ ವರದಿ

ಈ ಬಗ್ಗೆ ವಿಧಿ ವಿಜ್ಞಾನ ಪ್ರಯೋಗಾಲಯದ ವರದಿ

- (i) ಶವಪರೀಕ್ಷಾ ವರದಿ ಮತ್ತು ವೀಡಿಯೋಗ್ರಾಫಿ
- (ii) ಅಸಹಜ ಸಾವಿನ ಬಗ್ಗೆ ಬೆಳಕು ಚೆಲ್ಲುವ ಇತರೆ ಸಾಕ್ಷಿ ಪುರಾವೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಬೇಕಾಗುತ್ತದೆ.

ನಿಯಮಗಳನ್ನು ಅನುಸರಿಸಿ ಹೇಳಿಕೆ ಮಾಡಿಕೊಂಡ ಎಲ್ಲಾ ಸಾಕ್ಷಿದಾರರನ್ನು ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಮುಂದೆ ವಿಚಾರಣೆಗಾಗಿ ಹಾಜರುಪಡಿಸಬೇಕು. ಅದರಂತೆ ಶವಪರೀಕ್ಷೆ ನಡೆಸಿದ ವೈದ್ಯರನ್ನು ಸಹ ವಿಚಾರಣೆ ಕಾಲಕ್ಕೆ ಕರೆಸಬೇಕು. ನಿಯಮ-14ರ ಅಡಿಯಲ್ಲಿ ಈಗಾಗಲೇ ಹೇಳಿಕೆ ಕೊಟ್ಟಿರುವ ಸಾಕ್ಷಿದಾರರನ್ನು ಸಹ ಹಾಜರುಪಡಿಸಬೇಕಾಗುತ್ತದೆ.

14) ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ತಮ್ಮ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿದ ಸಾಕ್ಷಿದಾರಗಳನ್ನು ಗಮನಿಸಿ, ಪರಿಶೀಲಿಸಿ, ಈ ಬಗ್ಗೆ ಅಂದರೆ, ಸಾವು ಆಕಸ್ಮಿಕವೇ, ಆತ್ಮಹತ್ಯೆಯೇ ಅಥವಾ ಮಾನವ ಹತ್ಯೆಯೇ ಎಂಬ ಬಗ್ಗೆ ನಿರ್ಣಯಕ್ಕೆ ಬರಬೇಕಾಗುತ್ತದೆ, ಮತ್ತು ಈ ಬಗ್ಗೆ ಒಂದು ಆದೇಶವನ್ನು ಆದೇ ದಿನ ನೀಡಿ ಅದರ ಪ್ರತಿಯನ್ನು ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಮತ್ತು ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಕಳುಹಿಸಬೇಕಾಗುತ್ತದೆ. ಮಾನವ ಹತ್ಯೆ ಎಂಬ ನಿರ್ಣಯಕ್ಕೆ ಬಂದಾಗ ಸೂಕ್ತ ತನಿಖೆ ಮಾಡುವಂತೆ ಪೊಲೀಸರಿಗೆ ಒಂದು ದೂರನ್ನು ನೀಡಬೇಕಾಗುತ್ತದೆ.

ವಿವಾಹಿತ ಮಹಿಳೆಯ ಸಾವು ಸಂಭವಿಸಿದ್ದಲ್ಲಿ, ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ತಾವು ಮಾಡಿದ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಸುತ್ತ ಮಹಿಳೆಯ ಪಾಲಕರಿಗೆ ಕಳುಹಿಸಬೇಕಾಗುತ್ತದೆ ಮತ್ತು ಇನ್‌ಕ್ವೆಸ್ಟ್ ಆಧಾರದ ಮೇಲೆ ಪೊಲೀಸರಿಗೆ ದೂರು ಸಲ್ಲಿಸಿದ್ದರೆ, ಪ್ರ.ವ.ವರದಿ ಪ್ರತಿಯೊಂದಿಗೆ ಪಾಲಕರಿಗೆ ಕಳುಹಿಸಬೇಕಾಗುತ್ತದೆ.

15) ಗಂಭೀರ ಸ್ವರೂಪದ ಗಾಯಗಳನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯನ್ನು ನೋಂದಾಯಿತ ವೈದ್ಯಾಧಿಕಾರಿ ಅಥವಾ ಆಸ್ಪತ್ರೆ ಚಿಕಿತ್ಸೆಗೆ ಸೇರಿಸಿಕೊಂಡಲ್ಲಿ, ಈ ಬಗ್ಗೆ ಆಸ್ಪತ್ರೆಯ ವೈದ್ಯಾಧಿಕಾರಿಗಳು ಅಥವಾ ವೈದ್ಯರು ಗಾಯಾಳುವನ್ನು ಸೇರಿಸಿಕೊಂಡ 3 ಗಂಟೆ ಒಳಗಾಗಿ ಪೊಲೀಸರಿಗೆ ನಮೂನೆ-ಕೆಯಲ್ಲಿ ತಾವು ಸ್ವೀಕರಿಸಿದ ಮಾಹಿತಿಯನ್ನು ನೀಡಬೇಕಾಗುತ್ತದೆ. ಗಾಯಾಳುವಿನ ಸ್ಥಿತಿ-ಗತಿ ಮತ್ತು ಗಾಯಾಳುವಿನೊಂದಿಗೆ ಇರುವ ಸಂಬಂಧ ಮುಂತಾದ ಮಾಹಿತಿಗಳನ್ನು ತಕ್ಷಣವೇ ಪೊಲೀಸರಿಗೆ ತಿಳಿಸಬೇಕಾಗುತ್ತದೆ ಮತ್ತು ತದನಂತರದಲ್ಲಿ ಗಾಯಾಳುವಿಗೆ ನೀಡಿದ ಚಿಕಿತ್ಸೆ ಮತ್ತು ಈ ಬಗ್ಗೆ ಆಗಿರುವ ಪ್ರಗತಿಯ ಹಂತವನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ಗಾಯಾಳುವನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಿರುವ ವೈದ್ಯರು ಅಥವಾ ಸಿಬ್ಬಂದಿಯವರು, ಈ ಮಾಹಿತಿಯನ್ನು ಪೊಲೀಸರಿಗೆ ನೀಡಬೇಕಾಗುತ್ತದೆ. ಈ ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ ತಾಣಾ ಪ್ರಭಾರದಲ್ಲಿರುವ ತಾಣಾಧಿಕಾರಿಗಳು ತಕ್ಷಣವೇ ಗಾಯಾಳುವನ್ನು ಸಂಪರ್ಕಿಸಿ ಅವರ ಹೇಳಿಕೆ, ಚಿಕಿತ್ಸೆ ನೀಡುತ್ತಿರುವ ವೈದ್ಯರ, ಸಿಬ್ಬಂದಿಯವರ ಮತ್ತು ಗಾಯಾಳುವಿನೊಂದಿಗೆ ಇರುವ ವ್ಯಕ್ತಿಯ ಹೇಳಿಕೆಗಳನ್ನು ಮಾಡಿಕೊಂಡು, ಈ ಬಗ್ಗೆ ತಾಣಾ ಡೈರಿಯಲ್ಲಿ ವಿಷಯವನ್ನು ನೋಂದಾಯಿಸಿ, ಸಂಜ್ಞೆಯ ಅಪರಾಧವಾಗಿದ್ದಲ್ಲಿ ಕಲಂ 156 ದಂ.ಪ್ರ.ಸಂ. ಕೆಳಗೆ ಘಟನಾ ಸ್ಥಳದಲ್ಲಿ ಭೇಟಿ ನೀಡಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಅವಶ್ಯಕತೆ ಕಂಡುಬಂದಲ್ಲಿ ಗಾಯಾಳುವಿನ ಮರಣ ಕಾಲದ ಹೇಳಿಕೆಯನ್ನು ಮಾಡಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. (ನಿಯಮ-34)

16) ಅಸಹಜ ಮರಣದ ಅಥವಾ ಅಪಮೃತ್ಯು ಸಂಭವಿಸಿದ ಪ್ರಕರಣಗಳಲ್ಲಿ ತನಿಖೆ ನಡೆಸುತ್ತಿರುವ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗೆ ಅಥವಾ ಅವರ ಮೇಲಾಧಿಕಾರಿಯವರಿಗೆ, ಅಂಥಹ ವ್ಯಕ್ತಿಯ ಹೇಳಿಕೆಯನ್ನು ಹೊಳಲಾಗಿದೆ ಎಂಬ ಮಾಹಿತಿ ಬಂದ ತಕ್ಷಣವೇ, ಆ ಮಾಹಿತಿಯನ್ನು ಸ್ವೀಕರಿಸಿ, ಶವ ಮಹಜರು ಮಾಡುವ ಅವಶ್ಯಕತೆ ಇದೆ ಎಂದು ಮನವರಿಕೆಯಾದಲ್ಲಿ, ಈ ಮಾಹಿತಿ ಬಂದ 48 ಗಂಟೆ ಒಳಗಾಗಿ ಮಹಜರು ನಡೆಸುವಂತೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ದಂ.ಪ್ರ.ಸಂ. ಕಲಂ 176(3)ರ ಕೆಳಗೆ ಕೋರಿಕೆಯನ್ನು ಸಲ್ಲಿಸಬೇಕಾಗುತ್ತದೆ. ಹೆಣ ಹೊತ ಸ್ಥಳವನ್ನು ಕಾವಲು ಪಡೆ ಹಾಕುವುದರ ಮೂಲಕ ಸಂರಕ್ಷಿಸಬೇಕಾಗುತ್ತದೆ. ಶವ ಮಹಜರು ಮಾಡುವ ಬಗ್ಗೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು, ಪೊಲೀಸರು ಸಲ್ಲಿಸಿದ ಕೋರಿಕೆ ಮೇಲೆ 48 ಗಂಟೆ ಒಳಗಾಗಿ, ಈ ಬಗ್ಗೆ ಒಂದು ಆದೇಶವನ್ನು ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಒಂದು ವೇಳೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಹೆಣ ಹೊರತೆಗೆದು ಮಹಜರು ಕ್ರಮ ನಡೆಸುವಂತೆ ಆದೇಶ ಮಾಡಿದ್ದಲ್ಲಿ, ಆ ರೀತಿ ಆದೇಶ ಮಾಡಿದ 48 ಗಂಟೆ ಒಳಗಾಗಿ ಸಂಬಂಧಪಟ್ಟ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಸಮಕ್ಷಮದಲ್ಲಿ ಹೊತ ಹೇಳಿಕೆಯನ್ನು ಪಂಚನಾಮೆ ಮಾಡುವುದರ ಮೂಲಕ ಹೊರತೆಗೆದು, ಶವ ಮಹಜರು ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಒಂದು ವೇಳೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಗೈರು ಹಾಜರು ಉಳಿದಲ್ಲಿ ಇಬ್ಬರು ಗೌರವಾನ್ವಿತ ಸ್ಥಳೀಯ ಪಂಚರ ಸಮಕ್ಷಮದಲ್ಲಿ ಈ ಕಾರ್ಯವನ್ನು ನಡೆಸಬೇಕಾಗುತ್ತದೆ.

ದೇಹವು ವಿವಾಹಿತ ಮಹಿಳೆಯದಾಗಿದ್ದಲ್ಲಿ:- ಅವಳ ಜನ್ಮ ಸಂಬಂಧಿಕರ ಸಮಕ್ಷಮದಲ್ಲಿ ಅಥವಾ ಸರ್ಕಾರೇತರ, ಸಂಘ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿನಿಧಿಗಳ ಸಮಕ್ಷಮದಲ್ಲಿ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಹೊತ ಹೆಣ ಇಂತಹವರದೇ ಎಂದು ವಿಚಾರಣೆ ಪೂರ್ವ ವಿಚಿತಪಡಿಸಿಕೊಂಡು ಮುಂದುವರಿಯಬೇಕಾಗುತ್ತದೆ. ಗುರುತು ಸಿಗದ ಹೆಣಗಳ ಬಗ್ಗೆ ಭೌತಿಕ ಗುರುತುಗಳನ್ನು ಮತ್ತು ದೇಹದ ಮೇಲಿರುವ ಬಟ್ಟೆ ಸಿಕ್ಕಿರುವ ಇತರೆ ವಸ್ತುಗಳನ್ನು ವಿವರಿಸಿ, ಈ ಬಗ್ಗೆ ಬೇರೆ ತಾಣಗಳಿಗೆ ಸುತ್ತೋಲೆ ಮೂಲಕ ವಿಚಾರವನ್ನು ಪ್ರಚುರಪಡಿಸಬೇಕು. ಈ ವಿಷಯವನ್ನು ಜಿಲ್ಲಾ ಕ್ರಿಮಿನಲ್ ಇನ್‌ವೆಸ್ಟಿಗೇಟಿಂಗ್ ಡಿವಿಷನ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕು. (ನಿಯಮ-35)

ವಿ.ಸೂ:

- 1) ಉಪಯೋಗಿಸಬೇಕಾದ ನಮೂನೆಗಳು ಮತ್ತು ನಿಯಮಗಳ ಪ್ರಕಾರ ಅನುಸರಿಸಬೇಕಾದ ಕಾಲಮಿತಿ ಬಗ್ಗೆ ಪ್ರತ್ಯಕ್ಷವಾಗಿ ಪಟ್ಟಿ ಮಾಡಿ ಲಗತ್ತಿಸಿದೆ.
- 2) ಪಂಚನಾಮೆ ಕಾಲಕ್ಕೆ ಅನುಸರಿಸಬೇಕಾದ ಕ್ರಮಗಳ ಬಗ್ಗೆ ವಿವರಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ (ಅಸಹಜ ಸಾವಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಡೆಸುವ ತನಿಖೆ ಮತ್ತು ಶವ ಪಂಚನಾಮೆ ಕುರಿತು) ನಿಯಮಗಳು, - 2004ನ್ನು ನೋಡುವುದು.  
ದಿನಾಂಕ: 24-01-2004ರ ವಿಶೇಷ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ಸಂಕಲನ : ಶಂಕರ ಎಸ್. ಅರಹುಣಿ,  
1ನೇ ಅಪರ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು,  
ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ,  
ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 2221 5652



ಕರ್ನಾಟಕ (ಅಸಹಜ ಸಾವಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಡೆಸುವ ತನಿಖೆ ಮತ್ತು ಶವಪಂಚನಾಮೆ ಕುರಿತು)  
ನಿಯಮಗಳು - 2004

ನಮೂನೆಗಳು:

ನಮೂನೆ	ಯಾವುದಕ್ಕಾಗಿ ಉಪಯೋಗಿಸುವುದು	ನಿಯಮ
ನಮೂನೆ - ಎ	ಅಸ್ವಾಭಾವಿಕ ಸಾವುಗಳ ರಿಜಿಸ್ಟರ್	3
ನಮೂನೆ - ಬಿ	ಅಸ್ವಾಭಾವಿಕ ಸಾವಿನ ಬಗ್ಗೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟಿಂಗ್ ವರದಿ	4
ನಮೂನೆ - ಸಿ	ಘಟನಾ ಸ್ಥಳದ ವರದಿ	6
ನಮೂನೆ - ಡಿ	ಶವಪರೀಕ್ಷೆಗಾಗಿ ಮೃತ ದೇಹದೊಂದಿಗೆ ಕಳುಹಿಸುವ ಮಾಹಿತಿ	12
ನಮೂನೆ - ಇ	ಶವಪರೀಕ್ಷೆಗಾಗಿ ಶವ ಮತ್ತು ಅದರೊಂದಿಗೆ ಕಳುಹಿಸಿದ ವಸ್ತುಗಳ ಸ್ವೀಕೃತಿ	13(1)
ನಮೂನೆ - ಎಫ್	ಶವ ಪರೀಕ್ಷೆ ವರದಿ	13(30)
ನಮೂನೆ - ಜಿ	ಅಸ್ವಾಭಾವಿಕ ಮರಣದ ಬಗ್ಗೆ ಪೋಲಿಸ್ ತನಿಖೆ ಕಾಲಕ್ಕೆ ಸಾಕ್ಷಿಗಳಿಗೆ ಕೊಡುವ ಸಮನ್ಸ್	14
ನಮೂನೆ - ಎಚ್	ಅಸ್ವಾಭಾವಿಕ ಮರಣದ ಬಗ್ಗೆ ಪೋಲಿಸ್ ವಿಚಾರಣೆ ಕಾಲಕ್ಕೆ ಸಾಕ್ಷಿಧಾರರ ಹೇಳಿಕೆ	14
ನಮೂನೆ - ಆರ್	ಅಸ್ವಾಭಾವಿಕ ಮರಣದ ಬಗ್ಗೆ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಇಡುವ ರಿಜಿಸ್ಟರ್	21
ನಮೂನೆ - ಜೆ	ಅಸ್ವಾಭಾವಿಕ ಮರಣ ವಿಚಾರಣೆ ಕಾಲಕ್ಕೆ ಸಾರ್ವಜನಿಕರಿಗೆ ನೀಡುವ ಸೂಚನಾ ಪತ್ರ	22
ನಮೂನೆ - ಕೆ	ಗಂಭೀರ ಸ್ವರೂಪದ ಗಾಯಾಳುಗಳನ್ನು ಚಿಕಿತ್ಸೆಗಾಗಿ ವೈದ್ಯಕೀಯ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ವೈದ್ಯರಲ್ಲಿ ತಂದಾಗ ವೈದ್ಯರ ವರದಿ	34

ಕರ್ನಾಟಕ (ಅಸಹಜ ಸಾವಿನ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಡೆಸುವ ತನಿಖೆ ಮತ್ತು ಶವಪಂಚನಾಮೆ ಕುರಿತು) ನಿಯಮಗಳು - 2004

ಈ ನಿಯಮಗಳ ಪ್ರಕಾರ ಅನುಸರಿಸಬೇಕಾಗಿರುವ ಕಾಲಮಿತಿ

ಕ್ರಮ ಸಂಖ್ಯೆ	ನಿರ್ವಹಿಸಬೇಕಾದ ಕರ್ತವ್ಯ	ನಿರ್ವಹಿಸುವ ಅಧಿಕಾರಿ	ನಿರ್ವಹಿಸಲು ಕಾಲಮಿತಿ	ನಿಯಮ
1	2	3	4	5
1	ಘಟನಾಸ್ಥಳದ ವರದಿ ತಯಾರಿಸುವುದು	ಠಾಣಾಧಿಕಾರಿ ಅಥವಾ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್	ಹೆಚ್ಚಿಂದರೆ, ಅಸ್ವಾಭಾವಿಕ ಮರಣದ ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ 6 ಗಂಟೆ ಒಳಗಾಗಿ ಮತ್ತು ದೇಹ ಪತ್ತೆಯಾದ 3 ಗಂಟೆಯ ಒಳಗಾಗಿ ತಯಾರಿಸಬೇಕು	6
2	ಶವಪರೀಕ್ಷೆ	ವೈದ್ಯಾಧಿಕಾರಿ	ಶವ ಸ್ವೀಕರಿಸಿದ ವೇಳೆಯಿಂದ ಹೆಚ್ಚಿಂದರೆ 6 ಗಂಟೆ	13
3	ಶವಪರೀಕ್ಷಾ ಫಲಿತಾಂಶ ನೀಡುವುದು	ಶವಪರೀಕ್ಷೆ ಮಾಡಿದ ವೈದ್ಯಾಧಿಕಾರಿ	ಶವಪರೀಕ್ಷೆ ಮುಗಿಸಿದ 24 ಗಂಟೆಯ ಒಳಗಾಗಿ ಪೊಲೀಸರಿಗೆ ನೀಡಬೇಕು	13(23)
4	ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ನಮೂನೆ-'ಎಫ್'ನಲ್ಲಿ ವೀಡಿಯೋ ಕಾಪಿಯೊಂದಿಗೆ ಶವಪರೀಕ್ಷಾ ವರದಿ ಕಳುಹಿಸುವುದು	ಶವಪರೀಕ್ಷೆ ಮಾಡಿದ ವೈದ್ಯಾಧಿಕಾರಿ	ಶವಪರೀಕ್ಷೆ ಮುಗಿಸಿದ ನಂತರ ಸಾಧ್ಯವಾದಷ್ಟು ಬೇಗನೆ, ಹೆಚ್ಚಿಂದರೆ 48 ಗಂಟೆಯ ಒಳಗಾಗಿ	13(30)
5	ಮರಣ ವಿಚಾರಣೆ ನಡೆಸಲು (ಇನ್‌ಕ್ವೆಸ್ಟ್)	ಅಧಿಕಾರಿ ವ್ಯಾಪ್ತಿಯುಳ್ಳ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್	ದೇಹ ಪತ್ತೆಯಾದ ನಂತರ 10 ದಿವಸ ಮೀರಿದಂತೆ ಅಥವಾ ಕೆ: 174(1) ರ ಅಡಿ ಇನ್‌ಕ್ವೆಸ್ಟ್ ಮಾಡಲು ಕೋರಿಕೆ ಸ್ವೀಕರಿಸಿದ 10 ದಿವಸಗಳ ಒಳಗಾಗಿ, ಇವುಗಳಲ್ಲಿ ಯಾವುದು ಮೊದಲು, ಅದರನ್ವಯ ಇನ್‌ಕ್ವೆಸ್ಟ್ ಮಾಡುವುದು	19
6	ಘಟನಾ ಸ್ಥಳದ ವರದಿ ತಯಾರಿಸುವಂತೆ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸುವುದು	ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ವಿಶೇಷವಾಗಿ ನೇಮಿಸಲ್ಪಟ್ಟ ಅಧಿಕಾರಿ ವ್ಯಾಪ್ತಿಯುಳ್ಳ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು	ಅಸ್ವಾಭಾವಿಕ ಸಾವಿನ ಮಾಹಿತಿ ಪೊಲೀಸರನ್ನು ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಮೂಲಗಳಿಂದ ಸ್ವೀಕರಿಸಿದ ವೇಳೆಯಿಂದ 24 ಗಂಟೆ ಒಳಗಾಗಿ	20
7	ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಂದ ಪ್ರಸ್ತಾವಿಸಲ್ಪಟ್ಟಿರುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸುವುದು	ಠಾಣಾ ಪ್ರಭಾರದಲ್ಲಿರುವ ಪೊಲೀಸ್ ಅಧಿಕಾರಿ	ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವಂತೆ ಕಳುಹಿಸಿದ ಪ್ರಸ್ತಾವನೆ ಸ್ವೀಕರಿಸಿದ ಒಂದು ವಾರದ ಒಳಗೆ ಕೈಗೊಳ್ಳುವುದು	20

1	2	3	4	5
8	ಮರಣದ ವಿಚಾರಣೆಯ ತೀರ್ಮಾನವನ್ನು ತಿಳಿಸುವುದು	ಮರಣದ ವಿಚಾರಣೆ ನಡೆಸಿದ ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು	ವಿಚಾರಣೆ ನಡೆಸಿದ ದಿನವೇ, ವಿಚಾರಣೆ ಕೈಗೊಂಡ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಮತ್ತು ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳಿಗೆ ಬರಹದಲ್ಲಿ ತಿಳಿಸಬೇಕು	29
9	ಗಂಭೀರ ಸ್ವರೂಪದ ಗಾಯಾಳುಗಳನ್ನು ಚಿಕಿತ್ಸೆಗಾಗಿ ಆಸ್ಪತ್ರೆಗೆ ಸೇರಿಸಿಕೊಂಡ ಬಗ್ಗೆ ಪೊಲೀಸರಿಗೆ ನಮೂನೆ-'ಕೆ' ಯಲ್ಲಿ ಮಾಹಿತಿ ತಿಳಿಸುವುದು	ಆಸ್ಪತ್ರೆಯ ವೈದ್ಯಾಧಿಕಾರಿಗಳು	ಗಾಯಾಳುಗಳನ್ನು ಸೇರಿಸಿಕೊಂಡ 3 ಗಂಟೆಯ ಒಳಗಾಗಿ	34
10	ಶವ ಹೂಳಲಾಗಿದೆ ಎಂಬ ಮಾಹಿತಿ ತಾಣಾಧಿಕಾರಿಗಳಿಗೆ ಬಂದಾಗ ಶವ ಮಹಜರ ನಡೆಸಲು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಕ: 176(3)ರ ಕೆಳಗೆ ಕೋರಿಕೆ ಸಲ್ಲಿಸುವುದು	ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ ಪೊಲೀಸ್ ತಾಣಾಧಿಕಾರಿಗಳು	ಮಾಹಿತಿ ಸ್ವೀಕರಿಸಿದ 48 ಗಂಟೆ	35
11	ಶವ ಮಹಜರು ಮಾಡುವ ಸಲುವಾಗಿ ಹೆಣ ಹೊರತೆಗೆ ಯಲು ಪೊಲೀಸರು ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರನ್ನು ಕೋರಿದಾಗ ಆದೇಶ ಮಾಡುವುದು	ಕಾರ್ಯಾಂಗ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು	48 ಗಂಟೆ	35
12	ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಆದೇಶವಾದ ನಂತರ ಹೆಣ ಹೊರತೆಗೆದು ಮಹಜರು ಕ್ರಮ ಜರುಗಿಸುವುದು	ಪೊಲೀಸ್ ಅಧಿಕಾರಿ	48 ಗಂಟೆ	35

ಸೂಚನೆ:

- 1) ಈ ಕಾಯ್ದೆ ಅಡಿಯಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸುವ ಸರ್ಕಾರಿ ನೌಕರರು ನಿಗದಿಪಡಿಸಿದ ಕಾಲಮಿತಿಯನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಿಷ್ಕಾಳಜಿತನ ಅಥವಾ ತಾತ್ಕಾಲಿಕನಿಂದ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ ತನಿಖೆಗೆ ಸಹಾಯವಾಗುವ ಸಾಕ್ಷ್ಯ ಪುರಾವೆಯನ್ನು ಹಾಳುಮಾಡಲಾಗಿದೆ ಎಂದು ಸಿದ್ಧವಾದಲ್ಲಿ ಅಂತಹ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಕೆ.ಸಿ.ಎಸ್. (ಸಿ.ಸಿ.ಎ) ರೂಲ್ಸ್, 1957ರನ್ವಯ ಶಿಸ್ತುಕ್ರಮಕ್ಕೆ ಗುರಿಪಡಿಸಲಾಗುವುದು. (ನಿಯಮ-32)
- 2) ಶವಪರೀಕ್ಷೆ ಮಾಡುವಲ್ಲಿ ಇರುವ ಕಾಲಮಿತಿಯನ್ನು ನೊಂದಾಯಿತ ವೈದ್ಯರು ನಿಷ್ಕಾಳಜಿಯಿಂದ ಅಥವಾ ತಾತ್ಕಾಲಿಕನಿಂದ ನಡೆಸಿಕೊಂಡು ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ ಇದರಿಂದ ನ್ಯಾಯ ವಿಫಲತೆಗೆ ಕಾರಣವಾದಾಗ ಅಂತಹ ನೊಂದಾಯಿತ ವೈದ್ಯರುಗಳ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಕೋರಿ ಸರ್ಕಾರವು ಭಾರತೀಯ ವೈದ್ಯರ ಮಂಡಳಿಗೆ ವರದಿ ಸಲ್ಲಿಸಬೇಕಾಗುತ್ತದೆ. (ನಿಯಮ-33)

ಸಂಕಲನ : ಶಂಕರ ಎಸ್. ಅರಹುಣಿ,  
1ನೇ ಅವರ ಸರ್ಕಾರಿ ಅಭಿಯೋಜಕರು,  
ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ,  
ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 2221 5652

# ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ

(ನಮೂನೆ - 111)

ಶ್ರೀ..... ಇವರು ತಮ್ಮ ಪತ್ರ ಕ್ರ.  
..... ನೇದ್ದರ ಮೇರೆಗೆ ಕೇಳಿಕೊಂಡ ಪ್ರಕಾರ ದಿನಾಂಕ.....ರಂದು  
..... ಸ್ಥಳದಲ್ಲಿ ದಾಖಲಿಸಿದ ಶ್ರೀ/  
ಶ್ರೀಮತಿ..... ಇವರ ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ.

ದಿನಾಂಕ:

ಹೇಳಿಕೆ ನೀಡಿದವರ ಹೆಸರು:

ವಯಸ್ಸು:

ಉದ್ಯೋಗ:

ಜಾತಿ:

ವಿಳಾಸ:

ಪ್ರಶ್ನೆ 1: ನೀವು ತಕ್ಕ ಮನಸ್ಥಿತಿವುಳ್ಳವರು ಮತ್ತು ಸುಸ್ಥಿತಿಯಲ್ಲಿರುವಿರೋ ಹೇಗೆ?  
ಉತ್ತರ:

ಪ್ರಶ್ನೆ 2: ನೀವು ಮಾತನಾಡುವ ಸ್ಥಿತಿಯಲ್ಲಿರುವಿರೋ?  
ಉತ್ತರ:

ಪ್ರಶ್ನೆ 3: ಈಗ ಸದ್ಯಕ್ಕೆ ನೀವು ಎಲ್ಲಿರುವಿರಿ?  
ಉತ್ತರ:

ಪ್ರಶ್ನೆ 4: ನಿಮ್ಮನ್ನು ಇಲ್ಲಿ ಯಾರು? ಯಾವಾಗ ಮತ್ತು ಹೇಗೆ ಕರೆ ತಂದರು?  
ಉತ್ತರ:

ಪ್ರಶ್ನೆ 5: ನಿಮ್ಮ ಮೇಲೆ ಯಾರು ಹಲ್ಲೆ ಮಾಡಿದರು?  
ಉತ್ತರ:

ಪ್ರಶ್ನೆ 6: ಅವರ ಹೆಸರು ಮತ್ತು ವಿಳಾಸಗಳೇನು?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 7: ಅವರನ್ನು ನೀವು ಹೇಗೆ ಗುರುತಿಸುವಿರಿ?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 8: ನಿಮಗೆ ಗಾಯಗಳು ಹೇಗೆ ಆದವು?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 9: ಉಪಯೋಗಿಸಿದ ಆಯುಧಗಳಾವುವು? ಅವು ಯಾವ ತೆರನಾಗಿದ್ದವು? ಅವುಗಳ ಆಕಾರ ಯಾವುದು?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 10: ಹಲ್ಲೆಯನ್ನು ಯಾವ ಸ್ಥಳದಲ್ಲಿ ಮಾಡಿದ್ದಾರೆ?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 11: ನಿಮ್ಮ ಶರೀರದ ಮೇಲೆ ಆದ ಗಾಯಗಳನ್ನು ಗುರುತಿಸಬಲ್ಲರಾ?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 12: ನಿಮಗೆ ಹೇಗೆ ಮತ್ತು ಯಾವ ರೀತಿಯಲ್ಲಿ ಗಾಯಗಳಾದವು?

ಉತ್ತರ:

ಪ್ರಶ್ನೆ 13: ಹಲ್ಲೆಯ ಉದ್ದೇಶವೇನು?

ಉತ್ತರ:

ಹೇಳಿಕೆ ನೀಡಿದವರ ರುಜು

ಹೆಚ್ಚಿನ ಗುರುತು



**ಟಿಪ್ಪಣಿ :** ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿ ಪ್ರಜ್ಞಾಶೂನ್ಯವಾಗಿದ್ದಲ್ಲಿ ಹಾಗೂ ಮಾತನಾಡಲು ಬಾರದಿದ್ದಲ್ಲಿ ಅವರ ಹೇಳಿಕೆ ಪಡೆಯುವುದು ಅವಶ್ಯವಿಲ್ಲ ಈ ಬಗ್ಗೆ ತಪ್ಪದೇ ದಾಖಲಿಸಬೇಕು.  
(ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ ಪಡೆದ ನಂತರ ದಾಖಲಿಸಬೇಕಾದ ಪ್ರಮಾಣ ಪತ್ರಗಳು (ನಮೂನೆಗಳು)

**ಪ್ರಮಾಣ ಪತ್ರ :** ಈ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದ ನಂತರ ಹೇಳಿಕೆ ನೀಡಿದವರಿಗೆ ಓದಿ ಹೇಳಲಾಗಿದೆ ಎಂದು ಅವರ ಭಾಷೆಯಲ್ಲಿ ವಿವರಿಸಿ ಹೇಳಿದ ನಂತರ ಅದು ಸರಿ ಇರುತ್ತದೆ ಎಂದು ಅವರು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ ಎಂದು ಈ ಮೂಲಕ ನಾನು ಪ್ರಮಾಣೀಕರಿಸುತ್ತೇನೆ.

ಹೇಳಿಕೆ ದಾಖಲಿಸಿಕೊಳ್ಳುವವರ ರುಜು

**ಟಿಪ್ಪಣಿ :** ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ ನೀಡಿದ ಕೂಡಲೆ ದುಃಖಾಪಾತ ಹೊಂದಿದವರನ್ನು ಶಸ್ತ್ರ ಚಿಕಿತ್ಸೆಗಾಗಿ ಸ್ಥಳಾಂತರಿಸಬೇಕಾಗಿದ್ದು ಓದಿ ಹೇಳುವುದು ಮತ್ತು ವಿವರಿಸುವುದನ್ನು ಕೈಬಿಡಬಹುದು.

**ಪ್ರಮಾಣ ಪತ್ರ 2:** ಈ ಹೇಳಿಕೆಗೆ ಸಹಿ ಮಾಡಿರುವ ವೈದ್ಯಾಧಿಕಾರಿಗಳ ಸಮ್ಮುಖದಲ್ಲಿ ಈ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲೆ ಮಾಡಿಕೊಂಡಿರುತ್ತೇನೆಂದು ಪ್ರಮಾಣೀಕರಿಸುತ್ತೇನೆ.

**ಪ್ರಮಾಣ ಪತ್ರ 3:** ಮೇಲೆ ನಮೂದಿಸಿರುವ ಹೇಳಿಕೆಯನ್ನು ತಾಲ್ಲೂಕು ಕಾರ್ಯ ನಿರ್ವಾಹಕ ದಂಡಾಧಿಕಾರಿಗಳು ..... ಇವರು ದಿನಾಂಕ:..... ರಂದು ..... ವೇಳೆಗೆ ..... ಯಲ್ಲಿ ನನ್ನ ಸಮ್ಮುಖದಲ್ಲಿ ದಾಖಲಿಸಿಕೊಂಡಿದ್ದಾರೆ.

ವೈದ್ಯಾಧಿಕಾರಿಗಳ ರುಜು

**ಟಿಪ್ಪಣಿ :** ಒಂದು ವೇಳೆ ಸ್ವತಃ ವೈದ್ಯಾಧಿಕಾರಿಗಳೇ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸಿಕೊಂಡಲ್ಲಿ ಈ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಕೈ ಬಿಡತಕ್ಕದ್ದು.

**ಪ್ರಮಾಣ ಪತ್ರ 6 :** ನಾನು ಮುಂದುವರಿಸುತ್ತ ಪ್ರಮಾಣೀಕರಿಸುವುದೇನೆಂದರೆ, ನಾನು ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸುವ ಕಾಲಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಮುಂಜಾಗ್ರತಾ ಕ್ರಮಗಳನ್ನು ಕೈಕೊಂಡಿದ್ದೇನೆ.

1. ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯು ತಕ್ಕ ಮನಸ್ಥಿತಿ ಮತ್ತು ಪ್ರಜ್ಞೆಯುಳ್ಳವನಾಗಿದ್ದಾನೆಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡಿದ್ದೇನೆ.
2. ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯು ಮಾತನಾಡುವ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದಾನೆ.
3. ಅನಧಿಕೃತ ವ್ಯಕ್ತಿಗಳನ್ನು ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯ ಸುತ್ತ ಗುಂಪುಗೊಳ್ಳಲು ಬಿಟ್ಟಿರುವುದಿಲ್ಲ.
4. ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯ ಹೇಳಿಕೆ ದಾಖಲಿಸಿಕೊಳ್ಳದಂತೆ ಬಾಹ್ಯ ಪ್ರಭಾವಿತಕ್ಕೆ ಒಳಗಾಗಿರುವುದಿಲ್ಲ.
5. ಮರಣೋನ್ಮುಖ ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯು ಸ್ನೇಹಿತರು ಮತ್ತು ಬಂಧುಗಳು ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿಯನ್ನು ಪ್ರಭಾವಿತನನ್ನಾಗಿಸಲು ಅವಕಾಶ ನೀಡಿರುವುದಿಲ್ಲ.
6. ಹೇಳಿಕೆಯನ್ನು ವಿಶ್ವಾಸಪೂರ್ವಕವಾಗಿ ದಾಖಲಿಸಿಕೊಳ್ಳಲಾಗಿದೆ.

ಹೇಳಿಕೆ ದಾಖಲಿಸಿಕೊಳ್ಳುವವರ ರುಜು

## ಸುತ್ತೋಲೆ

ವಿಷಯ : ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳುವ ಬಗ್ಗೆ.

ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯು ಅತ್ಯಂತ ಪ್ರಮುಖ ಸಾಕ್ಷ್ಯವಾಗಿದ್ದು, ಭಾರತ ಸಾಕ್ಷ್ಯ ಅಧಿನಿಯಮ ಕಲಂ 32(1) ರಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ.

ಕಲಂ 32(1) ಮರಣದ ಕಾರಣಕ್ಕಾಗಿ ಅದು ಸಂಬಂಧಿಸಿರುವಾಗ:

- 1) ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ಮರಣದ ಕಾರಣವು ಪ್ರಶ್ನಿತವಾಗಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ತನ್ನ ಮರಣದ ಕಾರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಥವಾ ತನ್ನ ಮರಣದಲ್ಲಿ ಅಂತ್ಯಗೊಂಡ ವ್ಯವಹಾರದ ಯಾವುದೇ ಸನ್ನಿವೇಶಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಆ ವ್ಯಕ್ತಿಯು ಯಾವುದೇ ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಾಗ ಹೇಳಿಕೆ ನೀಡಿದ ವ್ಯಕ್ತಿಯು ತಾನು ಹೇಳಿಕೆ ನೀಡಿದಾಗ ಮರಣವನ್ನು ನಿರೀಕ್ಷಿಸಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಮತ್ತು ಅವನ ಮರಣದ ಕಾರಣದ ಪ್ರಶ್ನೆಯು ಉದ್ಭವಿಸಿದ ವ್ಯವಹಾರವನ್ನು ಯಾವುದೇ ಸ್ವರೂಪದ್ದಾಗಿರಲಿ ಅಂತಹ ಹೇಳಿಕೆಗಳು ಸುಸಂಬಂಧವಾಗಿರುತ್ತವೆ.
- 2) ಸಾಮಾನ್ಯವಾಗಿ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಗಳು ಗಾಯಾಳುವಿನ ಮರಣ ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಉಂಟಾಯಿತು ಹಾಗೂ ಮರಣಪೂರ್ವದಲ್ಲಿ ಉಂಟಾದ ಸನ್ನಿವೇಶವನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಅನುಕೂಲವಾಗುತ್ತದೆ.
- 3) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆ ನೀಡುವ ವ್ಯಕ್ತಿ ನೀಡುವ ವ್ಯಕ್ತಿ ತಾನು ಹೇಳಿಕೆಯನ್ನು ನೀಡುವಾಗ ಮರಣವನ್ನು ನಿರೀಕ್ಷಿಸಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಸದರಿ ಹೇಳಿಕೆಯು ಸುಸಂಬಂಧವಾಗಿರುತ್ತವೆ.
- 4) ಕರ್ನಾಟಕ ಪೊಲೀಸ್ ಮ್ಯಾನ್ಯುಯಲ್ ವಾಲ್ಯೂಂ-2 ರಲ್ಲಿರುವ ಆದೇಶ ಸಂಖ್ಯೆ 1267ರಿಂದ 1277 ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯ ಬಗ್ಗೆ ಇರುವುದರಿಂದ ಅವುಗಳನ್ನು ಪರ್ಯಾಲೋಚಿಸಿ ಮನದಟ್ಟು ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಮೇಲ್ಕಂಡ ಆದೇಶಗಳು ಅನುಬಂಧ- ಎ ರಲ್ಲಿ ಇರುತ್ತವೆ.
- 5) ಮೇಲ್ಕಂಡ ವಿಷಯದ ಬಗ್ಗೆ ಕಾಲಕಾಲಕ್ಕೆ ಗೌರವಾನ್ವಿತ ಸರ್ವೋನ್ನತ ನ್ಯಾಯಾಲಯವು ಹಾಗೂ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಗಳು ತೀರ್ಪುಗಳನ್ನು ನೀಡುತ್ತಾ ಬಂದಿವೆ.
- 6) ಮೇಲ್ಕಂಡ ವಿಷಯದ ಬಗ್ಗೆ ಮಾನ್ಯ ಪೊಲೀಸ್ ಮಾಹಾ ನಿರ್ದೇಶಕರು ಹಾಗೂ ನಿರೀಕ್ಷಕರು ನೀಡಿದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ. ಸಿಆರ್‌ಎಂ/56/ಎಂಐಎಸ್‌ಸಿ(2)/98 ದಿನಾಂಕ 27-2-1999 ರಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಸಹ ಪರ್ಯಾಲೋಚಿಸಿ ಮನದಟ್ಟು ಮಾಡಿಕೊಳ್ಳಬೇಕು.
- 7) ಇತ್ತೀಚೆಗೆ ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ನೀಡಿದ ತೀರ್ಪಿನಲ್ಲಿ ಕೆಲವೊಂದು ಆದೇಶಗಳನ್ನು ನೀಡಿದೆ. ಮೇಲ್ಕಂಡ ಆದೇಶದಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಒಂದು ನಿಗದಿತ ನಮೂನೆಯನ್ನು ಮುದ್ರಿಸಿ, ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲು ಮಾಡಿಕೊಳ್ಳುವ ಸಲುವಾಗಿ ಎಲ್ಲಾ ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಹಾಗೂ ವೈದ್ಯರಿಗೆ ಕಳುಹಿಸಿಕೊಡಬೇಕೆಂದು ಸೂಚಿಸಿದೆ. ಆದಾಗ್ಯೂ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಗಳನ್ನು ದಾಖಲು ಮಾಡಿಕೊಳ್ಳುವಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ತಪ್ಪದೇ ಗಮನದಲ್ಲಿಡಬೇಕು.

ಅ) ಮರಣವನ್ನು ನಿರೀಕ್ಷಿಸುತ್ತಿರುವ ಗಾಯಾಳುವಿನ ಬಗ್ಗೆ ಮಾಹಿತಿ ಬಂದ ತಕ್ಷಣ ತನಿಖಾಧಿಕಾರಿ ಅಥವಾ ತಾಣಾಧಿಕಾರಿಯವರು ಸಂಬಂಧಪಟ್ಟ ದಂಡಾಧಿಕಾರಿಗಳಿಗೆ (ತಾಲ್ಲೂಕು ದಂಡಾಧಿಕಾರಿಗಳು ಅಥವಾ ಉಪ ವಿಭಾಗೀಯ ದಂಡಾಧಿಕಾರಿಗಳು) ವಿಷಯವನ್ನು ತಿಳಿಸಿ, ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆಯುವ ಸಲುವಾಗಿ ದಂಡಾಧಿಕಾರಿಯವರನ್ನು ರವಾನಿಸಿಕೊಳ್ಳಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು. ದಂಡಾಧಿಕಾರಿಗಳು ತಕ್ಷಣ ಲಭ್ಯವಿಲ್ಲದಾಗ ಮತ್ತು ವಿಳಂಬವಾಗುವಾಗ ಹೇಳಿಕೆ ಪಡೆದುಕೊಳ್ಳುವ ತನಿಖಾಧಿಕಾರಿ ಅಥವಾ ತಾಣಾಧಿಕಾರಿ ಮೇಲ್ಕಂಡ ಅಂಶವನ್ನು ನಮೂದು ಮಾಡಿ ತಾನೇ ವೈದ್ಯಕ ಸಮಕ್ಷಮ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕು.

ಆ) ತನಿಖಾಧಿಕಾರಿಯು ಗಾಯಾಳುವಿಗೆ ಚಿಕಿತ್ಸೆ ನೀಡುತ್ತಿರುವ ವೈದ್ಯಕೇ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳುವಂತೆ ತಪ್ಪದೇ ವಿನಂತಿಸಿಕೊಳ್ಳಬೇಕು. ವಿಳಂಬವಾಗುವ ಸಂದರ್ಭದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯೇ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬಹುದು.

ಇ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಗಾಯಾಳುವಿನ ಬಗ್ಗೆ ಮಾಹಿತಿ ಬಂದ ತಕ್ಷಣ ಯಾವುದೇ ವಿಳಂಬ ಮಾಡದೇ ಪಡೆದುಕೊಳ್ಳಬೇಕು. ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳಲು ವಿಳಂಬವಾದಲ್ಲಿ ಕಾರಣವನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ವಿವರಿಸಬೇಕು.

ಈ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ದಂಡಾಧಿಕಾರಿಯವರಾಗಲೀ ವೈದ್ಯಕರಾಗಲೀ ಅಥವಾ ತನಿಖಾಧಿಕಾರಿಯಾಗಲೀ ಪಡೆದುಕೊಳ್ಳುವ ಸಮಯದಲ್ಲಿ ಹೇಳಿಕೆ ಪಡೆದುಕೊಳ್ಳುವ ಅಧಿಕಾರಿಯಲ್ಲದೇ ಬೇರೆ ಯಾರೂ ಗಾಯಾಳುವಿನ ಬಳಿ ಇರಬಾರದು.

ಉ) ಗಾಯಾಳುವಿಗೆ ಚಿಕಿತ್ಸೆ ನೀಡುತ್ತಿರುವ ವೈದ್ಯಕರು "ಗಾಯಾಳುವು ಪ್ರಜ್ಞಾಸ್ಥಿತಿ ಯಲ್ಲಿರುವ ಬಗ್ಗೆ ಅಲ್ಲದೆ, ದೈಹಿಕವಾಗಿ ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ಹೇಳಿಕೆಯನ್ನು ಕೊಡುವಂತಹ ಯೋಗ್ಯಸ್ಥಿತಿಯಲ್ಲಿರುತ್ತಾನೆ" ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ದೃಢೀಕರಿಸಬೇಕು. ಮೇಲ್ಕಂಡ ದೃಢೀಕರಣವನ್ನು ಪ್ರತ್ಯೇಕವಾಗಿ ಪಡೆಯದೇ ಹೇಳಿಕೆಯ ಪ್ರತಿಯು ಮೇಲೆ ದಾಖಲಿಸಬೇಕು. ಮೇಲ್ಕಂಡ ದೃಢೀಕರಣವನ್ನು ಹೇಳಿಕೆ ಮಾಡಿಕೊಳ್ಳುವ ಪ್ರಾರಂಭದಲ್ಲಿಯೇ ದಾಖಲು ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಹಾಗೂ ಹೇಳಿಕೆ ಮುಕ್ತಾಯಗೊಂಡ ನಂತರವೂ ಸಹ ಸಂಬಂಧಪಟ್ಟ ವೈದ್ಯಕೇ "ಗಾಯಾಳುವು ನನ್ನ ಮುಂದೆಯೇ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿದ್ದು, ಅದನ್ನು ದಾಖಲು ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ ಹಾಗೂ ಹೇಳಿಕೆ ಕೊಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಗಾಯಾಳು ಹೇಳಿಕೆ ಕೊಡಲು ಸಮರ್ಥನಿದ್ದನು" ಎಂದು ಮತ್ತೊಮ್ಮೆ ದೃಢೀಕರಿಸಬೇಕು.

ಊ) ಗಾಯಾಳುವಿಗೆ ಚಿಕಿತ್ಸೆ ನೀಡುತ್ತಿರುವ ವೈದ್ಯಕರು ಹೇಳಿಕೆ ಮಾಡಿಕೊಳ್ಳುವಾಗ ಪ್ರಾರಂಭದಿಂದ ಕೊನೆಯವರೆಗೂ ಗಾಯಾಳುವಿನ ಬಳಿ ಇರಬೇಕು. ಈ ಅಂಶವನ್ನು ಇತ್ತೀಚಿನ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನಲ್ಲಿ ಪುನರುಚ್ಚರಿಸಲಾಗಿದೆ.

ಋ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯು ಸಾಧ್ಯವಾದ ಮಟ್ಟಿಗೂ ಪ್ರಶೋತ್ತರ ರೂಪದಲ್ಲಿ ಇರಬೇಕು ಹಾಗೂ ಗಾಯಾಳು ಹೇಳಿಕೆ ನೀಡಿದ ಭಾಷೆಯಲ್ಲಿ ಮತ್ತು ಉಪಯೋಗಿಸಿದ ಪದಗಳಲ್ಲಿಯೇ ಇರಬೇಕು.

ಋ) ಗಾಯಾಳುವಿನ ಬಗ್ಗೆ ವಿವರಗಳನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ದಾಖಲು ಮಾಡಿಕೊಳ್ಳಬೇಕು (ಹೆಸರು, ವಯಸ್ಸು ಇತ್ಯಾದಿ).

ಎ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಮಾಡಿಕೊಳ್ಳುವಾಗ ಗಾಯಾಳುವಿಗೆ ಗಾಯದ ಕಾರಣ, ಸನ್ನಿವೇಶ, ಭಾಗವಹಿಸಿದ ವ್ಯಕ್ತಿಗಳು, ಉಪಯೋಗಿಸಿದ ಆಯುಧಗಳು, ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳ ಮತ್ತು ಸಮಯ ಇತ್ಯಾದಿಯ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಕೇಳಿ, ಪ್ರಶ್ನೆ ಉತ್ತರದ ರೂಪದಲ್ಲಿ ಹೇಳಿಕೆಯನ್ನು ಬರೆದುಕೊಳ್ಳಬೇಕು. ಹೇಳಿಕೆಯು ಸಂಕ್ಷಿಪ್ತ ಹಾಗೂ ಕರಾರುದಾಕಾಗಿದ್ದು ಆಸಂಬದ್ಧವಾದ ಹಾಗೂ ಸಂಬಂಧವಿಲ್ಲದ ವಿವರಣೆಗಳು ಇರಬಾರದು.



- ಎ) ಕೆಲವೊಂದು ಸಂದರ್ಭಗಳಲ್ಲಿ ಗಾಯಾಳುವಿನ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳುವ ಅಧಿಕಾರಿಗಳು ಗಾಯಾಳುವನ್ನು ವಿಚಾರಿಸಿದ ನಂತರ ಟಿಪ್ಪಣಿ ಮಾಡಿಕೊಂಡು, ನಂತರ ವೈದ್ಯರ ಕೊಠಡಿಗೆ ಅಥವಾ ಪೊಲೀಸ್ ಚೌಕಿ ಅಥವಾ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹೋಗಿ ಹೇಳಿಕೆಯನ್ನು ಬರೆದುಕೊಂಡ ನಂತರ ಗಾಯಾಳುವಿನ ರುಜುವನ್ನು ಪಡೆಯುತ್ತಿರುವ ದೂರುಗಳಿವೆ. ಈ ಕ್ರಮವು ಸರಿಯಲ್ಲ. ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಗಾಯಾಳುವಿನ ಖುದ್ದು ಸಮಕ್ಷಮದಲ್ಲಿ ಅಲ್ಲದೇ ಬೇರೆಯಲ್ಲಿಯೂ ಮಾಡಬಾರದು.
- ಐ) ಹೇಳಿಕೆಯನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡ ದಿನಾಂಕ, ಸಮಯ ಹಾಗೂ ಸ್ಥಳವನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಬರೆಯಬೇಕು. ಹೇಳಿಕೆ ಪಡೆಯುವ ಸಮಯದಲ್ಲಿ ಉಪಸ್ಥಿತರಾಗಿರುವ ದಂಡಾಧಿಕಾರಿ, ವೈದ್ಯರು ತನಿಖಾಧಿಕಾರಿ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಯಲ್ಲದ ಇತರ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು ಸ್ಥಳದಲ್ಲಿ ಇದ್ದಲ್ಲಿ ಅವರುಗಳ ಹೆಸರುಗಳನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದು ಮಾಡಿಕೊಳ್ಳಬೇಕು.
- ಒ) ಸಾಧ್ಯವಾದ ಮಟ್ಟಿಗೆ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆ ಪಡೆಯುವ ಕೆಲಸವನ್ನು ಪೊಲೀಸ್ ಮುಖ್ಯಪೇದೆ ಅಥವಾ ಸಹಾಯಕ ಉಪ ನಿರೀಕ್ಷಕರಿಗೆ ಬಿಡಬಾರದು. ಹೇಳಿಕೆಗಳನ್ನು ಪೊಲೀಸ್ ಉಪ ನಿರೀಕ್ಷಕರಿಗೆ ಕಡಿಮೆ ಇಲ್ಲದಂತಹ ಶ್ರೇಣಿಯ ಅಧಿಕಾರಿಯೇ ದಾಖಲು ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಸ್ವತಃ ತನಿಖಾಧಿಕಾರಿಯೇ ದಾಖಲು ಮಾಡಿಕೊಳ್ಳುವುದು ಅತ್ಯುತ್ತಮ.
- ಒ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಗೆ ಗಾಯಾಳುವು ಖಡ್ಗಾಯವಾಗಿ ಸಿಹಿ ಮಾಡಬೇಕು. ಗಾಯಾಳುವು ರುಜು ಮಾಡಲು ಅಸಮರ್ಥನಾಗಿದ್ದಲ್ಲಿ ಅವನ ಅಥವಾ ಅವಳ ಹೆಚ್ಚಿನ ಗುರುತು ಪಡೆಯಬೇಕು. ಕೆಲವೊಂದು ಸಂದರ್ಭದಲ್ಲಿ, ಅಂದರೆ ತೀವ್ರ ತರವಾದ ಸುಟ್ಟಗಾಯವಾಗಿದ್ದಾಗ ಅಥವಾ ಹೆಚ್ಚಿನ ಗಾಯವಾಗಿದ್ದಾಗ ಅಥವಾ ಕತ್ತರಿಸಲ್ಪಟ್ಟಿದ್ದಾಗ ಈ ಬಗ್ಗೆ ವೈದ್ಯರು ಗಾಯಾಳುವಿನ ರುಜು ಅಥವಾ ಹೆಚ್ಚಿನ ಗುರುತನ್ನು ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಹೇಳಿಕೆಯಲ್ಲಿ ಪಡೆದಿರುವುದಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ವಿವರಿಸಿ ದೃಢೀಕರಿಸಬೇಕು ಹಾಗೂ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡ ತನಿಖಾಧಿಕಾರಿಯೂ ಸಹ ಮೇಲಿನಂತೆ ವಿವರಗಳನ್ನು ಬರೆದುಕೊಳ್ಳಬೇಕು.
- ಔ) ಒಂದು ವೇಳೆ ಗಾಯಾಳುವು ಮಾನಸಿಕವಾಗಿ ಸುಸ್ಥಿತಿಯಲ್ಲಿದ್ದರೂ ತನ್ನ ಬಾಯಿಗೆ ಆದ ಗಾಯದಿಂದ ಅಥವಾ ಬೇರೆ ಯಾವುದಾದರೂ ಕಾರಣದಿಂದ ಮಾತನಾಡಲು ಆಗದೇ ಇರುವ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದರೆ ಅಂತಹ ಗಾಯಾಳು ನೀಡುವ ಸಂಜ್ಞೆ ಹಾಗೂ ಭಾವಾಭಿವ್ಯಕ್ತಿಯನ್ನು ಪ್ರತಿಯೊಂದು ಪ್ರಶ್ನೆಗೂ ನೀಡಿದ ಉತ್ತರದ ರೂಪದಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಬರೆದುಕೊಳ್ಳಬೇಕು. ದಾಖಲು ಮಾಡಿಕೊಳ್ಳುವ ಸಮಯದಲ್ಲಿ ಮೇಲ್ಕಂಡ ಸಂಜ್ಞೆ ಹಾಗೂ ಭಾವಾಭಿವ್ಯಕ್ತಿಗಳಿಗೆ ತನಿಖಾಧಿಕಾರಿಯು ತಾನೇ ಅಥವಾ ಅಥವಾ ತಜ್ಞರೇ ನೀಡಬಾರದು.
- ಅ) ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯ ಆಂಗ್ಲ ಭಾಷೆಯಲ್ಲಿ ಅಥವಾ ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ ಇದ್ದು ಗಾಯಾಳುವಿಗೆ ಮೇಲ್ಕಂಡ ಎರಡೂ ಭಾಷೆಗಳೂ ಅರ್ಥವಾಗದೇ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸಂಪೂರ್ಣ ಹೇಳಿಕೆಯನ್ನು ಗಾಯಾಳುವಿಗೆ ತಿಳಿದ ಭಾಷೆಯಲ್ಲಿ ತಜ್ಞರೇ ಮಾಡಿ ವಿವರವಾಗಿ ತಿಳಿಸಿ, ನಂತರ ಅವನು/ಅವಳು ಸದರಿ ಹೇಳಿಕೆಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವ ನಂತರ ಗಾಯಾಳುವಿನ ಸಹಿ ಅಥವಾ ಬೆರಳಚ್ಚು ಗುರುತು ಪಡೆದುಕೊಳ್ಳಬೇಕು. ಹೇಳಿಕೆಯ ಪ್ರತಿಯಲ್ಲಿ ಭಾಷಾಂತರ ಮಾಡಿದ ವ್ಯಕ್ತಿಯ ಸಹಿಯನ್ನು ಸಹ ಪಡೆದುಕೊಳ್ಳಬೇಕು.

ಅ:) ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಇತ್ತೀಚೆಗೆ ನೀಡಿದ ತೀರ್ಪಿನಲ್ಲಿ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯ ಮೂಲ ಪ್ರತಿಯನ್ನು ಕೂಡಲೇ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿ ಹೇಳಿಕೆಯ ಪೋಟೋಸ್ಕಾನ್ ಪ್ರತಿಯನ್ನು ಮೊಕದ್ದಮೆಯ ಕಡತದಲ್ಲಿ ಇರಿಸಬೇಕು ಎಂದು ತಿಳಿಸಿರುವುದರಿಂದ ಮೇಲ್ಕಂಡ ಆದೇಶವನ್ನು ಚಾಚು ತಪ್ಪದೇ ಪಾಲಿಸಬೇಕು.

ಕ) ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಗೌರವಾನ್ವಿತ ನ್ಯಾಯಮೂರ್ತಿಗಳಾದ ಶ್ರೀ. ಬಿ. ಪದ್ಮರಾಜ್ ಮತ್ತು ನ್ಯಾಯಮೂರ್ತಿಗಳಾದ ಶ್ರೀ ಬನ್ನೂರು ಮಠ್ ಇವರುಗಳು ಇತ್ತೀಚೆಗೆ ನೂರ್ ಸಾಬ್ ಆಲಿಯಾಸ್ ನೂರ್ ಅಹಮದ್ ವರ್ಸ್ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಐ ಎಲ್ ಆರ್ 2001 (ಕರ್ನಾಟಕ) ಪುಟ 2969ರ ತೀರ್ಪಿನಲ್ಲಿ ಗಾಯಾಳುವು ನೀಡಿದ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯ ಒಂದೇ ಆಧಾರದ ಮೇಲೆ ಆರೋಪಿಗೆ ಶಿಕ್ಷೆಯನ್ನು ವಿಧಿಸಿರುತ್ತಾರೆ. ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಪದ್ಧತಿಯಾಗಿ ಮತ್ತು ಕರಾರುವಕ್ಕಾಗಿ ಮರಣಪೂರ್ವ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಂಡಿರುವುದು ಕಂಡು ಬಂದಿದ್ದು ಅಧಿಕಾರಿಗಳು ಮೇಲ್ಕಂಡ ತೀರ್ಪನ್ನು ಓದಿಕೊಳ್ಳಲು ಸೂಚಿಸಿದೆ.

ಸಹಿ/-

(ಟಿ. ದುಡಿಯಾಲ್)

ಪೊಲೀಸ್ ಕಮೀಷನರ್

ಬೆಂಗಳೂರು ನಗರ

ಗೆ,

ಬೆಂಗಳೂರು ನಗರದ ಎಲ್ಲಾ ತಾಣಾಧಿಕಾರಿಗಳಿಗೆ ಮತ್ತು ಸಂಚಾರ ವಲಯದ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್‌ವರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರದ ಎಲ್ಲಾ ಉಪ ವಿಭಾಗದ ಎಸಿಪಿರವರುಗಳಿಗೆ, ಸಿಪಿಬಿಯ ಎಸಿಪಿರವರುಗಳಿಗೆ ಮತ್ತು ಸಂಚಾರ ವಲಯದ ಎಸಿಪಿರವರುಗಳಿಗೆ,

ಬೆಂಗಳೂರು ನಗರದ ಎಲ್ಲಾ ವಿಭಾಗದ ಡಿಸಿಪಿರವರುಗಳಿಗೆ ಮತ್ತು ಸಂಚಾರ ವಲಯದ ಡಿಸಿಪಿರವರುಗಳಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಮತ್ತು ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ

ಎಲ್ಲಾ ಜಂಟಿ ಪೊಲೀಸ್ ಕಮೀಷನರುಗಳು, ಬೆಂಗಳೂರು ನಗರ ಮಾಹಿತಿಗಾಗಿ.

ಎಲ್ಲಾ ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಕಮೀಷನರುಗಳು, ಬೆಂಗಳೂರು ನಗರ ಮಾಹಿತಿಗಾಗಿ.

ಪೊಲೀಸ್ ಕಮೀಷನರ್‌ರವರ ಪರವಾಗಿ

ಬೆಂಗಳೂರು ನಗರ





ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂ: ಡಿಜಿಪಿ/ತರಬೇತಿ/ಎಸ್‌ಜೆಪಿಯು/14/2013

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತರಬೇತಿ,

ಕಾರ್ಲೆಟನ್ ಭವನ, ಅರಮನೆ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30/05/2013.

ಸುತ್ತೋಲೆ

**ವಿಷಯ:** ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ-2005ರ  
ಅನ್ವಯ ಪೊಲೀಸರು ನಿರ್ವಹಿಸಬೇಕಾದ ಕರ್ತವ್ಯಗಳು.

\* \* \*

1. ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ - 2005 ಇದರ ಮುಖ್ಯ ಗುರಿ, ಪತಿ ಅಥವಾ ಜೊತೆಯಲ್ಲ ಜೀವನ ಮಾಡುತ್ತಿರುವ ಪುರುಷ ಅಥವಾ ಪತಿಯ ಸಂಬಂಧಿ ಇವರುಗಳು ಹೆಂಡತಿ ಅಥವಾ ಜೊತೆಯಲ್ಲ ಜೀವನ ಮಾಡುತ್ತಿರುವ ಮಹಿಳೆಯರಿಗೆ ತಮ್ಮ ಕುಟುಂಬಗಳಲ್ಲಿ ದೌರ್ಜನ್ಯ, ಹಿಂಸೆ ಮತ್ತು ಶೋಷಣೆಗೆ ಗುರಿಪಡಿಸಿದ್ದಲ್ಲ, ಅಂಥಹ ಮಹಿಳೆಯರನ್ನು ಸಂರಕ್ಷಿಸುವುದು. ಇದರೊಂದಿಗೆ ಈ ಕಾಯ್ದೆ ಕುಟುಂಬದಲ್ಲಿರುವ ಸಹೋದರಿಯರು, ತಾಯಿ ಮತ್ತು ದತ್ತು ಸಹೋದರಿಯರು ಇವರನ್ನು ಸಂರಕ್ಷಿಸುವ ವ್ಯಾಪಕತೆಯನ್ನು ಹೊಂದಿರುತ್ತದೆ. ಈ ಕಾಯ್ದೆ ಜಾರಿ ಮಾಡುವ ದಿನೆಯಲ್ಲ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರನ್ನು ಸಂರಕ್ಷಿಸುವ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೆ ತಂದಿದೆ.

ಈ ಕಾಯ್ದೆಯು ದೌರ್ಜನ್ಯ, ದೌರ್ಜನ್ಯದ ಬೆದರಿಕೆಗಳು ಅಂದರೆ ದೈಹಿಕ, ಮಾನಸಿಕ, ಮೌಖಿಕ, ಲೈಂಗಿಕ, ಭಾವನಾತ್ಮಕ ಹಾಗೂ ಆರ್ಥಿಕ ಹಿಂಸೆಗಳನ್ನು ವ್ಯಾಖ್ಯಾನಿಸುತ್ತದೆ. ಈ ಕಾಯ್ದೆಯ ಕಲಂ 3 ರಲ್ಲಿ ಹೇಳುವಂತೆ ಈ ಕೆಳಕಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ ಪ್ರತಿವಾದಿಯು ಅನುಚಿತ ವರ್ತನೆ, ಕರ್ತವ್ಯ ಲೋಪ ಮುಂತಾದವುಗಳನ್ನು ಕೈಗೊಂಡಲ್ಲಿ ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ - 2005ರಡಿಯಲ್ಲಿ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು.

(ಅ) ಬಾಧಿತ/ನೊಂದ ಮಹಿಳೆಯ ಆರೋಗ್ಯಕ್ಕೆ ಹಾನಿಕಾರಕವಾದ ಅಪಾಯಕಾರಿ ವರ್ತನೆ ಅಥವಾ ಗಾಯಮಾಡುವುದು ಅಥವಾ ದೈಹಿಕವಾಗಿ ಹಾನಿಮಾಡುವುದು ಅಥವಾ ಜೀವಕ್ಕೆ ಅಪಾಯ ತರುವುದು, ನೆಮ್ಮದಿಗೆ ಭಂಗತರುವುದು ಅಂದರೆ ಮಾನಸಿಕ ಅಥವಾ ದೈಹಿಕ ಹಲ್ಲೆ ಅಥವಾ ಹಲ್ಲೆಯ ಬೆದರಿಕೆ ಹಾಗೂ ದೈಹಿಕ, ಭೌದ್ಧಿಕ, ಮಾನಸಿಕ, ಮೌಖಿಕ, ಲೈಂಗಿಕ, ಭಾವನಾತ್ಮಕ ಹಾಗೂ ಆರ್ಥಿಕ ಹಿಂಸೆಗಳು ; ಅಥವಾ

(ಆ) ವರದಕ್ಷಿಣೆ ಅಥವಾ ಆಸ್ತಿ ಅಥವಾ ಬೆಲೆಬಾಳುವ ವಸ್ತುಗಳು ಮುಂತಾದವುಗಳ ಬೇಡಿಕೆಯನ್ನಿಟ್ಟು, ಮಹಿಳೆಯನ್ನು ಅಥವಾ ಆಕೆಯ ಸಂಬಂಧಿಕರನ್ನು ಒತ್ತಾಯಿಸುವುದು, ಬೆದರಿಸುವುದು, ತೊಂದರೆ ಕೊಡುವುದು ಅಥವಾ ಅಪಾಯಕಾರಿ ಸನ್ನಿವೇಶವನ್ನು ಸೃಷ್ಟಿಮಾಡುವುದು ; ಅಥವಾ

(ಇ) ಕಲಂ 3ರ ಉಪಕಲಂ (ಅ) ಅಥವಾ ಉಪಕಲಂ (ಆ) ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ದೌರ್ಜನ್ಯ ಪೀಡಿತರು ಅಥವಾ ಅವಳ ಸಂಬಂಧಿಕರ ಮೇಲೆ ಬಲವಂತದಿಂದ ಅಥವಾ ಪೀಡಿಸುವಿಕೆಯಿಂದ ಉಂಟಾಗುವ ಪರಿಣಾಮಗಳು ; ಅಥವಾ

(ಈ) ಪೀಡಿತಳ ಮೇಲೆ ಉಂಟಾದ ಯಾವುದೇ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ನೋವುಗಳು ಅಥವಾ ಹಾನಿಗಳಿಗೆ ಮೇಲ್ಕಂಡ ಕಾಯ್ದೆಯಿಂದ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು.

2. ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯದ ದೂರುಗಳು ಬಂದಾಗಲೂ ತುರ್ತು ಪರಿಹಾರೋಪಾಯಗಳಿಗೆ ಆದ್ಯತೆ ನೀಡದೇ ನ್ಯಾಯಾಲಯದಲ್ಲ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಯಾಂತ್ರಿಕವಾಗಿ ಬೇರೆ ಪ್ರಕರಣಗಳಂತೆ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ ದಾಖಲಿಸುತ್ತಾರೆ.

3. ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ - 2005 ರ ಅನ್ವಯ ಪ್ರಮುಖ ಹೊಣೆಗಾರರು ಮೂರು ಮಂದಿ. ಅವರುಗಳೆಂದರೆ,

(ಅ) ರಕ್ಷಣಾ ಅಧಿಕಾರಿಗಳು - ಪ್ರತಿ ಜಿಲ್ಲೆಗೆ ಒಬ್ಬರಂತೆ ನೇಮಕಗೊಂಡಿರುತ್ತಾರೆ.(ಕಲಂ 3ರ ಉಪಕಲಂ 1)

(ಆ) ಈ ಕಾಯಿದೆಯಡಿಯಲ್ಲಿ ಸರ್ಕಾರದ ಪ್ರಕಟಣೆಯಂತೆ ನೇಮಕ ಮಾಡಲಾದ ನ್ಯಾಯಾಧೀಶರು.

(ಇ) ಸರ್ಕಾರವು ಗುರುತಿಸಿ ನಾಮಕರಣ ಮಾಡಿದ ಸ್ವಯಂ ಸೇವಾ ಸಂಸ್ಥೆ (ಸೊಸೈಟಿಗಳ ಕಾಯಿದೆಯಡಿ ನೋಂದಾಯಿತ ಸ್ವಯಂ ಸೇವಾ ಸಂಸ್ಥೆ) ಗಳು ಸೇವೆ ಒದಗಿಸುವವರಾಗಿರುತ್ತಾರೆ.

4. ಕಾಯಿದೆಯ ಕಲಂ 36 ರಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಈಗಾಗಲೇ ಮಹಿಳೆಯರನ್ನು ರಕ್ಷಿಸುವಲ್ಲಿ ಇರುವ ಇತರೆ ಕಾನೂನುಗಳನ್ನು ಕಡೆಗಣಿಸುವಂತಿಲ್ಲ. ಈಗಾಗಲೇ ಇರುವ ಕಾನೂನಿನ ವ್ಯಾಪ್ತಿಯ ಜೊತೆಗೆ ಈ ಕಾಯಿದೆಯಲ್ಲಿ ಸೂಚಿಸಿರುವ ಅಂಶಗಳನ್ನು ಅಳವಡಿಸಬೇಕು . ಅಂದರೆ ಉದಾ: ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ 498 (ಅ) ರಂತೆ ದೈಹಿಕ ಹಲ್ಲೆಗೆ ಒಳಗಾದವರಿಗೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದರೊಂದಿಗೆ ಈ ಕಾಯಿದೆ ಸೂಚಿಸಿರುವ ಮೇರೆಗೆ ಹಲ್ಲೆಗೆ ಒಳಗಾದ ಮಹಿಳೆಗೆ ಇರುವ ನೆರವು ಹಾಗೂ ಸೇವಾ ಸೌಲಭ್ಯಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡಿ ನಂತರ ಅವಳನ್ನು ರಕ್ಷಣಾಧಿಕಾರಿ ಮತ್ತು ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವವರಿಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬೇಕಾಗುತ್ತದೆ.

5. ಕಾನೂನುಬದ್ಧ ಅಥವಾ ಸಾಂಪ್ರದಾಯಿಕ ವಿವಾಹಕ್ಕೆ ಒಳಗಾಗಿರುವ ಯಾವುದೇ ಮಹಿಳೆ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ದೌರ್ಜನ್ಯದ ವಿರುದ್ಧ ದೂರು ತಂದಲ್ಲಿ ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ 498 (ಅ) ರ ಅಡಿಯಲ್ಲಿ ದೂರು ದಾಖಲಿಸುವ ಅವಕಾಶ ಇರುತ್ತದೆ. ಇದರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಜೊತೆಯಲ್ಲಿ ಜೀವಿಸುವ ಮಹಿಳೆಗೆ ದೂರು ದಾಖಲಿಸುವ ಅವಕಾಶವಿಲ್ಲ. ಆದರೆ ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಕಾಯಿದೆ ಅಡಿಯಲ್ಲಿ ಅಂತಹದವರಿಗೂ ದೂರು ದಾಖಲಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿಕೊಟ್ಟಿದೆ. ದೌರ್ಜನ್ಯಗಳು 498 (ಅ) ವ್ಯಾಪ್ತಿಗೆ ಬರದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಕಾಯಿದೆ ಸೇರಿದಂತೆ ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಹಾಗೂ ಇತರೇ ಕಾಯ್ದೆಗಳ ಅಡಿಯಲ್ಲಿ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸಿಕೊಂಡು ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು.

6. ಈ ಕಾಯಿದೆಯ ಕಲಂ 5 ರಲ್ಲಿ ವಿವರಿಸಿರುವಂತೆ ಪೊಲೀಸರ ಪಾತ್ರಗಳೆಂದರೆ -

(1) ಪೊಲೀಸರು ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾಗಿ ದೂರು ದಾಖಲಿಸಲು ಬಂದ ಮಹಿಳೆಯರಿಗೆ ಈ ಕೆಳಕಂಡ ಮಾಹಿತಿಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ನೀಡಬೇಕು.



(ಅ) ವಿವಿಧ ಪರಿಹಾರ ಮಾರ್ಗಗಳು ಅಂದರೆ ರಕ್ಷಣೆಯ ಆದೇಶ, ತಾತ್ಕಾಲಿಕ ಹಣಕಾಸಿಕ ನೆರವು, ಆರ್ಥಿಕ ಪರಿಹಾರ, ಮಕ್ಕಳ ಸುಪರ್ದಿನ ಆದೇಶ ಮತ್ತು ಪುನರ್ವಸತಿಯ ಪರಿಹಾರಗಳನ್ನು ಪಡೆಯಲು ಅರ್ಜಿ ಸಲ್ಲಿಸುವ ಹಕ್ಕು ಆಕೆಗಿದೆ ಎಂಬುದನ್ನು ತಿಳಿಸಬೇಕು.

(ಆ) ಸೇವೆ ನೀಡುವವರ ಮೂಲಕ ನಿಗಬಹುದಾದ ಎಲ್ಲಾ ಸೇವೆಗಳ ಮಾಹಿತಿ ತಿಳಿಸಬೇಕು.

(ಇ) ರಕ್ಷಣಾಧಿಕಾರಿಯಿಂದ ಒದಗುವ ರಕ್ಷಣಾ ಸೌಲಭ್ಯ ಕುರಿತು ತಿಳಿಸಬೇಕು.

(ಈ) ಕಾನೂನು ಸೇವಾ ಪ್ರಾಧಿಕಾರ ಕಾಯಿದೆ - 1987 ರ ಅಡಿಯಲ್ಲಿ ಒದಗುವ ಉಚಿತ ಕಾನೂನು ಸೇವೆ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದವರ ಹಕ್ಕು ಎಂಬುದನ್ನು ತಿಳಿಸಿಕೊಡಬೇಕು.

(ಉ) ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಅಡಿಯ ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣಗಳ ನಿರ್ದಿಷ್ಟ ಕಲಂ ಅಡಿಯಲ್ಲಿ ದೂರು ನೀಡಿ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ ಪಡೆಯುವುದು ಆಕೆಯ ಹಕ್ಕು ಎಂಬುದನ್ನು ತಿಳಿಸಬೇಕು.

(2) ಅಗತ್ಯವಿದ್ದಲ್ಲಿ ದೈಹಿಕ ಹಲ್ಲೆಗೆ ಒಳಗಾದವರಿಗೆ ಸೂಕ್ತ ಚಿಕಿತ್ಸೆಗಾಗಿ ವೈದ್ಯಕೀಯ ಸೇವೆ ಒದಗಿಸಿಕೊಡಬೇಕು.

(3) ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಕಾಯಿದೆಯಲ್ಲಿ ಇರುವ ಎಲ್ಲಾ ಕಾನೂನು ಬದ್ಧ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಪರಿಹಾರಗಳ ಕುರಿತು ಅವಳಿಗೂ ಹಾಗೂ ಅವಶ್ಯಕತೆ ಬಿದ್ದಲ್ಲಿ ಅವಳ ಮಕ್ಕಳಿಗೂ ಮಾಹಿತಿ ನೀಡಿ ಆನಂತರ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದವಳನ್ನು ರಕ್ಷಣಾಧಿಕಾರಿಗಳ ಬಳಿ ಕಳುಹಿಸಿಕೊಡಬೇಕು.

(4) ಮುಂದುವರೆದು, ಅವಳ ದೂರಿನಲ್ಲಿರುವ ಅಂಶಗಳನ್ನು ಗಮನಿಸಿ, ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಅಡಿಯಲ್ಲಿ ಬರುವ ಸಂಜ್ಞೆಯ ಅಪರಾಧಗಳನ್ನು ಕುರಿತು ಮತ್ತು ಇತರೆ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಅವಳಿಗೆ ಇರುವ ಸೂಕ್ತ ಕಾನೂನು ಅವಕಾಶಗಳನ್ನು ತಿಳಿಸಿ, ಆನಂತರ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ಪಡೆಯುವುದು ಅವಳ ಹಕ್ಕು ಎಂಬುದನ್ನು ಸ್ಪಷ್ಟಪಡಿಸಿ ವರದಿಯನ್ನು ದಾಖಲಿಸಬೇಕು.

(5) ಗೃಹ ವೃತ್ತಾಂತ ವರದಿ (D.I.R) ತಯಾರಿಸುವಲ್ಲಿ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದವರಿಗೆ ಸಹಾಯ ಹಸ್ತ ನೀಡಬೇಕು. ಅಗತ್ಯಬಿದ್ದಲ್ಲಿ ಈಗಾಗಲೇ ಇರುವ ನಮೂನೆ ಅಡಿಯಲ್ಲಿ ಈ ವರದಿ ತಯಾರಿಸಬೇಕು. ರಕ್ಷಣಾಧಿಕಾರಿ ವರದಿಯನ್ನು ತಯಾರಿಸಬೇಕು. ಆನಂತರ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಯ ಮನವಿಯಂತೆ ರಕ್ಷಣಾಧಿಕಾರಿಯವರು ನ್ಯಾಯಾಧೀಶರ ಬಳಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬೇಕು. ಅವರು ನೀಡಿದ ರಕ್ಷಣಾ ಆದೇಶದ ಮೇರೆಗೆ ಸೂಕ್ತ ರಕ್ಷಣೆ ಒದಗಿಸಬೇಕು. ನ್ಯಾಯಾಧೀಶರು ಬಾಧಿತಳು ಹಾಗೂ ಪ್ರತಿವಾದಿ ಇಬ್ಬರನ್ನು ಮೂರು ದಿನಗಳೊಳಗೆ ಹಾಜರು ಪಡಿಸುವಂತೆ ಆದೇಶಿಸಬಹುದು ಹಾಗೂ ನಿಗದಿತ ಅವಧಿಯವರೆಗೆ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದವರಿಗೆ ರಕ್ಷಣೆಯ ಆದೇಶವನ್ನು ಸೂಚಿಸಬಹುದು.

(6) ಕಲಂ 9 ರಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ, ನ್ಯಾಯಾಧೀಶರಿಗೆ ನೀಡಲಾದ ಗೃಹ ವೃತ್ತಾಂತದ ಒಂದು ಪ್ರತಿಯನ್ನು ಮುಂದಿನ ಕಾರ್ಯಾಚರಣೆಗಾಗಿ ಸಂಬಂಧಪಟ್ಟ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದಾಖಲಿಸಬೇಕು. ಒಂದು ವೇಳೆ ಗೃಹ ವೃತ್ತಾಂತ ವರದಿಯನ್ನು ರಕ್ಷಣಾಧಿಕಾರಿ ತಯಾರಿಸಿದ್ದಲ್ಲಿ,

ಯಾವ ಪೊಲೀಸ್ ಠಾಣಾ ಕಾರ್ಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ನಡೆಯಲ್ಪಟ್ಟಿದೆಯೋ ಆ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ನಿಯಮಿಸಲ್ಪಟ್ಟ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗೆ ಸಲ್ಲಿಸಬೇಕು.

(7) ಕಲಂ 19 ರಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ನ್ಯಾಯಾಲಯದ ಸೂಚನೆಯ ಮೇರೆಗೆ ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಗೆ ಸೂಕ್ತ ರಕ್ಷಣೆ ಒದಗಿಸಬೇಕು.

(8) ಕಲಂ 19 ರಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ರಕ್ಷಣೆಯ ಅಗತ್ಯ ಬಂದಲ್ಲಿ, ರಕ್ಷಣಾಧಿಕಾರಿಗೆ ನಿಯಮಿತ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು ಸಹಾಯ ಹಸ್ತ ನೀಡಬೇಕು.

(9) ರಕ್ಷಣಾ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಪಕ್ಷದಲ್ಲಿ, ಅದು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನು ರಹಿತ ಅಪರಾಧವಾಗುತ್ತದೆ. ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದವರು ಅಥವಾ ರಕ್ಷಣಾಧಿಕಾರಿಯವರು ಈ ಅಪರಾಧ ಉಲ್ಲಂಘನೆಗಾಗಿ ಅವರ ವಿರುದ್ಧ ಕಲಂ 31/32 (ನಿಯಮ 15) ಪ್ರಕಾರ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ ದಾಖಲಿಸಬಹುದು.

(10) ರಕ್ಷಣಾ ಆದೇಶದ ಉಲ್ಲಂಘನೆಯ ದೂರುಬಂದಲ್ಲಿ, ದೂರು ಸ್ವೀಕರಿಸುವ ಪೊಲೀಸ್ ಅಧಿಕಾರಿ ಈ ಅಪರಾಧಕ್ಕಾಗಿ ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ ತಯಾರಿಸಬೇಕು ಎಂಬ ಮಾಹಿತಿಯನ್ನು ದೌರ್ಜನ್ಯಕ್ಕೊಳಗಾದ ಮಹಿಳೆಗೆ ನೀಡಬೇಕು. ಹಾಗೂ ಇದರ ವರದಿಯನ್ನು ತುರ್ತು ಕ್ರಮಕ್ಕಾಗಿ ನ್ಯಾಯಾಧೀಶರಿಗೆ ಸಲ್ಲಿಸಬೇಕು.

7. ಈ ಕಾಯಿದೆಯು ಮೂಲಭೂತವಾಗಿ ಸಿವಿಲ್ ಸ್ಟರೊಪದ್ಧಿ ಎಂಬುದನ್ನು ಮೊದಲು ಮನಗಾಣಬೇಕು ಹಾಗೂ ಇದು ತುರ್ತು ನಾಗರಿಕ ಸೇವೆಗಳಾದ ರಕ್ಷಣಾ ಆದೇಶ, ಅದೇ ಮನೆಯಲ್ಲಿ ವಾಸದ ಆದೇಶ, ಆರ್ಥಿಕ ಪರಿಹಾರಗಳ ಆದೇಶ, ಮಕ್ಕಳ ಸುಪರ್ದಿನ ಆದೇಶ, ಪರಿಹಾರದ ಅದೇಶ ಮುಂತಾದವುಗಳನ್ನು ಒದಗಿಸುವ ಮುಖ್ಯ ಉದ್ದೇಶವನ್ನು ಹೊಂದಿರುತ್ತದೆ.

8. ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಹೇಳುವುದಾದರೆ, ಇತರೆ ಕ್ರಿಮಿನಲ್ ಅಪರಾಧಗಳಿಗೆ ಕೈಗೊಳ್ಳುವ ಕಾನೂನು ಕ್ರಮಗಳಂತೆಯೇ ಈ ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಪ್ರಕರಣಗಳಿಗೆ ಪೊಲೀಸ್ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು. ಆದರೆ ಕ್ರಿಮಿನಲ್ ಅಪರಾಧಗಳ ಕುರಿತು ತನಿಖೆ ಕೈಗೊಳ್ಳುವಾಗ ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಕಾಯಿದೆಯ ಅಂಶಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು.

9. ಇಲಾಖೆಯ ಸಂಖ್ಯೆ: 3/ಡಿಜಿ & ಐಜಿಪಿ/2011. ದಿನಾಂಕ: 28-03-2011ರ ಮೇರೆಗೆ, ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮಹಿಳೆಯರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸುವ ರಿಜಿಸ್ಟರಿನಲ್ಲಿ, ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯ ಕಾಯಿದೆಯಡಿ ಸಂಬಂಧಿಸಿದ ಪ್ರಕರಣಗಳ ವಿವರಗಳನ್ನು ಸಹ ನಮೂದಿಸಿರಬೇಕು.

10. ಅತ್ಯಂತ ಪ್ರಮುಖವಾಗಿ ಅನುಸರಿಸಬೇಕಾದ ಅಂಶವೆಂದರೆ, ಕೌಟುಂಬಿಕ ದೌರ್ಜನ್ಯದಡಿಯಲ್ಲಿ ಕಾನೂನಿನ ಸೇವೆ ಕೋರಿ ಯಾವುದೇ ಮಹಿಳೆ ಬರಲ, ಯಾವುದೇ ವೃತ್ತಿ ಮಾಡುತ್ತಿರಲ, ಲೈಂಗಿಕ ಸೇವಾ ವೃತ್ತಿಯೇ

ಮಾಡುತ್ತಿರಲಿ, ಅವರನ್ನು ಗೌರವ ಮತ್ತು ಘನತೆಗಳಿಂದ ಕಾಣಬೇಕು. ಅವರೊಂದಿಗೆ ಸ್ನೇಹ ಪೂರ್ವಕವಾಗಿ ವರ್ತಿಸಬೇಕು ಹಾಗೂ ಅವರು ಹೇಳುವ ದೂರುಗಳಿಗೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು.

11. ಈ ಸುತ್ತೋಲೆ ಕುರಿತು ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿರುವ ಠಾಣಾಧಿಕಾರಿ (SHO), ವೃತ್ತ ನಿರೀಕ್ಷಕರು ಉಪನಿರೀಕ್ಷಕರು, ಮುಂತಾದವರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು / ಪೊಲೀಸ್ ಆಯುಕ್ತರು ವಿವರವಾಗಿ ತಿಳಿಸಬೇಕು ಹಾಗೂ ಈ ಕಾಯಿದೆಯ ನಿಯಮ, ನಿಬಂಧನೆ ಮತ್ತು ಕಟ್ಟಳೆಗಳ ಅಂಶಗಳ ಕುರಿತು ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು / ಪೊಲೀಸ್ ಆಯುಕ್ತರು ತಮ್ಮ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಯವರಿಗೆ ತರಬೇತಿ ನೀಡಬೇಕು.

*Anbaprk*

(ಎಸ್. ಮಹಾಪಾತ್ರ, ಐ.ಪಿ.ಎಸ್..)

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು,(ತರಬೇತಿ)

ಮತ್ತು ನೋಡಲ್ ಅಧಿಕಾರಿಗಳು,

ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯ.

ರವರಿಗೆ:

1. ಪೊಲೀಸ್ ಆಯುಕ್ತರು ಬೆಂಗಳೂರು, ಮೈಸೂರು, ಮಂಗಳೂರು, ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರ.
2. ಎಲ್ಲಾ ವಲಯದ ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರುಗಳಿಗೆ.
3. ಎಲ್ಲಾ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರ ಒಳಗೊಂಡಂತೆ.
4. ಎಲ್ಲಾ ಜಿಲ್ಲೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕೆ.ಜಿ.ಎಫ್ ಸೇರಿದಂತೆ.

ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ:

1. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಅಪರಾಧ & ತಾಂತ್ರಿಕ ಸೇವೆಗಳು) ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
2. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಆಡಳಿತ) ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.

ಪ್ರತಿಯನ್ನು ಅಭಿನಂದನೆಗಳೊಂದಿಗೆ:

1. ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಎಂ.ಎಸ್. ಬಿಲ್ಡಿಂಗ್,ಬೆಂ-1
2. ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು.



## FORM I / ಸಮೂಹ 1

[See rule 5(1) and (2) and 17(3)]

[ನಿಯಮ 5(1) ಮತ್ತು (2) ಮತ್ತು 17(3)]

Domestic Incident Report under section 9 (b) and 37 (2) (c) of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)

ಕಲಂ 9(b) ಮತ್ತು 37 (2) (c) ಗೃಹಕೃತ್ಯ ದೌರ್ಜನ್ಯದಿಂದ ಮಹಿಳಾ ರಕ್ಷಣಾ ಅಧಿನಿಯಮ, 2005ರ ಅಡಿಯಲ್ಲಿ ಗೃಹಕೃತ್ಯ ಘಟನಾ ವರದಿ. (43 of 2005)

1. Details of the complainant/aggrieved person / ಫಿರ್ಯಾದಿದಾರ/ಬಾಧಿತ ವ್ಯಕ್ತಿಯ ವಿವರಣೆ
  - (1) Name of the complainant/aggrieved person: ಫಿರ್ಯಾದಿಯ/ಬಾಧಿತ ವ್ಯಕ್ತಿಯ ಹೆಸರು
  - (2) Age: ವಯಸ್ಸು
  - (3) Address of the shared household: ಭಾಗಿದಾರ ಗೃಹದ ವಿಳಾಸ
  - (4) Present Address: ಈಗಿನ ವಿಳಾಸ
  - (5) Phone Number, if any: ದೂರವಾಣಿ ಸಂಖ್ಯೆ (ಇದ್ದರೆ)

## 2. Details of Respondents: ಪ್ರತಿವಾದಿಯ ವಿವರಗಳು

S.No ಅ.ಸಂ	Name ಹೆಸರು	Relationship with the aggrieved person ಬಾಧಿತ ವ್ಯಕ್ತಿಯೊಂದಿಗಿನ ಸಂಬಂಧ	Address ವಿಳಾಸ	Telephone No. if any, ದೂರವಾಣಿ ಸಂಖ್ಯೆ (ಇದ್ದರೆ)

## 3. Details of children, if any, of the aggrieved person: ಬಾಧಿತ ವ್ಯಕ್ತಿಗೆ ಮಕ್ಕಳಿದ್ದರೆ ವಿವರಣೆ

- (a) Number of children: ಮಕ್ಕಳ ಸಂಖ್ಯೆ
- (b) Details of children: ಮಕ್ಕಳ ವಿವರಗಳು

Name / ಹೆಸರು	Age / ವಯಸ್ಸು	Sex / ಲಿಂಗ	With whom at present residing ಯಾರ ಜೊತೆ ವಾಸಿಸುತ್ತಿರುವರು

4. Incidents of domestic violence: ಗೃಹಕೃತ್ಯ ದೌರ್ಜನ್ಯದ ಘಟನೆಗಳು

1	2	3	4	5
Sl.No. ಅ.ನಂ	Date, place and time of violence ಘಟನೆ ನಡೆದ ದಿನಾಂಕ, ಸ್ಥಳ ಮತ್ತು ಸಮಯ	Person who caused domestic violence ಗೃಹಕೃತ್ಯ ದೌರ್ಜನ್ಯ ನೀಡಿದ ವ್ಯಕ್ತಿ ಯಾರು?	Types of violence ಹಿಂಸೆಯ ನಮೂನೆ  Physical violence ದೈಹಿಕ ಹಿಂಸೆ	Remarks ಶರಾಗಳು
			Causing hurt of any kind. please specify ಯಾವುದೇ ರೀತಿಯ ಭಯ ನಮೂದಿಸಿ	

(ii) Sexual violence ಲೈಂಗಿಕ ಹಿಂಸೆ

Please tick mark [✓] the column applicable ದಯವಿಟ್ಟು ಅನ್ವಯಿಸುವ ಅಂಕಣಕ್ಕೆ ಗುರುತು (✓) ಮಾಡಿ.

1	2	3	4	5
			<input type="checkbox"/> Forced sexual intercourse <input type="checkbox"/> ಒತ್ತಾಯ ಸಂಭೋಗ <input type="checkbox"/> Forced to watch pornography or other obscene material <input type="checkbox"/> ಲಂಚಟ ಚಿತ್ರಗಳನ್ನು ಒತ್ತಾಯದಿಂದ ನೋಡುವಂತೆ ಮಾಡುವುದು <input type="checkbox"/> Forcibly using you to entertain others <input type="checkbox"/> ಉಳಿದವರಿಗೆ ಮನೋರಂಜನೆ ಕೊಡುವಂತೆ ನಿನ್ನನ್ನು ಒತ್ತಾಯಿಸುವುದು <input type="checkbox"/> Any other act of sexual nature, abusing, humiliating, degrading or otherwise violative of your dignity (please specify details in the space provided below) <input type="checkbox"/> ಬೇರೆ ಯಾವುದೇ ಕೃತ್ಯ. ಅವರ ಸ್ವಭಾವ ಬೈಯುವುದು, ಕಳದರ್ಜೆ ಗಿಳಿಸುವುದು, ಇಲ್ಲದ ನಿಮ್ಮ ಗೌರವವನ್ನು ಘನಕೆ ಕೆಳಗೆ ಇಳಿಸುವುದು (ದಯವಿಟ್ಟು ವಿವರವಾಗಿ ತಿಳಿಸಿ)	

(ii) Verbal and emotional abuse / ಮೌಖಿಕ ಮತ್ತು ಉದ್ದೇಶಪರ ಬೈಗುಳ

1	2	3	4	5
			<p>[ ] Accusation/aspersion on your character or conduct, etc.  <input type="checkbox"/> ನಿಮ್ಮ ಶೀಲದ ಬಗ್ಗೆ ನಿಂದನೆ ಅಥವಾ ನಡತೆ ಮೇಲೆ ಆಪಾದನೆ ಇತ್ಯಾದಿ.</p> <p>[ ] Insult for not bringing dowry, etc.  <input type="checkbox"/> ವರದಕ್ಷಿಣೆ ತರದಿದ್ದಕ್ಕೆ ಅಪಮಾನ ಇತರೆ.</p> <p>[ ] Insult for not having a male child.  <input type="checkbox"/> ಗಂಡು ಮಗು ಹಡೆಯದಿದ್ದಕ್ಕೆ ಅಪಮಾನ</p> <p>[ ] Insult for not having any child.  <input type="checkbox"/> ಬಂಜೆಯಾದುದಕ್ಕೆ ಅಪಮಾನ</p> <p>[ ] Demeaning, humiliating or undermining remarks/statement  <input type="checkbox"/> ಅಪಹಾಸ್ಯ ಮಾಡುವುದು ಅಪಾರ್ಥ, ಹೀನಾಯಗೊಳಿಸುವುದು, ಕೀಳಾಗಿ ಕಾಣುವುದು</p> <p>[1] Ridicule  <input type="checkbox"/> ಕೆಟ್ಟ ಹಸ್ಯಾಡ್ಡು ಕರೆಯುವುದು.</p> <p>[ ] Forcing you to not attend school, college or any other educational institution.  <input type="checkbox"/> ಶಾಲೆ, ಕಾಲೇಜು ಇಲ್ಲದೆಯೇ ಸಂಸ್ಥೆಗೆ ನೀವು ಕಲಿಯಲು ಹೋಗದಂತೆ ಪ್ರತಿಬಂಧಿಸುವುದು ಅಡ್ಡಿ ಮಾಡುವುದು.</p> <p>[ ] Preventing you from taking up a job.  <input type="checkbox"/> ನೌಕರಿಗೆ ಹೋಗಬಾರದೆಂದು ಪ್ರತಿಬಂಧಿಸುವುದು.</p> <p>[3] Preventing you from leaving the house.  <input type="checkbox"/> ಮನೆಯಿಂದ ಹೊರಗೆ ಹೋಗದಂತೆ ಪ್ರತಿಬಂಧಿಸುವುದು.</p> <p>[ ] Preventing you from meeting any particular person  <input type="checkbox"/> ನಿರ್ದಿಷ್ಟ ವ್ಯಕ್ತಿಗಳನ್ನು ಭೇಟಿಯಾಗದಂತೆ ತಡೆಯುವುದು / ಪ್ರತಿಬಂಧಿಸುವುದು.</p>	

1	2	3	4	5
			<input type="checkbox"/> Forcing you to get married against your will <input type="checkbox"/> ನಿಮ್ಮ ಇಚ್ಛೆಯ ವಿರುದ್ಧ ಲಗ್ನಾಗುವಂತೆ ಒತ್ತಾಯಿಸುವುದು. <input type="checkbox"/> Preventing you from marrying a person of your choice <input type="checkbox"/> ನಿಮ್ಮ ಇಚ್ಛೆಯ ಪ್ರಕಾರ ಲಗ್ನಾಪಡಿಸುವುದು. <input type="checkbox"/> Forcing you to marry a person of his/their own choice. <input type="checkbox"/> ಅವರ ಇಚ್ಛೆಯ ಪ್ರಕಾರ ಒಬ್ಬನನ್ನು ಲಗ್ನಾಗುವಂತೆ ಒತ್ತಾಯಿಸುವುದು. <input type="checkbox"/> Any other verbal or emotional abuse <input type="checkbox"/> ಯಾವುದೇ ಮೌಖಿಕ ಉದ್ದೇಶಿತ ಭೇದಗಳು. (please specify in the space provided below) (ದಯವಿಟ್ಟು ಕೆಳಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಜಾಗದಲ್ಲಿ ವಿವರಗಳನ್ನು ಬರೆಯಿರಿ)	

(iii) Economic violence / ಆರ್ಥಿಕ ಹಿಂಸೆ

1	2	3	4	5
			<input type="checkbox"/> Not providing money for maintaining you or your children <input type="checkbox"/> ನಿನ್ನನ್ನು ನಿನ್ನ ಮಕ್ಕಳನ್ನು ಸಲಹುವಂತೆ ಸಲಹೆಮಾಡಿ ಹಣಕಾಸು ಕೊಡದೆ ಇರುವುದು. <input type="checkbox"/> Not providing food, clothes, medicine, etc. for you or your children <input type="checkbox"/> ನಿನ್ನಿಗೂ ನಿನ್ನ ಮಕ್ಕಳಿಗೂ ಊಟ, ಬಟ್ಟೆ, ಔಷಧಿ ಕೊಡದೆ ಇರುವುದು. <input type="checkbox"/> Forcing you out of the house you live in. <input type="checkbox"/> ವಾಸ ಮಾಡುವ ಮನೆಯಿಂದ ಬಲವಂತವಾಗಿ ಹೊರ ಹಾಕುವುದು. <input type="checkbox"/> Preventing you from accessing or using any part of the house. <input type="checkbox"/> ಮನೆಯ ಯಾವುದೇ ಭಾಗಕ್ಕೆ ಹೋಗದಂತೆ ನಿರ್ಬಂಧಿಸುವುದು. <input type="checkbox"/> Preventing or obstructing you from carrying on your employment. <input type="checkbox"/> ನಿನ್ನ ಕೆಲಸಕ್ಕೆ ಹೋಗದಂತೆ ಅಡ್ಡಿ ಆತಂಕ ಪಡಿಸುವುದು.	

1	2	3	4	5
			<p>[ ] Not allowing you to take up an employment.  <input type="checkbox"/> ನೀನು ಕೆಲಸಕ್ಕೆ ಹೋಗದಂತೆ ಅಡ್ಡಿ ಪಡಿಸುವುದು ಪ್ರತಿಬಂಧಿಸುವುದು.</p> <p>[ ] Non-payment of rent in case of a rented accommodation.  <input type="checkbox"/> ಒಂದು ವೇಳೆ ಬಾಡಿಗೆ ಮನೆಯಲ್ಲಿ ಇದ್ದರೆ ಅದರ ಬಾಡಿಗೆ ಕೊಡದ ಇರುವುದು.</p> <p>[ ] Not allowing you to use clothes or articles of general household use.  <input type="checkbox"/> ಮನೆಯೊಳಗಿನ ಒಟ್ಟೆ ಬರೆ ಅಥವಾ ಯಾವುದೇ ವಸ್ತುಗಳನ್ನು ಉಪಯೋಗಿಸದಂತೆ ನಿರ್ಬಂಧಿಸುವುದು.</p> <p>[ ] Selling or pawong your stridhan or any other valuables without informing you and without your consent.  <input type="checkbox"/> ನಿಮ್ಮ ಪರವಾನಿಗೆ ಇಲ್ಲದೆ ನಿಮಗೆ ತಿಳಿಸದೆ ನಿಮ್ಮ ಸ್ವೀಕೃತ ಧನ ಆಸ್ತಿಯನ್ನು ಅಥವಾ ಇತರೆ ಯಾವುದೇ ಕಿಮ್ಮತ್ತಿನ ವಸ್ತುಗಳನ್ನು ಮಾರಾಟ ಅಥವಾ ಒತ್ತೆ ಇಡುವುದು.</p> <p>[ ] Forcibly taking away your Salary/Income/wages  <input type="checkbox"/> ನಿಮ್ಮ ಸಂಬಳ, ಆದಾಯ ಕೂಲಿ ಹಣ, ಇವುಗಳನ್ನು ಬಲವಂತವಾಗಿ ತನ್ನ ವಶಪಡಿಸಿಕೊಳ್ಳುವುದು.</p> <p>[ ] Disposing your stridhan.  <input type="checkbox"/> ನಿಮ್ಮ ಸ್ವೀಕೃತ ಧನ ಆಸ್ತಿಯನ್ನು ಮಾರಾಟ ಮಾಡುವುದು.</p> <p>[8] Non payment of other bills such as electricity, etc.  <input type="checkbox"/> ಮನೆಯ ವಿದ್ಯುತ್ ಬಿಲ್ ಮುಂತಾದ ಅತಿ ಅವಶ್ಯಕ ವಸ್ತುಗಳನ್ನು ಕೊಂಡ ಬಿಲ್ ಪಾವತಿ ಮಾಡದೆ ಇರುವುದು.</p> <p>[ ] Any other economic violence.  <input type="checkbox"/> ಉಳಿದ ಯಾವುದೇ ಆರ್ಥಿಕ ತೊಂದರೆ ಇಲ್ಲವೆ ಹಿಂಸೆ ನೀಡುವುದು.          (please specify in the space provided below)          (ದಯವಿಟ್ಟು ಕೆಳಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಜಾಗದಲ್ಲಿ ವಿವರಗಳನ್ನು ಬರೆಯಿರಿ)</p>	



(iv) Dowry related harassment / ವರದಕ್ಷಿಣೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹಿಂಸೆಗಳು

1	2	3	4	5
			<p>[ ] Demands for dowry made, please specify: ( ) ವರದಕ್ಷಿಣೆಯನ್ನು ಕೇಳಿದ್ದರೆ ಅವುಗಳ ವಿವರಣೆಯನ್ನು ಬರೆಯಿರಿ</p> <p>[ ] Any other detail with regard to dowry, please specify: whether details of dowry items, stridhan, etc. attached with the form. ( ) ವರದಕ್ಷಿಣೆ ಕುರಿತು ಇನ್ನಿತರ ವಿವರಗಳಿದ್ದಲ್ಲಿ ದಯವಿಟ್ಟು ತಿಳಿಸಿರಿ. ಸ್ವಧನ ಮತ್ತು ವರದಕ್ಷಿಣೆ ವಸ್ತುಗಳ ವಿವರಣೆಯನ್ನು ಈ ಅರ್ಜಿಯೊಡನೆ ಈ ಅರ್ಜಿಯೊಡನೆ ಲಗತ್ತಿಸಿದ ಬಗ್ಗೆ</p> <p>[ ] Yes / ಹೌದು [ ] No / ಇಲ್ಲ</p>	

(iv) Any other information regarding acts of domestic violence against you or your children.

ಇನ್ನಿತರ ಯಾವುದೇ ಗೃಹ ಕೃತ್ಯ ಹಿಂಸೆ ನಿಮ್ಮ ಅಥವಾ ನಿಮ್ಮ ಮಕ್ಕಳ ಮೇಲೆ ನಡೆದ ಬಗ್ಗೆ ಮಾಹಿತಿ

1	2	3	4	5

(Signature or thumb impression of the complainant / aggrieved person)

(ಫಿರ್ಯಾದುದಾರ / ಬಾಧಿತ ವ್ಯಕ್ತಿಯ ಸಹಿ ಅಥವಾ ಹೆಚ್ಚಿನ ಗುರುತು)

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5. List of documents attached: ಲಗತ್ತಿಸಲಾದ ದಸ್ತಾವೇಜು ಪಟ್ಟಿ

Name of document ದಸ್ತಾವೇಜುಗಳ ಹೆಸರು	Date ದಿನಾಂಕ	Any other detail ಇತರ ಯಾವುದೇ ವಿವರ
Medico legal certificate ವೈದ್ಯಕೀಯ ಕಾನೂನು ಪ್ರಮಾಣ ಪತ್ರ		
Doctor's certificate or any other prescription ವೈದ್ಯರ ಪ್ರಮಾಣ ಪತ್ರ ಅಥವಾ ಯಾವುದೇ ಔಷಧ ಬೀಟಿ		
List of Stridhan ಸ್ತ್ರೀಧನ ಪಟ್ಟಿ		
Any other document ಇತರ ಯಾವುದೇ ದಸ್ತಾವೇಜುಗಳು		

6. Order that you need under the Protection of Women from Domestic Violence Act 2005

ಹೆಣ್ಣುಮಕ್ಕಳ ಗೃಹ ಕೃತ್ಯದ ಹಿಂಸೆಯಿಂದ ಮಹಿಳಾ ರಕ್ಷಣೆ ಅಧಿನಿಯಮ 2005ರ ಅನ್ವಯ ನೀವು ಬಯಸುವ ಪರಿಹಾರದ ಆವೇಶಗಳು

S.No. ಅ.ಸಂ	Orders ಆದೇಶ	Yes / No. ಹೌದು/ಇಲ್ಲ	Any other ಇತರೆ
(1)	Protection order under section 18 18ರ ಅನ್ವಯ ಸಂರಕ್ಷಣೆಯ ಆದೇಶ		
(2)	Residence order under section 19 19ರ ಅನ್ವಯ ವಾಸಸ್ಥಾನದ ಆದೇಶ		
(3)	Maintenance order under section 20 20ರ ಅನ್ವಯ ಆರ್ಥಿಕ ಪರಿಹಾರಗಳ ಆದೇಶ		
(4)	Custody order under section 21 21ರ ಅನ್ವಯ ಅಭಿರಕ್ಷೆಯ ಆದೇಶ		
(5)	Compensation order under section 22 22ರ ಅನ್ವಯ ಪರಿಹಾರದ ಆದೇಶ		
(6)	Any other order (specify) ಇತರ ಯಾವುದೇ ಆದೇಶ ನಮೂದಿಸಿ		

7. Assistance that you need: ನಿಮಗೆ ಬೇಕಾಗುವ ಸಹಾಯಗಳು

S.No. ಅ.ಸಂ	Assistance available ಲಭ್ಯವಿರುವ ಸಹಾಯಗಳು	Yes / No ಹೌದು/ಇಲ್ಲ	Nature of assistance ಯಾವ ರೀತಿಯ ಸಹಾಯ
(1)	(2)	(3)	(4)
(1)	Counsellor / ಸಲಹೆಗಾರರು		
(2)	Police assistance / ಪೊಲೀಸರ ಸಹಾಯ		
(3)	Assistance for initiating criminal ದಂಡನೀಯ ಪ್ರಕರಣ ದಾಖಲಿಸಲು ಸಹಾಯ		
(4)	Shelter home / ಆಶ್ರಯ ಮನೆ		
(5)	Medical facilities / ವೈದ್ಯಕೀಯ ಸೌಲಭ್ಯಗಳು		
(6)	Legal aid / ಕಾನೂನು ನೆರವು		

8. Instruction for the Police officer assisting in registration of a Domestic Incident Report

ಗೃಹ ಕೃತ್ಯದ ಹಿಂಸೆಯ ಅಪರಾಧವನ್ನು ನೋಂದಣಿ ಮಾಡುವ ಕುರಿತು ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ ನಿರ್ದೇಶನಗಳು

Wherever the information provided in this Form discloses an offence under the Indian Penal Code or any other law, the police officer shall:

ಈ ಮಾಹಿತಿ ಕೊಡುವ ಕಾಲಕ್ಕೆ ಭಾರತ ದಂಡ ಸಂಹಿತೆ (IPC) ಇಲ್ಲದ ಬೇರೆ ಇನ್ನಾವುದೇ ಕಾನೂನಿನ ಅನ್ವಯ ಅಪರಾಧ ಘಟಿಸಿದರೆ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು ಮಾಡತಕ್ಕದ್ದು ಏನೆಂದರೆ:

(a) Inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1973)

ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ (CRPC) 1973 (1973ರ 2ನೆಯ ಅಧಿನಿಯಮ)ದ ಅನ್ವಯ ಫಿರ್ಯಾದಿಯನ್ನು ದಾಖಲಿಸಲು ಬರುವುದೆಂದು ಬಾಧಿತಳಿಗೆ ತಿಳಿಸಿ ಹೇಳತಕ್ಕದ್ದು

(b) If the aggrieved person does not want to initiate criminal proceedings then make daily diary entry as per the information contained in the domestic incident report with a remark that the aggrieved person due to the intimate nature of the relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of an FIR.

ಬಾಧಿತ ವ್ಯಕ್ತಿಯು ಪ್ರತಿವಾದಿಯ (ರಿಸ್ಪಾಂಡೆಂಟಿನ) ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ (ಅಪರಾಧ) ಪ್ರಕರಣ ಹಾಕಲು ಇಚ್ಛಿಸದಿದ್ದಲ್ಲಿ ಪ್ರತಿ ನಿತ್ಯದ ಡೈರಿಯಲ್ಲಿ ಅವಳ ಸಮೀಪದ ಸಂಬಂಧಿಗಳು ಬಾಧಿತ ವ್ಯಕ್ತಿಯ ಸಂಬಂಧ ಇರುವುದರಿಂದ ಅವರು ದಿವಾನ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಹ ಪರಿಹಾರ ಪಡೆಯಲು ಇಚ್ಛಿಸುತ್ತಾರೆ. ಎಂದು ಕಾಣಿಸತಕ್ಕದ್ದು

(c) If any physical injury or pain being reported by the aggrieved person, offer immediate medical assistance and get the aggrieved person medically examined.

ದೈಹಿಕ ಗಾಯಗಳು ಏನಾದರೂ ಇದ್ದರೆ ತಕ್ಷಣವೇ ಅವರಿಗೆ ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆಯನ್ನು ಒದಗಿಸಿ ವೈದ್ಯಕೀಯ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸಬೇಕು.

Place / ಸ್ಥಳ:

(Counter signature of Protection Officer/Service provider)

Date / ದಿನಾಂಕ:

(ರಕ್ಷಣಾಧಿಕಾರಿ/ಸೇವೆ ಒದಗಿಸುವವರ ಸಹಿ)

Name / ಹೆಸರು:

Address / ವಿಳಾಸ:

(Seal) (ಮೊಹರು)

copy forwarded to / ಪ್ರತಿಗಳನ್ನು ರವಾನಿಸಲಾಗಿದೆ:

1. Local Police Station / ಸ್ಥಳೀಯ ಪೊಲೀಸ್ ಠಾಣೆಗೆ
2. Service Provider / Protection Officer / ರಕ್ಷಣಾಧಿಕಾರಿಯ/ಸೇವೆ ಒದಗಿಸುವವರಿಗೆ
3. Aggrieved person / ಬಾಧಿತ ವ್ಯಕ್ತಿಗೆ / ಫಿರ್ಯಾದಿದಾಶಿಗೆ
4. Magistrate / ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ (ದಂಡಾಧಿಕಾರಿಯವರಿಗೆ)

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ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂಖ್ಯೆ: 10/ಅಪರಾಧ/ಮಿಶ್ರ(2)/2010

ಡೈರೆಕ್ಟರ್ ಜನರಲ್ ಮತ್ತು ಇನ್ಸ್‌ಪೆಕ್ಟರ್  
ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್ ರವರ ಕಛೇರಿ,  
ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.  
ದಿನಾಂಕ: 01-10-2010.

## ಜ್ಞಾಪನ

ವಿಷಯ : ಕಲಂ 498, 498ಎ ಭಾ.ದ.ನಂ., ಮತ್ತು ವರದಕ್ಷಿಣೆ  
ನಿಷೇಧ ಕಾಯ್ದೆ ಅಡಿಯಲ್ಲಿ ಆರೋಪಿಗಳನ್ನು ದಸ್ತಗಿರಿ  
ಮಾಡುವ ಬಗ್ಗೆ ನೀಡಿರುವ ನ್ಯಾಯ ಸೂಚನೆಗಳ ಕುರಿತು.

\*\* \*\* \*


ವರದಕ್ಷಿಣೆ ನಿಷೇಧ ಕಾಯ್ದೆ ಅಥವಾ ಭಾ.ದ.ನಂ.ಯ ಕಲಂ 498, 498(ಎ) ಅಡಿಯಲ್ಲಿ  
ನೀಡಿದ ದೂರುಗಳ ಆಧಾರದ ಮೇಲೆ ಕೆಲವೊಂದು ಪ್ರಕರಣಗಳಲ್ಲಿ, ತಪ್ಪಾಗಿ ಪ್ರಕರಣಗಳನ್ನು  
ಪತಿಯ ಮತ್ತು ಅವರ ಹತ್ತಿರದ ಮುಗ್ಧ ಸಂಬಂಧಿಕರ ವಿರುದ್ಧ ದಾಖಲು ಮಾಡಿರುವ ದೂರುಗಳು  
ಗಮನಕ್ಕೆ ಬಂದಿರುತ್ತವೆ. ಈ ರೀತಿಯ ಪ್ರಕರಣಗಳಲ್ಲಿ ಫಿಯಾದುದಾರರು ಆರೋಪಿಸುವ  
ಆರೋಪಿಯ ಸಂಬಂಧಿಗಳನ್ನು ದೂರಿನಲ್ಲಿ ಹೆಸರಿಸುವುದು ಸಾಮಾನ್ಯವಾಗಿರುತ್ತದೆ. ಇಂತಹ  
ಪ್ರಕರಣಗಳು ತನಿಖೆಯ ನಂತರ ಆಪಾದಿತರುಗಳು ಮುಗ್ಧರೆಂದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಇದು  
ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು ಸರಿಯಾದ ಸಾಕ್ಷ್ಯ ಮತ್ತು ಪುರಾವೆ ದಾಖಲೆಗಳನ್ನು ಸಂಗ್ರಹಿಸಿದ  
ನಂತರ ಇವರನ್ನು ದಸ್ತಗಿರಿ ಮಾಡಬೇಕೆ ಅಥವಾ ಬೇಡವೇ ಎಂಬ ಬಗ್ಗೆ ತೀರ್ಮಾನ ಕೈಗೊಳ್ಳುವ  
ವಸಗುವ ಲೋಪವಾಗಿರುತ್ತದೆ.

ಭಾರತದ ಗೌರವಾನ್ವಿತ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಜೋಗಿಂದರ್ ಕುಮಾರ್ ವಿರುದ್ಧ  
ಉತ್ತರ ಪ್ರದೇಶ ರಾಜ್ಯ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದೇಶಿಸಿರುವಂತೆ, ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗಳು  
ಸಿ.ಆರ್.ಪಿ.ಸಿ.ಯ ಕಲಂ 41 ರ ಅನ್ವಯ ದಸ್ತಗಿರಿ ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುತ್ತಾರೆ.  
ಆದರೆ, ದಸ್ತಗಿರಿ ಮಾಡುವ ಮೊದಲು ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡು, ಸಾಕಷ್ಟು ಸಾಕ್ಷ್ಯಾಧಾರ ಮತ್ತು  
ಮಾಹಿತಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ದಸ್ತಗಿರಿ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಅವನ/ಅವಳ ವಿರುದ್ಧ ಇದೆಯೇ  
ಎಂಬುದನ್ನು ಧೃಢಪಡಿಸಿಕೊಂಡು, ದಸ್ತಗಿರಿ ಮಾಡಬೇಕು. ಅನ್ಯತಾ ಕೇವಲ ಯಾವುದೇ ವ್ಯಕ್ತಿ  
ನೀಡಿದ ಫಿಯಾದಿನ ಆಧಾರದ ಮೇಲೆ ಅಥವಾ ಪ್ರಥಮ ವರ್ತಮಾನ ಪತ್ರದಲ್ಲ ಹೆಸರು ಇದ್ದ  
ಮಾತ್ರಕ್ಕೆ ಅವರನ್ನು ದಸ್ತಗಿರಿ ಮಾಡುವುದು ಸಮಂಜಸವಾಗಿರುವುದಿಲ್ಲ.

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ಭಾರತದ ಗೌರವಾನ್ವಿತ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮೇಲಿನಂತೆ ಗಮನಿಸಿರುವ ಅಂಶವನ್ನು ಪರಿಗಣಿಸಿ, ಯಾವುದೇ ಅಮಾಯಕ ವ್ಯಕ್ತಿಯ ವ್ಯಕ್ತಿ ಸ್ವಾತಂತ್ರ್ಯಕ್ಕೆ ಧಕ್ಕೆಯಾಗುವಂತಹ ಸನ್ನಿವೇಶ ಉದ್ಭವಿಸದಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು ಅಗತ್ಯವಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಯಾವುದೇ ವ್ಯಕ್ತಿ (ಹೆಂಗಸು, ಗಂಡಸು ಮತ್ತು ಮಕ್ಕಳು ಯಾರನ್ನೇ) ಗಳನ್ನು ಮೇಲೆ ನಮೂದಿಸಿದ ಕಾನೂನಿನಡಿ ದಸ್ತಗಿರಿ ಮಾಡಬೇಕಾದಲ್ಲಿ ಪ್ರಕರಣದ ತನಿಖಾ ದಾಖಲಾತಿಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಆಫ್ ಪೊಲೀಸ್ / ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರ್ ಆಫ್ ಪೊಲೀಸ್ ರವರುಗಳು ಪರಿಶೀಲನೆ ನಡೆಸಿ, ಅನುಮತಿ ನೀಡಿದ ನಂತರ ದಸ್ತಗಿರಿ ಮಾಡತಕ್ಕದ್ದು. ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಂಬಂಧಪಟ್ಟ ತನಿಖಾಧಿಕಾರಿಗಳು ಸಂಗ್ರಹಿಸಿದ ನೈಜದಾಖಲೆಗಳು ಮತ್ತು ಸ್ಪಷ್ಟ ಸಾಕ್ಷ್ಯಾಧಾರಗಳನ್ನೊಳಗೊಂಡಂತೆ ಪ್ರಕರಣದ ಕಡತವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಆಫ್ ಪೊಲೀಸ್ / ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರ್ ಆಫ್ ಪೊಲೀಸ್ ರವರಿಗೆ ಪರಿಶೀಲನೆಗಾಗಿ ಕಳುಹಿಸಬೇಕು. ಅವರುಗಳು ಪ್ರತಿಯೊಬ್ಬ ಆರೋಪಿಯ ವಿರುದ್ಧದ ಆಪಾದನೆಯ ತೀವ್ರತೆಯನ್ನು ತುಲನಾತ್ಮಕವಾಗಿ ಪರಿಶೀಲಿಸಿ, ದಸ್ತಗಿರಿ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಇದ್ದಲ್ಲಿ ಅದನ್ನು ಪರಿಗಣಿಸಿ, ಅನುಮತಿಯನ್ನು ನೀಡಿದ ನಂತರವೇ, ದಸ್ತಗಿರಿ ಮಾಡುವುದು ಸೂಕ್ತ.

ಸಾಧ್ಯವಾದ ಎಲ್ಲಾ ಇಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ, ಈ ಸೂಚನೆಗಳ ಪಾಲನೆಯನ್ನು ಎಲ್ಲಾ ಮೇಲ್ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಗಮನಿಸಬೇಕಾಗಿದೆ.

  
 ಡೈರೆಕ್ಟರ್ ಜನರಲ್ ಮತ್ತು ಇನ್ಸ್‌ಪೆಕ್ಟರ್  
 ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್

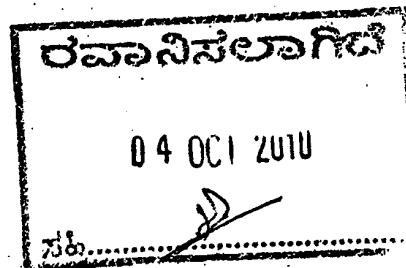
1.10.10

ಗೆ.

- 1) ಎಲ್ಲಾ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳು (ಹೆಸರಿನಲ್ಲಿ)
- 2) ಎಲ್ಲಾ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರುಗಳು ಕೆ.ಜಿ.ಎಫ್ ಮತ್ತು ರೈಲ್ವೇಸ್ ಸೇರಿದಂತೆ (ಹೆಸರಿನಲ್ಲಿ)

**ಪ್ರತಿ:**

ಎಲ್ಲಾ ವಲಯ ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರುಗಳು.



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Office of the Director General  
and Inspector General of Police,  
Nrupathunga Road, Bangalore-1.  
Dated 22-11-2005.

No : 71/CRM/SMS-4/2005.

CIRCULAR

Sub: Action under Immoral Traffic (Prevention)  
Act, 1956.



Ref: This office Circular No : SMS-6/25/2004-05,  
dtd : 30-9-04

\* \* \*

National Human Rights Commission, National Commission for Women, State Commission for Women and various NGOs have repeatedly been pointing out that Immoral Traffic (Prevention) Act, 1956 is not being implemented in its true spirit by the Police Department. The very name of the Act i.e "Immoral Traffic" conveys that the Act is intended to control/prevent the trafficking in human beings. Therefore, it is logical to conclude that police action should be primarily against the traffickers of human beings, exploiters, pimps, brothel keepers, those leaving on the earnings of sex workers, etc and not against the sex worker women who are victims of the trafficking. Unfortunately, statistics reveal that hardly any action is being taken against the exploiters while a large number of cases have been booked against the "helpless" victims of trafficking.

*epk*  
*11/11*  
*107*  
*Bsp*  
*11*

In this connection a circular was issued by this office vide reference cited above, reiterating the above premise. But it seems that the harassment of the women sex workers continues unabated. It is therefore, felt necessary to reiterate the earlier instructions in the matter as under :-

1. Section 4 of ITP Act states that any person, living on the earnings of the prostitution of any other person, is liable for the offence under this section. This section can be effectively used against brothel keepers, pimps and other similar agents. It may be noted that section 4(2) of the ITPA provides that the burden of proof that a particular person is not living on the earnings of the prostitution is on the accused.
2. Similarly, sections 5, 6 and 7 provide for stringent action against the traffickers and pimps and, under all these sections, the burden of proof of innocence is placed on the accused.

*1606*  
*11/05*

*2005*  
*Send copy*  
*to all units*  
*[Signature]*

Commissioner of Police  
BANGALORE  
1-DHARWAD

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# SEXUAL HARASSMENT OF WOMEN AT WORK PLACE

Sexual harassment against women can take place anywhere – at home or in public. When such conduct takes place in the workplace, it is termed “sexual harassment of women at the workplace” (SHWAWP). It includes any sexually oriented practice or behavior that endangers a women’s continued employment, negatively affects her work performance or undermines her sense of personal dignity. It results in considerable losses to individuals and institutions, in terms of work performance as well as professional and personal growth. With more and more women visible and joining the workforce, sexual harassment is a growing concern.

Although there is no national level data on the prevalence of SHWAWP, studies by SAKSHI an NGO and centre for transforming India found that 80% of women surveyed in different work situations had faced some form of sexual harassment. However reporting of sexual harassment remains low, as women fear stigmatization or the loss of job opportunities or being faced with further harassment.

Sexual harassment can be physical and psychological (verbal and non-verbal conduct). In its milder forms, it can involve verbal suggestions and inappropriate affectionate gestures. However, it can, in cases, escalate to extreme behavior such as attempted rape and rape.

## Illustrations of sexual harassment

**Physical**-Physical contact or advances unwanted touching, grabbing, holding, pinching, rubbing up again, blocking a woman path or cornering her, sexual assault or attempts to molest etc

**Verbal**-asking for or demanding sexual favors, making comments with sexual overture or proposals or obscene or suggestive comments/jokes, corridor comments, discussing women’s personal issues such as marriage, pregnancy, appearance, body etc insulting publicly or saying something demeaning or humiliating, unwanted calls, gossiping about women staff, singing obscene songs etc

**Non-Verbal**-Staring, leering, whistling, winking, showing pornography or sexually explicit material (graffiti, pictures etc), indecent exposure (flashing), stroking private parts, smacking lips, elevator eyes, sending unwanted emails/sms/mms/letters with propositions, advances or inappropriate materials, etc, conduct which makes women feel uncomfortable (e.g opening belt after a meal, sitting in an obscene manner, drinking in the workplace etc

## Overview of Laws to address sexual harassment of women at the workplace

The Supreme Court of India, in the land mark case of Vishaka vs. State of Rajasthan (1997) acknowledged SHWAWP to be violation of women’s right to equality and dignity, particularly a violation of women’s right to a safe working environment. The court also laid down guidelines in this judgment (Vishaka Guidelines) which were applied in cases of sexual harassment before a law was passed on the issue – this led to a number of other Supreme Court judgments that explained and clarified the Vishaka Guidelines.

In 2013, the Sexual Harassment of Women at the Work Place (Prevention, Prohibition and Redressal) Act, in short SHWW (PPR) Act was enacted and brought into force to:

- a) Prevent sexual harassment
- b) Forbid sexual harassment at the work place
- c) Set right or provide remedies in cases of sexual harassment

This is a civil act like PW (Domestic Violence) Acts.2005.

Additionally, the Indian Penal code was amended in 2013 to insert section 354A, which criminalizes all forms of harassment against women.

A women facing sexual harassment can, therefore, begin criminal proceedings under IPC as well as use the SHWW (PPR) Act to access civil remedies and reliefs simultaneously. The importance of the SHWP Act also lies in that it obligates employers to provide a safe working environment and mechanism or systems for redressing sexual harassment at workplace.

Section 3 of the act addresses sexual harassment at the workplace specifically by including circumstances, which are related to the workplace and employment relationships. Hence, sexual harassment under the Act includes:-

- a) An implied or explicit promise of preferential treatment in her employment. E.g. women is promised promotion if she performs sexual act;
- b) An implied or explicit threat of detrimental treatment in her employment E.g. ea women is threatened with demotion if she does not perform a sexual act;
- c) An interference with her work or creating an intimidating or offensive or hostile work environment E.g. a group workers joke and snigger amongst Themselves about sexual matters to humiliate or embarrass a women colleague;
- d) Humiliating treatment like to affect her health and or safety

## Understanding different forms of sexual harassment at the workplace

Acts of sexual harassment can be categorized into two:

**Quid pro quo harassment** – which is harassment related to the abuse of authority resulting in tangible or noticeable employment related to action, such as promotion, increments, change in work assignments, etc. In such cases a supervisor or a person in authority makes job benefits dependent on sexual favors or denies or threatens to deny job benefits if such favors are rejected.

Examples:

- a) A Supervisor request sexual favour from a junior in return for a promotion or other job benefits
- b) Asking the women to spend the night in return for a promotion
- c) Asking a women to have a sexual relationship in return for an increment
- d) Asking a women to have sex or perform sexual acts with promises of our of turn or undeserved favours like a foreign trips, business tour, out etc
- e) A worker I threatened with dismissal if she refuses to perform a sexual act
- f) A boss makes interfering inquiries into the private lives of women employees or persistently asks them out on dates.

**Hostile work environment**- is when the abuse doesn't result in tangible employment action but creates an environment in which a woman feels unsafe, uncomfortable or threatened. The creation of a hostile or unfriendly work environment has a negative impact on a women's health and safety and diminishes her job performance

Examples:

- a) Displaying pornography and other sexually explicit material in the workplace
- b) Touching or grabbing

- c) Making sexually explicit or suggestive jokes
- d) Making it difficult for a women to come to work
- e) Making personal comments about a women's appearance, marital/love life pregnancy
- f) Swearing unnecessarily
- g) Making sexist remarks
- h) Discussing somebody's or the women's sexuality in public

### **Who can file a complaint under the SHWW (PPR) Act?**

The act covers all women, whether employed or not, who have subjected to sexual harassment at the work place. This includes women engaged in the unorganized sector and domestic workers, although remedies for domestic workers under the act are limited. The person against whom a complaint of sexual harassment is brought called a respondent.

Women employees covered under the act include:

- a) All regular, temporary and adhoc employees
- b) Those directly employed or employed through an agent/contractor
- c) All employment relations, whether salaried or voluntary
- d) Employees with express or implied terms of engagement (e.g. Written or oral contracts)
- e) Probationers/apprentices/interns/volunteers

However the law applied only to sexual harassment faced by women and does not cover sexual harassment faced by men. Men facing sexual harassment may use general legal provisions to address the same. As sexual harassment at the workplace is a form of discrimination against women, the act is a special measure taken to address historical social disadvantages and biases women face at the workplace. It is therefore, a gender specific law covering only women complaints.

### **What is a workplace according to the Act?**

The term "workplace" is broadly defined under the act to include organizations in the private and public sector, as well as government owned/controlled establishments, hospitals/nursing homes, vocational and educational institutions, sports institutes, hospitals and training institutions and other such informal and formal work sectors (e.g. brick kilns, beauty parlors, pubs, clubs, and NGOs etc

The definition of "workplace" also extends to any place visited by the aggrieved women in relation to her employment, including transportation provided by the employer. Hence, instances of sexual harassment faced by a woman while visiting places in connection with her work are covered under the Act.

In short, the act covers sexual harassment in all areas where work relation exists.

### **Who is responsible for providing a safe working environment?**

The Act obligates employers to provide a safe working environment and grievances/complaint/redress mechanisms. The term "employers" has been broadly defined to include:

- a) All those heading government organizations/departments/local authorities/undertaking etc
- b) All those in managerial, supervisory or any position where they can exercise control
- c) "Managerial positions" particularly personnel responsible for formulation and administration of organizational policies. E.g. person heading the human resources department in a company
- d) Persons discharging contractual obligations vis their employees are also clearly included

## **What is the grievance redressal mechanism mandated under the Act?**

Under the act, all employers (organizations/departments/companies) engaging TEN or more employees, are required to constitute an Internal Complaints Committee (ICC). In big organizations/institutions/departments, ICCs must be established in branches or administrative Units, if such units engage TEN or more employees. It must be noted that ICCs are required in all establishments, even those without women employees, as women vendors or visitors must also have the option to complain.

An employer who has failed to put an ICC in place may be fined (up to Rs 50,000) and may also lose his/her license or registration to operate

Complaints arising from workplace with less than TEN employees or organizations that have not established an ICC can be filed with the Local Complaints Committee (LCC). The LCCs are to be established by the District Authorities at the district or lower levels.

## **Constitution of Committees**

### **Internal Complaints Committee**

- \* Presiding Officer- Senior women employees from the workplace or in her absence the employers nominee
- \* Two members from employees who are committed to the cause of women or have experience in social work or legal knowledge
- \* One member from an NGO working on women's issues or a person familiar with the issue of sexual harassment
- \* One half of the committee members must be women

### **Local Complaints Committee**

- \* Chairperson-nominated from amongst experienced women in the field of social work and commitment to women's rights
- \* One women Nominated from amongst women working at the local level (e.g. block or ward level)
- \* Two NGO members of which at least one should be a women, one with a background of law or with legal knowledge
- \* One women belonging to the SC/ST/OBC
- \* Concerned officer from the department and social welfare women and child development
- \* Members of the ICC and LCC can hold a term of not more than three years and are entitled to travel reimbursements and honorarium of Rs 250/- per proceedings.

## **Steps involved in redressing complaints under the Act**

### **Step 1**

Aggrieved women can file their complaints in writing to the ICC or LCC as appropriate, within three months of the incident of sexual harassment. SIX copies of the complaint along with supporting documents and the names and addresses of the witnesses need to be submitted.

However, this time line can be extended if the ICC/LCC is satisfied that circumstances were such that the aggrieved person was prevented from filing a complaint

If the aggrieved women are unable to make the complaint due to physical or mental incapacity, then her legal heirs, friends or relatives can do so. Further, if an aggrieved woman is unable to file a complaint for any other reason, any person who has knowledge of the incident (e.g. colleague) may file a complaint on her behalf with her written consent



## Step 2

Upon receipt, ICC/LCC will inquire into the complaint and give both parties the chance to be heard, although neither party can bring their lawyers to the inquiry process. The inquiry must be completed within 90 days.

In cases of complaints brought by domestic workers, the LCC will forward the complaint to the police, within SEVEN days to initiate criminal proceedings

## Step 3

In cases where the ICC/LCC finds that the allegation/charges made in the complaint re proven, it shall prepare and submit a report to the employer within 10 days of the completion of the inquiry to take action. Actions that the ICC can recommend are:

- a) Action against the respondent such as (i) furnishing written apology to the aggrieved person (ii) warnings, reprimands or censure (iii) withholding promotion or pay rises/increments of the respondent (iv) terminating the respondent from service (v) counseling sessions or community service for respondents
- b) Deductions from the respondents salary to be paid to the aggrieved person as compensation

## Step 4

The employer must act on the ICC/LCC recommendations within 60 days. If the employer fails to take any action on the ICC/LCC's recommendations, she/he may be fined (up to Rs 50,000). Repeated violations may result in the employer losing his/her license or registration to function

## Step 5

If the aggrieved women does not agree with the ICC/LCC's recommendations, or the employer fails to take any action based on the recommendations, she may file an appeal in accordance with applicable service rules to the court or any specified appellate authority. In the absence of service rules, she can file an appeal with the appellate authority notified under the Industrial Employment (Standing Orders) Act, 1946

## Scope for conciliation and settlement under the Act

The aggrieved person may request the ICC/LCC to take steps to arrive at a settlement with the respondent before initiating the inquiry. However, no monetary settlements can be made on the basis of such conciliation processes.

On completing the process, the ICC has to record the settlement in writing and forward to the employer for further action if needed.

However if no settlement is reached or the respondent fails to employ with the terms of the settlement, then ICC/LCC may initiate an inquiry into the complaint

Relief for the aggrieved persons during the inquiry process

The aggrieved women can make a request in writing o the ICC for temporary relief, while the inquiry is going on. Temporary reliefs she is entitled to include:

- a) Transfer of either party
- b) Granting leave of up to three months to the aggrieved women
- c) Restrain the respondent from reporting on the work performance of the aggrieved women or rite any confidential reports or assign her to another office

- d) In cases involving educational institutions-restrain the respondent from supervising any academic activity of the aggrieved women

## **False complaints**

If after completing an inquiry the ICC/LCC is of the opinion that a complaint is either false or malicious, it may recommend action to be taken against the aggrieved person in accordance with the applicable service rules.

In the absence of service rules, it may recommend the following actions, which are the same as the actions recommended if a person is found guilty of sexual harassment, such as:

- (i) furnishing written apology to the aggrieved person
- (ii) warnings, reprimands or censure
- (iii) withholding promotion or pay rises/increments of the respondent
- (iv) terminating the respondent from service
- (v) counseling sessions or community service for respondents

An aggrieved woman can file an appeal against the findings of false/malicious complaints before the appropriate appellate authority

## **Entitlement of compensation for the aggrieved women**

There is no fixed amount provided for compensation, which is calculated on the basis of the following considerations:

- a) Mental trauma, pay, suffering and emotional distress caused to the aggrieved women
- b) Loss in career opportunity
- c) Medical expenses incurred by the aggrieved women for medical or psychiatric treatment
- d) Income and financial status of the respondent
- e) Whether the amount should be paid as a lumpsum or in instalments

## **Confidentiality**

Section 16 of the Act, prohibits any person from disclosing any information related to the parties (aggrieved person and respondent), the proceedings and their outcomes. Persons guilty of such disclosure may be penalized with an amount of Rs 5,000.

## **Role of Police**

When a woman approaches Police for complaining about the sexual harassment she must be informed of these provisions which are available to her for redressal of her grievances. She must be explained in brief the process of criminal proceedings and the outcome (punishment to the accused) where as the relief available under SHWW (PPR) Act. Police must empower women to make an informed and well thought of choice. If she chooses the criminal proceedings path then they must register FIR and follow the procedure thereon. If she chooses the civil law for relief she must be guided based on the information provided above. This would enhance image of the Police in the public. For this Police must also have the details of Local Complaints Committee constituted by the District Administration.

# VICTIM COMPENSATION

## GOVERNMENT OF KARNATAKA

No: HD 1 PCB 2011

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated: 22-02-2012

### NOTIFICATION

Whereas sub-section (1) of section 357 of Code of Criminal Procedure, 1973 mandates for the State Government to prepare a scheme in co-ordination with the Central Government for providing funds for the purpose of compensation to the victims or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

Now, therefore, in exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). The Government of Karnataka hereby frames the following scheme for providing funds for the purpose of compensation to the victims or their dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:-

1. **Title and Commencement.**- (1) This scheme may be called the Karnataka Victim Compensation Scheme, 2011.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. **Definitions.**- In this scheme, unless the context otherwise requires:-

(a) "Act" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(b) "District Authority" and "State Authority" means the District Legal Service Authority and State Legal Service Authority as defined under the Legal Services Authorities Act, 1987 (Central Act 39 of 1987);

(c) "Schedule" means schedule appended to this scheme;

(d) "State" means the State of Karnataka.

(e) "Victim" means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes his dependents who had suffered loss or injury as a result of the crime and who require rehabilitation.

....2

**3. Victims Compensation Fund.** (1) There shall be a Fund called the Victims Compensation Fund.

(2) There shall be credited to the said fund, -

(i) all contributions, donations and gifts made by the Central Government, State Government, any local authority or anybody, whether incorporated or not or any person;

(ii) all other sums received by or on behalf of the victims compensation from any source whatsoever.

(3) Except as otherwise directed by the State Government all moneys credited to the Fund shall be invested in any Scheduled Bank or in the State Government Treasury.

**4. Application of the Victims Compensation Fund.**- The fund shall be applied for carrying out the purposes of this Scheme.

**5. Grant by the State Government.**- The State Government may every year make a grant to the fund of a sum equivalent to the expenses of the previous year or the probable expenditure requested by the State Legal Service Authority.

**6. Eligibility for Compensation.**- A victim shall be eligible for the grant of compensation if, -

(1) the offender is not traced or indentified, but the victim is identified, and where no trial takes place, such victim may also apply for grant of compensation under sub-section (4) of section 357-A of the Act.

(2) the victim/claimant report the crime to the officer-in-charge of the police station within 48 hours of the occurrence or any senior police officer or Executive Magistrate or Judicial Magistrate of the area;

Provided that the District Legal Service Authority, if satisfied, for reasons to be recorded in writing, may condone the delay in reporting.

(3) the victim/claimant shall co-operate with the police and prosecution during the investigation and trial of the case .

**7. Procedure for grant of compensation.-** (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Service Authority, the District Legal Service Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to the victim and arising out of the reported criminal activity and the District Legal Service Authority may call for any other relevant information necessary in order to determine genuineness of the claims. After verifying the claim, the District Legal Service Authority shall after due enquiry award

compensation within two months, in accordance with the provisions of this scheme.

(2) Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgement at a later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, is paid or recovered and paid to the victim/claimant shall remit an amount ordered equal to the amount of compensation, or the amount ordered to be paid under the said sub section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim/claimant before the disbursal of the compensation amount.

(3) The District Legal Service Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on fact of each case.

(4) The quantum compensation to be awarded to the victim or his dependents shall not exceed the maximum limit specified in Schedule I



(5) The amount of compensation decided under the Scheme shall be disbursed to the victim or his dependents as the case may, be from the Fund through cheque.

(6) Compensation received by the victim from the State in relation to the crime in question, namely insurance, ex-gratia and /or payment received under any other Act or State run scheme, that includes compensation awarded by State/National Human Rights Commissions or any Court/Commission shall be considered as part of the compensation amount under this scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount only shall be paid out of Fund.

(7) The Cases covered under Motor Vehicle Act, 1988, (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.

(8) The District Legal Services Authority, to alleviate the suffering of the victims, may order for immediate first-aid facility or medical benefits to be made available free of cost on the Certificate of the Police Officer not below the rank of the Officer-in-charge of the police station or Magistrate of the area concerned or any other interim relief as it may deems fit.

(9) The District Legal Service Authority shall not allow any participation or representation by a legal practitioner or any other person or institution or Non-Governmental Organisation on behalf of the victim/claimant.

(10) If a victim or his dependents have obtained an order sanctioning compensation under this scheme based on false/vexatious/fabricated complaint which is so held by the trial Court, the compensation awarded shall be recovered with 15% interest per annum.

**8. Order to be placed on record.-** Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to pass order of compensation under sub-section (3) of section 357 of the Act.

**9. Limitation.-** No claim made by the victim or his dependents under sub-section (4) of section 357-A of the Act shall be entertained after a period of twelve months from the date of the crime.

Provided that the District Legal Authority, if satisfied for the reasons to be recorded in writing, may condone the delay in filing the claim.

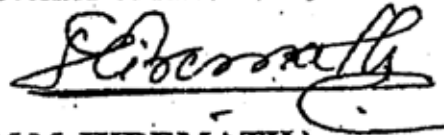
10. Appeal.- Any victim aggrieved of the denial of compensation by the District Legal Service Authority may file an appeal before the State Legal Service Authority within a period of ninety days:

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

### SCHEDULE

Sl. No.	Particulars of Loss or Injury due to crime	Maximum limit of quantum of Compensation
1	Loss of life	Rs. 2.00 lacs
2	Loss of any limb or part of body resulting 80% or above handicap	Rs. 1.00 lacs
3	Loss of any limb or part of body resulting 40% & below 80% handicap	Rs. 50,000/-
4	Rape of Minor	Rs. 50,000/-
5	Rape	Rs. 40,000/-
6	Rehabilitation necessitated due to damage to house, vehicle etc.	Rs. 20,000/-
7	Loss of any limb or part of body resulting below 40% handicap	Rs. 20,000/-
8	Grievous injuries other than the injuries mentioned above	Rs. 10,000/-
9	Women and Child victims in cases like human trafficking, who themselves or their dependents have suffered separation, dislocation and disturbance	Rs. 10,000/-

By Order and in the name of the  
Governor of Karnataka,



(M.M. HIREMATH)

Under Secretary to Government,  
Home Department (Crimes)

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of Gazette and supply 200 copies to the undersigned.

....6

Copy to:

- (1) The Accountant General of Karnataka, Bangalore.
- (2) The Secretary (CS Division) to the Government of India, Ministry of Home Affairs, North Block, New Delhi.
- (3) ~~The Inspector General of Police, Nrupatunga Road, Bangalore.~~
- (4) The Principal Secretary to Government, Finance Department, Vidhana Soudha, Bangalore.
- (5) The Secretary, Karnataka State Legal Services Authority, "Nyaya Degula", H. Siddaiah Road, Bangalore-560 027.
- (6) The Director, Department of Prosecutions & Government Litigation, Cauvery Bhavan, Bangalore-560 009.
- (7) The Additional Director General of Police (Law & Order)/(Crimes)/(Intelligence) Nrupatunga Road, Bangalore.
- (8) The Director General of Police, COD, Trg. Special Units and Economic Offences, Palace Road, Bangalore-01.
- (9) All the Inspector General of Police of all the Ranges (through DG & IGP)
- (10) All the Commissioners of Police in the State (through DG & IGP)
- (11) All the Deputy Commissioners/District Magistrates of the State.
- (12) All the Superintendent of Police of the the State (through DG & IGP)
- (13) All the Chief Executive officeres, Zilla Panchayats of the State.
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- (4) Personal Secretary to Principal Secretary , Home Department, Vidhana Soudha, Bangalore.
- (5) Additional Secretary (Police Services)/Joint Secretary (Law & Order) of Home Department, -Vidhana Soudha, Bangalore.
- (6) All the Under Secretaries of Home Department, Vidhana Soudha, Bangalore.



## PROCEEDINGS OF GOVERNMENT OF KARNATAKA

Sub: Victim Compensation Scheme, 2011 - revision  
of quantum of compensation.

\*\*\*\*\*

Read:

Notification No.HD 1 PCB 2011 dated 22-02-2012

### PREAMBLE:

Government vide in the Notification read above have formulated a scheme in co-ordination with the Government of India for providing compensation to the victims or his/her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. In the schedule of the said Notification the Government have quantified the following rate of compensation to the victims.

Sl. No.	Particulars of Loss or Injury due to crime	Maximum limit of quantum of Compensation
1	Loss of Life	Rs.2.00 lacs
2	Loss of any limb or part of body resulting 80% or above handicap	Rs.1.00 lac
3	Loss of any limb or part of body resulting 40% & below 80% handicap	Rs.50,000/-
4	Rape of Minor	Rs.50,000/-
5	Rape	Rs.40,000/-
6	Rehabilitation necessitated due to damage to house, vehicle etc.	Rs.20,000/-
7	Loss of any limb or part of body resulting below 40% handicap	Rs.20,000/-
8	Grievous injuries other than the injuries mentioned above	Rs.10,000/-
9	Women and Child victims in cases like human trafficking, who themselves or their dependents have suffered separation, dislocation and disturbance	Rs.10,000/-

Now, Government have felt that there is a need to revise the nature of injuries and quantum of compensation provided thereon. Hence, this order.

Government Order No: HD 1 PCB 2011, Bangalore, dated: 19-09-2013

Government is pleased to substitute the schedule mentioned in the Notification dated 22-02-2012 read above, with the following modified schedule.

SCHEDULE

Sl. No.	Particulars of Loss or Injury due to crime	Compensation to be paid
1	Loss of Life	
	a) 40 Years of age or below	Rs.3.00 lacs to the next of kin
	b) 40 Years to 60 years	Rs.2.00 lacs to the next of kin
	c) 60 Years and above	Rs.1.00 lac to the next of kin
	Note:- In case of death of a victim, expenses incurred for actual medical treatment, before death, upto a maximum of Rs.25,000/- and a maximum of Rs.20,000/- may be given as funeral expenses, to the next kin of the victim in case of victim's death.	
2	Loss of any limb or part of body resulting 80% or above handicap due to any crime including Acid Attack.	Rs.3.00 lacs
3	Loss of any limb or part of body resulting 40% & below 80% handicap due to any crime including Acid Attack	Rs.2.00 lacs
4	Loss of any limb or part of body resulting below 40% handicap due to any crime including Acid Attack	Rs.1.00 lac
5	Rape of Minor	Rs.3.00 lacs
6	Rape other than minor	Rs.1.5 lacs
7	(a) Rehabilitation necessitated due to damage to house etc. 80% or more	Rs.50,000/-
	(b) Rehabilitation necessitated due to damage to house etc. less than 80%	Rs.25,000/-
8	Grievous injuries other than the injuries mentioned above	Rs.20,000/-



9	Women and Child victims in cases like human trafficking, who themselves or their dependents have suffered separation, dislocation and disturbance	Rs.1.00 lac
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The above revised compensation shall come into immediate effect.

The other conditions prescribed in the victim compensation scheme, 2011 shall continue to be in effect.

By Order and in the name of the  
Governor of Karnataka

  
(S. CHANDRAPPA)

Under Secretary to Government  
Home Department (Crimes)

To:-

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of Karnataka Gazette and supply 200 copies to the Government.

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4. The Director General and Inspector General of Police, Nrupathunga Road, Bangalore.
5. The Principal Secretary to Government, Women & Child Development Department, Bangalore.
6. The Secretary, Karnataka State Legal Services Authority, "Nyaya Degula", H.Sidaiah, Road, Bangalore - 560 027.
7. The Director, Women & Child Development Department, Bangalore.
8. The Project Director, Integrated Child Protection Scheme, Bangalore.
9. The Director, Department of Prosecutions & Government Litigation, Cauvery Bhavan, Bangalore - 560 009.

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2. The Additional Chief Secretary to Government, Home Department, Vidhana Soudha, Bangalore.
3. The Principal Secretary to Government, Home Department (PCAS), Vidhana Soudha, Bangalore.
4. The Principal Secretary to Chief Minister, Vidhana Soudha, Bangalore
5. Personal Secretary to Home Minister, Vidhana Soudha, Bangalore
6. The Additional Secretary to Government, Home Department (Police Services), Vidhana Soudha, Bangalore.
7. The Additional Secretary to Government, Home Department (L & O), Vidhana Soudha, Bangalore.
8. The Deputy Secretary to Government, Home Department (Auxillary Services) Bangalore.
9. The Deputy Secretary & Internal Financial Advisor, Home Department, Bangalore.
10. All the Under Secretaries of Home Department, Vidhana Soudha, Bangalore.



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂ: ಡಿಜಿಪಿ/ತರಬೇತಿ/ಎಸ್‌ಜೆಪಿಯು/15/2013

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತರಬೇತಿ,  
ಕಾರ್ಲೆಟನ್ ಭವನ, ಅರಮನೆ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31/05/2013.

### ಸುತ್ತೋಲೆ

**ವಿಷಯ: ತೆರೆದ ಮನೆ ಕಾರ್ಯಕ್ರಮ ಮತ್ತು ಜನಸಂಪರ್ಕ ಸಭೆಯಲ್ಲಿ ನೀಡಬೇಕಾದ ಮಾಹಿತಿ ಬಗ್ಗೆ.**

\* \* \*

ಸಾರ್ವಜನಿಕರೊಂದಿಗೆ ಪೊಲೀಸರ ಸಂಬಂಧವನ್ನು ಉತ್ತಮಗೊಳಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಈಗಾಗಲೇ ಈಶಾನ್ಯ ವಲಯ ಗುಲ್ಬರ್ಗಾದ ತಾಣಗಳಲ್ಲಿ ನಡೆಸುತ್ತಿರುವ 'ತೆರೆದ ಮನೆ' (OPEN HOUSE) ಕಾರ್ಯಕ್ರಮವನ್ನು ರಾಜ್ಯದ ಎಲ್ಲಾ ಪೊಲೀಸ್ ತಾಣಗಳಲ್ಲಿ ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಜಾರಿಗೊಳಿಸಲು ಸೂಚಿಸಿದೆ. ತಾಣಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಶಾಲಾ ಮಕ್ಕಳನ್ನು ಪ್ರತಿ ಗುರುವಾರ ಬೆಳಿಗ್ಗೆ 10-30 ಗಂಟೆಯಿಂದ ಸಂಜೆ 4-30 ಗಂಟೆಯ ಅವಧಿಯೊಳಗೆ ತಾಣಿಗೆ ಕರೆತಂದು ಮಕ್ಕಳಿಗೆ ಪೊಲೀಸ್ ಇಲಾಖೆಯ ಬಗ್ಗೆ ವಿವರವಾದ ಮಾಹಿತಿಯನ್ನು ನೀಡುವುದು ಹಾಗೂ ತಮ್ಮ ತಾಣಾ ವ್ಯಾಪ್ತಿಯ ಶಾಲೆಗಳಿಗೆ ತಾಣಾಧಿಕಾರಿಯು ಭೇಟಿ ನೀಡಿ ಸಂವಾದ ನಡೆಸುವುದು. ಈ ಬಗ್ಗೆ ಪ್ರತಿ ಗುರುವಾರ ಸಾಯಂಕಾಲ ಆಯಾ ಜಿಲ್ಲಾ/ನಗರ ನಿಸ್ತಂತು ಘಟಕವು ಮಾಹಿತಿ ಪಡೆದು ಈ ಕಛೇರಿಗೆ ರವಾನಿಸುವುದು.

ಹಾಗೂ ಈ ಹಿಂದೆ ಹೊರಡಿಸಿರುವ ಸ್ಥಾಯಿ ಆದೇಶ ಸಂಖ್ಯೆ:920 ದಿನಾಂಕ:4/04/1994ರಂತೆ ಪ್ರತಿ ತಿಂಗಳೊಂದರಂತೆ ರಾಜ್ಯದ ಎಲ್ಲಾ ಪೊಲೀಸ್ ತಾಣಗಳಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ 'ಜನಸಂಪರ್ಕ ಸಭೆ' (Community Outreach Programme) ಗಳನ್ನು ನಡೆಸುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ. ಸದರಿ ಸಭೆಗಳಲ್ಲಿ ಮಹಿಳೆಯರು ಮತ್ತು ಮಕ್ಕಳ ಹಕ್ಕುಗಳು ಹಾಗೂ ಕಾಯ್ದೆಗಳ ಬಗ್ಗೆ ಸಾರ್ವಜನಿಕರಿಗೆ ಮನವರಿಕೆ ಮಾಡಿಸುವುದು.

ಸದರಿ ತಾಣಾ ಮಟ್ಟದಲ್ಲಿ ನಡೆಸುವ ತೆರೆದ ಮನೆ ಹಾಗೂ ಜನಸಂಪರ್ಕ ಸಭೆಯಲ್ಲಿ ಈ ಕೆಳಗಿನ ಮಾಹಿತಿಯನ್ನು ನೀಡಬೇಕೆಂದು ಈ ಮೂಲಕ ಆದೇಶಿಸಲಾಗಿದೆ.

1. ಪೊಲೀಸ್ ಇಲಾಖೆ ಎಂದರೇನು? ಪೊಲೀಸ್ ಇಲಾಖೆಯ ಕೆಲಸ ಕಾರ್ಯಗಳ ಬಗ್ಗೆ ವಿವರ:- ಸಾರ್ವಜನಿಕರ ಆಸ್ಥಿಪಾಸ್ಥಿ ರಕ್ಷಣೆ, ಅಪರಾಧಗಳನ್ನು ತಡೆಯುವುದು ಮತ್ತು ಪತ್ತೆ ಹಚ್ಚುವುದು, ಕಾನೂನು ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಕಾಪಾಡುವುದು ಖಾಕಿ ಸಮವಸ್ತ್ರಧಾರಿ ಪೊಲೀಸ್ ಇಲಾಖೆಯ ಕರ್ತವ್ಯವಾಗಿದೆ.

2. ಮೂಲತಃ ಜನಸಂಪರ್ಕ ಸಭೆ ನಡೆಯುವ ಪಂಚಾಯ್ತಿ/ಹಳ್ಳಿ/ವಾರ್ಡ್‌ನಲ್ಲಿನ(ದಾಖಲಾದ ಪ್ರಕರಣಗಳನ್ನಾಧರಿಸಿ) ಸಮಸ್ಯೆಗಳ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡುವುದು:-

ಜನಸಂಪರ್ಕ ಸಂವಾದ ಸಭೆ ನಡೆಯುವ ಸ್ಥಳದಲ್ಲಿ ದಾಖಲಾದ ಪ್ರಕರಣಗಳ ಬಗ್ಗೆ ಹಾಗೂ ಅವುಗಳನ್ನು ತಡೆಯುವ ನಿಟ್ಟಿನಲ್ಲಿ ಹಾಗೂ ಆ ಸ್ಥಳದಲ್ಲಿನ ಕಾನೂನು ಸುವ್ಯವಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದ ವಿಚಾರಗಳನ್ನು ಚರ್ಚಿಸುವುದು.

3. ಮಕ್ಕಳ ಹಕ್ಕುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾನೂನುಗಳ ಬಗ್ಗೆ ವಿವರಿಸುವುದು.

ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಒಡಂಬಡಿಕೆಯಲ್ಲಿ ಗುರುತಿಸಲಾದ 1. ಜೀವಿಸುವ ಹಕ್ಕು, 2. ರಕ್ಷಣೆಯ ಹಕ್ಕು, 3. ಅಭಿವೃದ್ಧಿ ಹೊಂದುವ ಹಕ್ಕು, 4. ಭಾಗವಹಿಸುವ ಹಕ್ಕು, ಇವುಗಳನ್ನು ರಕ್ಷಣೆ ಮಾಡುವ ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರ, ಕುಟುಂಬ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ.

- ಬಾಲ ನ್ಯಾಯ ಕಾಯ್ದೆ-2000 ಅಡಿಯಲ್ಲಿ ಮಕ್ಕಳು ಎಂದರೆ 18 ವರ್ಷದೊಳಗಿನವರು ಎಂದು ಹೇಳಿದೆ.
- ಬಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧ ಕಾಯ್ದೆ-2006ರ ಅನ್ವಯ 21 ವರ್ಷದೊಳಗಿನ ಗಂಡು, 18 ವರ್ಷದೊಳಗಿನ ಹೆಣ್ಣು ಮದುವೆಯಾದರೆ ಅದನ್ನು ಬಾಲ್ಯವಿವಾಹ ಎಂದು ಕರೆಯುತ್ತೇವೆ. ಆ ರೀತಿ ಮದುವೆಯಾದರೆ ಮದುವೆಯಾದ ವಯಸ್ಸು ಪುರಷ, ವಧು, ವರರ ತಂದೆ ತಾಯಿಗಳು, ಅವರ ಸಂಬಂಧಿಕರು, ಪುರೋಹಿತ ಹಾಗೂ ಆ ಮದುವೆಯಲ್ಲಿ ಹಾಜರಿದ್ದವರೆಲ್ಲರೂ ಅಪರಾಧಿಗಳಾಗುತ್ತಾರೆ. ಇವರಿಗೆ 2 ವರ್ಷ ಜೈಲು ಹಾಗೂ 1 ಲಕ್ಷ ದಂಡ ವಿಧಿಸಬಹುದಾಗಿದೆ.
- ಬಾಲ ಕಾರ್ಮಿಕ (ನಿಷೇಧ ಮತ್ತು ನಿಯಂತ್ರಣ) ಕಾಯ್ದೆ-1986ರ ಅನ್ವಯ 14 ವರ್ಷದೊಳಗಿನ ಶಾಲೆಬಿಟ್ಟ ಎಲ್ಲ ಮಕ್ಕಳನ್ನು ಬಾಲ ಕಾರ್ಮಿಕರೆಂದು ಪರಿಗಣಿಸಲಾಗಿದೆ.

ಬಾಲ ಕಾರ್ಮಿಕರನ್ನು ಕೆಲಸಕ್ಕಿಟ್ಟುಕೊಂಡರೆ 1 ವರ್ಷ ಶಿಕ್ಷೆ ಮತ್ತು 20 ಸಾವಿರ ದಂಡ ವಿಧಿಸಬಹುದಾಗಿದೆ. 15-18 ವರ್ಷದೊಳಗಿನ ಮಕ್ಕಳನ್ನು ದುಡಿಸಿಕೊಂಡು ದೌರ್ಜನ್ಯ ಮತ್ತು ಹಿಂಸೆ ನೀಡಿದರೆ ಬಾಲ ನ್ಯಾಯ ಕಾಯ್ದೆ ಪ್ರಕಾರ 3 ವರ್ಷ ಶಿಕ್ಷೆ ಮತ್ತು ದಂಡ ಹಾಗೂ ಐಪಿಸಿ ಮತ್ತು ಇತರ ಕಾಯ್ದೆಗಳ ಪ್ರಕಾರ ಕಾನೂನು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಹುದು.

- ಮಕ್ಕಳ ಉಚಿತ ಮತ್ತು ಕಡ್ಡಾಯ ಶಿಕ್ಷಣದ ಹಕ್ಕಿನ ಕಾಯ್ದೆ-2009ರ ಪ್ರಕಾರ ಆರರಿಂದ ಹದಿನಾಲ್ಕು ವರ್ಷದೊಳಗಿನ ಎಲ್ಲ ಮಕ್ಕಳು ತಮ್ಮ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣವನ್ನು ಪೂರೈಸುವ ತನಕ ಉಚಿತ ಮತ್ತು ಕಡ್ಡಾಯ ಶಿಕ್ಷಣವನ್ನು ಹೊಂದುವ ಹಕ್ಕು ಹೊಂದಿರುವರು.
- ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಒಡಂಬಡಿಕೆಯಲ್ಲಿ ಮಕ್ಕಳು ಎಂದರೆ 18 ವರ್ಷದೊಳಗಿನವರು. ಆದ್ದರಿಂದ 18 ವರ್ಷದೊಳಗಿನ ಎಲ್ಲ ಮಕ್ಕಳು ಶಾಲೆಯಲ್ಲರಬೇಕು.
- ಬಾಲ ನ್ಯಾಯ ಕಾಯ್ದೆ ಪ್ರಕಾರ ತೊಂದರೆಯಲ್ಲರುವ(ಆರೈಕೆ ಮತ್ತು ರಕ್ಷಣೆ) ಮಕ್ಕಳನ್ನು ಪ್ರತಿ ಜಿಲ್ಲೆ/ನಗರಗಳಲ್ಲಿ ಇರುವ ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿಗೆ ಯಾರಾದರೂ ಹಾಜರಿಸಬಹುದು. ಕಾನೂನು ಸಂಘರ್ಷಕ್ಕೆ ಒಳಗಾದ (ತಪ್ಪು ಮಾಡಿದ) ಮಕ್ಕಳನ್ನು ಬಾಲ ನ್ಯಾಯ ಮಂಡಳಿಗೆ ಪೊಲೀಸ್ ಮೂಲಕ ಹಾಜರಿಸಲಾಗುತ್ತದೆ.
- ಮಕ್ಕಳನ್ನು ಬಿಟ್ಟುಬಿಡುವುದಿಲ್ಲ, ದುಡಿಸಿಕೊಳ್ಳಲು, ವೇಶ್ಯಾವಾಟಕಿಗೆ ಹಾಗೂ ಇತರ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮಾರಾಟ ಮತ್ತು ಸಾಗಾಣಿಕೆ ಮಾಡಿದರೆ ಐಪಿಸಿ ಕಾಯ್ದೆ/ಐಪಿಸಿ ಅನ್ವಯ ಅಪರಾಧವಾಗಿದೆ.
- ಲೈಂಗಿಕ ಅಪರಾಧಗಳಿಂದ ಮಕ್ಕಳ ರಕ್ಷಣೆ ಕಾಯ್ದೆ - 2012ರ ಬಗ್ಗೆ ತಿಳಿಸುವುದು.



4. ಮಕ್ಕಳು ಮತ್ತು ಮಹಿಳೆಯರು ಮನೆ ಬಿಟ್ಟು ಹೋದರೆ ಮುಂದೆ ಎದುರಿಸುವ ಸಮಸ್ಯೆಗಳು.

ಯಾವುದೇ ಮಕ್ಕಳು ಅಥವಾ ಮಹಿಳೆಯರು ಯಾವುದೇ ಕಾರಣಗಳಿಗಾಗಿ ಮನೆ ಬಿಟ್ಟು ಹೋದರೆ ನೀವು ಅನೇಕ ಸಮಸ್ಯೆಗಳನ್ನು ಎದುರಿಸಬೇಕಾಗುತ್ತದೆ. ನಗರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಈ ರೀತಿ ಹಳ್ಳಿಗಳಿಂದ ಮನೆ ಬಿಟ್ಟು ಬರುವವರನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಕೆಲಸ ಕೊಡಿಸುವ ನೆಪ ಹೇಳಿ ನಿಮ್ಮನ್ನು ವೇಶ್ಯಾವಾಣಿಗಾಗಿ, ಭಿಕ್ಷಾಟನೆಗೆ, ಅಂಗಾಂಗ ಮಾರಾಟಕ್ಕೆ, ಜೀತಕ್ಕೆ ನೇಮಿಸಿಕೊಳ್ಳಬಹುದು. ಆದ್ದರಿಂದ ನೀವು ನಿಮ್ಮ ಮನೆ ಮತ್ತು ಊರನ್ನು ಬಿಟ್ಟು ಹೋಗುವ ಮುಂಚೆ ಯೋಚಿಸಬೇಕು. ನಿಮ್ಮ ರಕ್ಷಣೆಗಾಗಿ ನಮ್ಮನ್ನು ಸಂಪರ್ಕಿಸಿ ಸಹಾಯ ಪಡೆದುಕೊಳ್ಳಿ.

5. ಮಹಿಳೆಯರ ಹಕ್ಕುಗಳು ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಕಾನೂನುಗಳ ಬಗ್ಗೆ ವಿವರಿಸುವುದು.

- ಮಹಿಳೆಯರ ಮೇಲಿನ ದೌರ್ಜನ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದೌರ್ಜನ್ಯ ಎಸಗುವವರ ಮೇಲೆ 498(ಎ) ಐಪಿಸಿ ಹಾಗೂ ಇತರೇ ಕಾಯ್ದೆಗಳ ಪ್ರಕಾರ ಕಾನೂನು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಹುದು.
- ಮಹಿಳೆಯು ಪರಿಹಾರಕ್ಕಾಗಿ ಕೌಟುಂಬಿಕ ಹಿಂಸೆಯಿಂದ ಮಹಿಳೆಯರ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ - 2005 ರಡಿಯಲ್ಲಿ ಸಿಡಿಪಿಓರವರ ಬಳಿ ದೂರನ್ನು ಸಲ್ಲಿಸಬಹುದಾಗಿದೆ.

6. ಜಿಲ್ಲೆ/ನಗರಗಳಲ್ಲಿ ಮಕ್ಕಳು ಮತ್ತು ಮಹಿಳೆಯರಿಗೆ ಇರುವ ರಕ್ಷಣೆ ವ್ಯವಸ್ಥೆಗಳ ವಿವರ.

- ಪೊಲೀಸ್ ಕಂಪ್ಲೋಲ್ ರೂಂ-100,  
ಕಾನೂನು ಸುವ್ಯವಸ್ಥೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹಾಗೂ ಅಪರಾಧಗಳು ಜರುಗುವ ಬಗ್ಗೆ ಮಾಹಿತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪೊಲೀಸ್ ಕಂಪ್ಲೋಲ್ ರೂಂ 100ಗೆ ಕರೆ ಮಾಡಬಹುದಾಗಿದೆ.
- ಮಕ್ಕಳ ಸಹಾಯವಾಣಿ-1098,  
18 ವರ್ಷದೊಳಗಿನ ಮಕ್ಕಳ ಯಾವುದೇ ಸಮಸ್ಯೆಗಾಗಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಉಚಿತ ದೂರವಾಣಿ ಸಂಖ್ಯೆ 1098 ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಅಲ್ಲಿಗೆ ಕರೆ ಮಾಡಿ ದೂರು ಸಲ್ಲಿಸಬಹುದು.
- ಮಹಿಳಾ ಸಹಾಯವಾಣಿ-1091,  
ಮಹಿಳೆಯರ ಸಮಸ್ಯೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಚಿತ ದೂರವಾಣಿ ಸಂಖ್ಯೆ 1091 ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಅಲ್ಲಿಗೆ ಕರೆ ಮಾಡಿ ದೂರು ಸಲ್ಲಿಸಬಹುದು. ಹಾಗೂ ಪ್ರತಿ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಇರುವ ಸಾಂತ್ವಾನ ಕೇಂದ್ರಗಳಿಗೆ ದೂರು ನೀಡಬಹುದಾಗಿದೆ.
- ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮಹಿಳೆಯರು ಮತ್ತು ಮಕ್ಕಳ ಹೆಲ್ಪ್‌ಡೆಸ್ಕ್ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡುವುದು  
ಪ್ರತಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮಹಿಳೆಯರ ಮತ್ತು ಮಕ್ಕಳ ಕುಂದುಕೊರತೆ ಆಲಸಲು ಪ್ರತ್ಯೇಕ ವಿಭಾಗ ಇರುತ್ತದೆ. ಯಾವುದೇ ಸಾರ್ವಜನಿಕರು, ಮಹಿಳೆಯರು, ಮಕ್ಕಳು ಯಾವುದೇ ಭಯವಿಲ್ಲದೆ ದಿನದ 24 ಗಂಟೆಯೂ ಸಹ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಬಂದು ನಿಮ್ಮ ದೂರನ್ನು ನೀಡಬಹುದಾಗಿದೆ.
- ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿ,  
ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಒಂದು ಮಕ್ಕಳ ಕಲ್ಯಾಣ ಸಮಿತಿ ಇದ್ದು, ಇದರಲ್ಲಿ ಒಬ್ಬರು ಅಧ್ಯಕ್ಷರು ಮತ್ತು 4 ಜನ ಸದಸ್ಯರು ಇರುತ್ತಾರೆ. 18 ವರ್ಷದೊಳಗಿನ ಮಕ್ಕಳ ರಕ್ಷಣೆ ಪೋಷಣೆ ಸಲುವಾಗಿ ಈ ಸಮಿತಿಯ ಮುಂದೆ ಯಾವುದೇ ಒಬ್ಬ ಸಾರ್ವಜನಿಕ ಮಕ್ಕಳನ್ನು ಹಾಜರಡಿಸಬಹುದು.
- ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ



ಜಿಲ್ಲೆ/ನಗರ ಪೊಲೀಸ್ ಕಛೇರಿಯಲ್ಲಿ ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು, ಜಿಲ್ಲೆ/ನಗರದ ಎಲ್ಲಾ ಪೊಲೀಸ್ ಠಾಣೆಗಳಲ್ಲಿ ವರದಿಯಾದ ಮಕ್ಕಳ ಮೇಲಿನ ದೌರ್ಜನ್ಯ ಹಾಗೂ ಆರೈಕೆ ಮತ್ತು ರಕ್ಷಣೆ ಬೇಕಾದ ಮಕ್ಕಳ ಮಾಹಿತಿ ಈ ಘಟಕದಲ್ಲಿ ಇದ್ದು, ಎಲ್ಲಾ ಪೊಲೀಸ್ ಠಾಣೆಗಳೊಂದಿಗೆ ಸಂಪರ್ಕದಲ್ಲಿರುತ್ತದೆ. ಪ್ರತಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮಕ್ಕಳ ಪ್ರಕರಣಗಳನ್ನು ನಿರ್ವಹಿಸಲು ತರಬೇತಿ ಪಡೆದ ಮಕ್ಕಳ ಕಲ್ಯಾಣಾಧಿಕಾರಿಗಳು ಇರುತ್ತಾರೆ, ಮಕ್ಕಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದೇ ಪ್ರಕರಣಗಳನ್ನು ಅವರಿಗೆ ತಿಳಿಸಬಹುದಾಗಿದೆ.

7. ನಿಮಗೆ ಅನುಮಾನಾಸ್ಪದ ವ್ಯಕ್ತಿಗಳು, ಕಳ್ಳಕಾಕರು, ದರೋಡೆಕೋರರು, ವಂಚಕರು ಊರಿಗೆ ಹೊಸದಾಗಿ ಬಂದ ವ್ಯಕ್ತಿಗಳು ಕಂಡು ಬಂದರೆ ಕೂಡಲೇ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಮಾಹಿತಿ ತಿಳಿಸುವ ಬಗ್ಗೆ:-

ನಿಮ್ಮ ಹಳ್ಳಿಗಳಲ್ಲಿ ಅಥವಾ ನೀವು ವಾಸಿಸುವ ಸ್ಥಳಗಳಲ್ಲಿ ನಿಮ್ಮ ಊರಿನವರಲ್ಲದೆ ಬೇರೆಯವರು ಬಂದು ಅನುಮಾನಾಸ್ಪದವಾಗಿ ತಿರುಗುತ್ತಿದ್ದರೆ ಅಥವಾ ಕಾನೂನು ಬಾಹಿರ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿದ್ದರೆ, ಹಣ ದ್ವಿಗುಣಗೊಳಿಸುವ, ಬೆಳ್ಳಿ ಬಂಗಾರ ಪಾಲಿಷ್ ಮಾಡುವವರು, ಕೆಲಸ ಕೊಡಿಸುತ್ತೇನೆ ಎಂದು ಆಮಿಷ ತೋರಿಸುವವರು, ಸಿನಿಮಾದಲ್ಲಿ ಚಾನ್ಸ್ ಕೊಡಿಸುತ್ತೇನೆಂದು ಹೇಳುವ ವ್ಯಕ್ತಿಗಳು ಕಂಡು ಬಂದರೆ ನೀವು ಹತ್ತಿರದ ಪೊಲೀಸ್ ಠಾಣೆ ಅಥವಾ ಪೊಲೀಸ್ ಕಂಟ್ರೋಲ್ ರೂಂ 100ಗೆ ಕರೆ ಮಾಡಿ ತಿಳಿಸಬಹುದಾಗಿದೆ. ನಿಮ್ಮ ಹೆಸರನ್ನು ಗೌಪ್ಯವಾಗಿಡಲಾಗುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ಮಾಹಿತಿಯ ಜೊತೆಗೆ ಸ್ಥಳೀಯ ಸಮಸ್ಯೆಯ ವಿಷಯಗಳ ಕಡೆಗೆ ಗಮನಹರಿಸಿ ತಿಳಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ.

  
(ಎಸ್. ಮಹಾಪಾತ್ರ, ಐ.ಪಿ.ಎಸ್.,)

ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು.(ತರಬೇತಿ)

ಮತ್ತು ನೋಡಲ್ ಅಧಿಕಾರಿಗಳು,

ಮಕ್ಕಳ ವಿಶೇಷ ಪೊಲೀಸ್ ಘಟಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯ.

ರವರಿಗೆ:

1. ಪೊಲೀಸ್ ಆಯುಕ್ತರು ಬೆಂಗಳೂರು, ಮೈಸೂರು, ಮಂಗಳೂರು, ಹಾಗೂ ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ನಗರಗಳು.
2. ಎಲ್ಲಾ ವಲಯದ ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರುಗಳಿಗೆ.
3. ಎಲ್ಲಾ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರ ಒಳಗೊಂಡಂತೆ.
4. ಎಲ್ಲಾ ಜಿಲ್ಲೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕೆ.ಜಿ.ಎಫ್ ಸೇರಿದಂತೆ.

ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ:

1. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಅಪರಾಧ & ತಾಂತ್ರಿಕ ಸೇವೆಗಳು) ಬೆಂಗಳೂರು.
2. ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು (ಆಡಳಿತ) ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.

ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ ಅಭಿನಂದನೆಗಳೊಂದಿಗೆ:

1. ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
2. ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು ಪೊಲೀಸ್ ಮಹಾ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು.
3. ಕಾರ್ಯದರ್ಶಿಗಳು, ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.

ಪ್ರತಿಯನ್ನು ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ಅಭಿನಂದನೆಗಳೊಂದಿಗೆ:

1. ಯೋಜನಾ ನಿರ್ದೇಶಕರು, ಸರ್ವಶಿಕ್ಷಣ ಅಭಿಯಾನ, ಬೆಂಗಳೂರು.
2. ಆಯುಕ್ತರು ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.

4



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಪೊಲೀಸ್ ಇಲಾಖೆ)

No: ADGP-trg/GSPP/CIRCULAR/2015/72 ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರವರ ಕಛೇರಿ,  
ತರಬೇತಿ,  
ಕಾರ್ಲೆಟನ್ ಭವನ, ಅರಮನೆ ರಸ್ತೆ,  
ಬೆಂಗಳೂರು,  
ದಿನಾಂಕ:28.04.2015

**ಜ್ಞಾಪನ**

- ವಿಷಯ:- ಮಹಿಳೆಯರು ಮತ್ತು ಮಕ್ಕಳ ಪ್ರಕರಣಗಳ ಮಾಸಿಕ ವರದಿ ಬಗ್ಗೆ.  
ಉಲ್ಲೇಖ: 1. ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ:3/ಡಿಜಿ & ಐಜಿಪಿ/2011, ದಿನಾಂಕ:28.03.2011  
2. ಸಂ:ಡಿಜಿಪಿ/ತರಬೇತಿ/ಎಸ್‌ಜೆಪಿಯು/13/2013. ದಿನಾಂಕ:30.05.2013  
3. No:GSPP/03/COR/VOL-4/2013-2014/172, ದಿನಾಂಕ: 29.10.2014

\* \* \*


ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರತಿ ತಿಂಗಳು ಮಹಿಳೆಯರು ಮತ್ತು ಮಕ್ಕಳ ವಿರುದ್ಧ ನಡೆಯುವ ದೌರ್ಜನ್ಯ ಪ್ರಕರಣಗಳ ಮಾಸಿಕ ವರದಿಯನ್ನು ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳನ್ವಯ ನಿಗದಿತ ನಮೂನೆಯಲ್ಲಿ ಪ್ರತಿ ತಿಂಗಳು ರಾಜ್ಯ ಅಪರಾಧ ದಾಖಲಾತಿ ವಿಭಾಗಕ್ಕೆ (ಎಸ್.ಸಿ.ಆರ್.ಬಿ) ಮತ್ತು ಸದರಿ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸಬೇಕಾಗಿರುತ್ತದೆ.

ಈ ವಿಷಯವಾಗಿ ಮೇಲ್ಕಂಡ ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳಲ್ಲಿ ನಿಗದಿ ಪಡಿಸಲಾಗಿದ್ದ ಮಾಸಿಕ ವರದಿಯ ನಮೂನೆಯಲ್ಲಿ ಅಗತ್ಯ ಬದಲಾವಣೆಯನ್ನು ಮಾಡಲಾಗಿದ್ದು, ಜನವರಿ-2015 ರಿಂದ ಮಾರ್ಚ್-2015 ರವರೆಗೆ ಕ್ರೋಢಿಕೃತ ವರದಿಯನ್ನು ಈ ಕಾರ್ಯಾಲಯಕ್ಕೆ ಮೇ 10ನೇ ತಾರೀಖಿನೊಳಗೆ ತಪ್ಪದೇ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದೆ. ಹಾಗೂ ಇನ್ನು ಮುಂದೆ ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಈ ನಮೂನೆಯಲ್ಲಿಯೇ ಪ್ರತಿ ತಿಂಗಳು 5ನೇ ತಾರೀಖಿನೊಳಗೆ ಕಛೇರಿಗೆ ಕಳುಹಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ.

ಈ ಪತ್ರದೊಂದಿಗೆ ಮಾಸಿಕ ವರದಿಯ ನಮೂನೆಯನ್ನು ಲಗತ್ತಿಸಿದೆ.

ಕಛೇರಿ ಇ-ಮೇಲ್ ವಿಳಾಸ: [dgptraining@ksp.gov.in](mailto:dgptraining@ksp.gov.in)

ದೂ. ಸಂಖ್ಯೆ:080-22264311

  
ಹೆಚ್ಚುವರಿ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು,  
ತರಬೇತಿ, ಬೆಂಗಳೂರು.

ರವರಿಗೆ:

1. ಪೊಲೀಸ್ ಆಯುಕ್ತರು ಬೆಂಗಳೂರು, ಮೈಸೂರು, ಮಂಗಳೂರು, ಹುಬ್ಬಳ್ಳಿ-ಧಾರವಾಡ ಮತ್ತು ಬೆಳಗಾವಿ ನಗರ.
2. ಎಲ್ಲಾ ವಲಯದ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರುಗಳಿಗೆ.
3. ಎಲ್ಲಾ ಉಪ ಪೊಲೀಸ್ ಆಯುಕ್ತರುಗಳಿಗೆ, ಬೆಂಗಳೂರು ನಗರ ಒಳಗೊಂಡಂತೆ.  
ಎಲ್ಲಾ ಜಿಲ್ಲೆಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕೆ.ಜಿ.ಎಫ್ ಸೇರಿದಂತೆ.



**REPORT OF CASES RELATED TO CHILDREN AND WOMEN FROM \_\_\_\_\_ DISTRICT/  
COMMISSIONARATE REPORT FOR THE PERIOD OF \_\_\_\_\_ TO \_\_\_\_\_ 2015**

**A. CHILDREN IN CONFLICT WITH LAW**

S.N.	Types of Cases	Total Number of Cases	Total Number Children	FIRs Filed	FIRs not Filed (Diversion at PS /S/PU)	Produced before Juvenile Justice Board	Status of Child		Child Repeat Offence
							Observation Home	Sent with Parents	
1	2	3	4	5	6	7	8	9	10
1.	Murder (IPC 302)								
2.	Attempt to Murder (IPC 307)								
3.	Kidnapping (IPC 366 A)								
4.	Penetrative Sexual Assault (IPC 376, POCSO 4)								
5.	Aggravated Penetrative Sexual Assault (IPC 376, POCSO 6)								
6.	Sexual Assault (IPC 354, POCSO 8)								
7.	Aggravated Sexual Assault (IPC 376, POCSO 10)								
8.	Sexual Harassment (IPC , POCSO 12)								
9.	Using child for pornographic purpose (POCSO 14)								
10.	Storage of pornographic material involving child (POC-SO 15)								
11.	Abetment (POCSO 17)								
12.	Attempt to commit Offence (POCSO 18)								
13.	Theft (IPC 379)								
14.	House Theft (IPC 380)								
15.	House Theft – Day (IPC 380 & 454)								
16.	House Theft – Night (IPC 380 & 457)								
17.	Robbery (IPC 392 to 402)								
18.	Accident Death (ICP 279 & 304 A)								
19.	Other IPC Sections								
20.	Other Special & Local Laws								

B. CHILDREN IN NEED OF CARE AND PROTECTION

S.N.	Types of Cases	T o t a l Number of Cases	Number of children	FIRs Filed Against Adults	Sections Used			Produced before Child Welfare Committee	Status of Child	
					IPC	JJ Act	Special & Local Laws		Sent to Children's Home	Sent with Parents
1	2	3	4	5	6	7	8	9	10	11
1.	Unaccompanied Children									
2.	Abandoned Children									
3.	Substance Abuse									
4.	Child Labour (Hotel, Garage, Shops)									
5.	Child Labour (Domestic Work)									
6.	Child Labour (Agriculture & Related)									
7.	Child Labour (Others)									
8.	Child Marriage									
9.	Begging									
10.	Children Living on the Streets									
11.	Sexual Assault									
12.	Trafficking									
13.	Child Abuse (Physical)									
14.	Corporal Punishment									
15.	Kidnap/Elopement									
16.	Others									

**C. MISSING CHILDREN**

Sex	Age Group	Previous Untraced Cases	Cases for the Current Month	Total Number	Missing Children Traced or Rescued from						Missing Children Traced or Rescued from					Total Number Traced	Total Number Untraced	Transferred to AHTU		
					National Portal	Children in Custody (*)	Sexual Exploitation	Child Labour/ Bonded Labour	Domestic Servitude	Beggary/ Maiming	Victims of forced Marriage	Death due to Crime	Accidental Death	Death due to Other	Not Falling under categories Col.6 - 15				Came back on their Own	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
	0 - 5 yrs																			
Male	6 - 14 yrs																			
	15 - 18 yrs																			
Fe- male	0 - 5 yrs																			
	6 - 14 yrs																			
	15 - 18 yrs																			

(\*): Govt. Shelter homes, Fit Institutions (NGOs), Police Custody, Observation Home, Hospitals etc...



## D. CRIMES AGAINST WOMEN

S.N.	Types of Cases	Total Number of Cases	FIRs Filed	Referred to Women's Police Station	Referred to NGOs/ DLSA for Counseling/ Mediation	Referred to Protection Officer for protection/ help under the Protection of Women from Domestic Violence Act.
1.	Murder (For Dowry) – IPC 302 & 304 B, DP Act 3,4, & 6					
2.	Murder (Other Reasons) (IPC 302)					
3.	Abetment to Suicide (For Dowry) – IPC 306 & 304 B, DP Act 3,4, & 6					
4.	Attempt to Murder (Other Reasons) – IPC 307					
5.	Cruelty by husband or relatives of husband for dowry – IPC 498 A, DP Act 3,4, & 6					
6.	Cruelty by husband or relatives for other reasons – IPC 498 A					
7.	Voluntarily causing grievous hurt (permanent or partial damage, deformity, burns, maims, disfigures, disables) by use of acid etc. – IPC 326 A					
8.	Voluntarily throwing or attempting to throw acid – IPC 326 B					
9.	Assault or use of criminal force to women with intent to outrage her modesty - IPC 354					
10.	Sexual harassment of the nature unwelcome physical contact and advances or a demand or request for sexual favours. – IPC 354 A (1)					
11.	Sexual harassment of the nature making sexually coloured remark or forcibly showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature. – IPC 354 A (2)					

12.	Assault or use of criminal force to women with intent to disrobe or compelling her to be naked in any public place – IPC 354 B					
13.	Voyeurism – watches or captures image of a woman engaging in private act. – IPC 354 C					
14.	Stalking - IPC 354 D					
15.	Sexual Assault – IPC 376 (1)					
16.	Sexual Assault by a police officer, public servant etc. – IPC 376 (2)					
17.	Person committing an offence of sexual assault and inflicting injury which causes death or causes the person to be in a vegetative state – IPC 376 A					
18.	Sexual Assault by husband upon his wife during separation/ under any custom or useage without her consent – IPC 376 B					
19.	Sexual intercourse by a person in authority - IPC 376 C					
20.	Sexual assault by gang – IPC 376 D					
21.	Repeat offenders – IPC 376 E					
22.	Kidnapping – IPC 363					
23.	Un-natural death of women registered as per CrPC 174/176					

#### E. OTHERS

Programs	Date	Place	For Whom	Information Given
Open House Programs				
Community Outreach				
In-house Training				

# CRIMES AGAINST WOMEN AND CHILDREN

## Abbreviations

IPC	Indian Penal Code, 1860
DP Act	Dowry Prohibition Act, 1961
PWDV Act	Protection of Women from Domestic Violence Act, 2005
POCSO Act	Protection of Children from Sexual Offences Act, 2012
ITP Act	The Immoral Trafficking Prevention Act, 1956
BLS (A) Act	The Bonded Labour System (Abolition) Act, 1976
THO Act	The Transplant of Human Organs Act, 1994
CL (P&R) Act	Child Labour (Prohibition and Regulation) Act, 1986
PCM Act	Prohibition of child Marriage Act, 2006
JJ Act	The Juvenile Justice (Care And Protection of Children) Act, 2015
KPB Act	Karnataka Prohibition of Beggar Act, 1975

## CRUELTY TO MARRIED WOMAN

Law	Section	Details	Punishment	Nature of Offence		
IPC	498 A	Husband or relative of husband subjecting a married women to cruelty	Imprisonment which may extend to 3 years and with fine.	Cognizable	Non - bailable	Any Magistrate
IPC	312	Voluntarily causing a women with child to miscarry	Imprisonment which may extend to 3 years and with fine.	Non-cognizable	Bailable	Fist class Magistrate
IPC	313	Causing miscarriage without women's consent	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non - bailable	Court of Session
IPC	314	Death caused by act done with intent to cause miscarriage	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Court of Session
IPC	323	Voluntarily causing hurt	Imprisonment which may be extended upto 1 year and with fine upto Rs. 1,000	Non-cognizable	Bailbale	Any Magistrate

IPC	325	Voluntarily causing grievous hurt	Imprisonment which may be extended to 7 years and with fine.	Cognizable	Non-bailable	Any Magistrate
IPC	326	Voluntarily causing grievous hurt by dangerous weapons or means	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Fist class Magistrate
IPC	493	Cohabitation caused by a man deceitfully inducing a belief of lawful marriage	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Fist class Magistrate
IPC	495	Marrying again during lifetime of wife and concealing former marriage from person with whom subsequent marriage is contracted	Imprisonment which may be extended to 7 years or with fine or with both	Non-cognizable	Bailable	Fist class Magistrate
IPC	496	Marriage ceremony fraudulently gone through without lawful marriage	Imprisonment which may be extended to 7 years or with fine	Non-cognizable	Non-bailable	Fist class Magistrate

## DOWRY DEATH (WOMEN)

Law	Section	Details	Punishment	Nature of Offence		
IPC	304 B	Death of woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of marriage	Imprisonment of not less than 7 years but which may be extended to life.	Cognizable	Non-bailable	Court of Session
IPC	302	Murder	Death or imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session
IPC	306	Abetment of suicide	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Court of Session

IPC	307	Attempt to murder	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Court of Session
DP Act	3	Penalty for giving or taking dowry	Imprisonment for not less than 5 years and with fine not less than Rs.15,000 or the amount of the value of such dowry	Cognizable	Non-bailable	Fist class Magistrate
DP Act	4	Penalty for demanding dowry	Imprisonment for not less than 6 months which may be extended upto 2 years and with fine upto Rs. 10,000	Non-cognizable	Bailable	Any Magistrate
DP Act	6	Penalty for not transferring dowry/ property for the benefit of the wife or her heirs	Imprisonment for not less than 6 months which may be extended upto 2 years and with fine upto Rs. 10,000	Non-cognizable	Bailable	Any Magistrate

## DOMESTIC VIOLENCE (WOMEN)

Aggrieved Person (victim)

Respondent (accused)

Law	Section	Details	Punishment	Nature of Offence
PWDV Act	18	Protection Orders	Magistrate may pass orders in favor of the aggrieved person, directing the respondent from: a)Committing any act of violence b)Entering the place of employment or any other place frequented by the aggrieved person c)Attempting to communicate in any form d)Alienating any assts, bank accounts etc jointly enjoyed by both parties	



PWDV Act	19	Residence Orders	Magistrate may, on being satisfied that domestic violence has taken place pass an order: a) Restraining the respondent from dispossessing of possessions of the aggrieved person from shared household b) Directing the respondent to remove himself from the shared household c) Directing the respondent to set up alternate accommodation for the aggrieved person.
PWDV Act	20	Monetary Reliefs	Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person – (a) loss of earnings (b) destruction, damage or removal of property (c) maintenance
PWDV Act	21	Custody Orders	Notwithstanding anything contained in any other law the Magistrate may grant temporary custody of any child or children to the aggrieved person
PWDV Act	22	Compensation Orders	Magistrate may pass orders directing the respondent to pay compensation and damages for injuries (mental torture and emotional distress) caused
PWDV Act	23	Interim and Ex parte Orders	Magistrate may pass interim orders and if satisfied with the respondent has committed or is likely to commit an act of domestic violence can pass ex parte orders in the absence of the respondent.

## ACID ATTACK

Law	Section	Details	Punishment	Nature of Offence		
IPC	326 A	Voluntarily causing grievous hurt (permanent or partial damage, deformity, burns, maims, disfigures, disables) by use of acid etc.	Imprisonment for not less than 10 years but which may be extended to imprisonment for life and fine of 10 lakh rupees	Cognizable	Non-bailable	Court of Session
IPC	326 B	Voluntarily throwing or attempting to throw acid	Imprisonment for five years but which may extend to seven years and fine	Cognizable	Non-bailable	Court of Sessions

## SEXUAL OFFENCES - WOMEN & CHILDREN

Law	Section	Details	Punishment	Nature of Offence		
IPC	354	Assault or use of criminal force to women with intent to outrage her modesty	Imprisonment of 1 year which may be extended to 5 years, and with fine	Cognizable	Non-bailable	Any Magistrate
IPC	354 A (1)	Sexual harassment of the nature unwelcome physical contact and advances or a demand or request for sexual favours.	Imprisonment which may be extended to 5 years or with fine or with both	Cognizable	Non-bailable	any Magistrate
IPC	354 A (2)	Sexual harassment of the nature making sexually coloured remark or forcibly showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.	Imprisonment which may extend to 1 year or with fine or with both.	Non-cognizable	Bailable	Any Magistrate
IPC	354 B	Assault or use of criminal force to women with intent to disrobe or compelling her to be naked in any public place	Imprisonment of not less than 3 years but which may be extended to 7 years and with fine.	Cognizable	Non-bailable	Any Magistrate
IPC	354 C	Voyeurism – watches or captures image of a woman engaging in private act.	Imprisonment of not less than 1 year but which may extend to 3 years and with fine for first conviction. Imprisonment of not less than 3 years by which may extend to 7 years and with fine for second or subsequent conviction.	Non-cognizable Cognizable	Bailable Non-bailable	Any Magistrate Any Magistrate

IPC	354 D	Stalking	Imprisonment for a term not less than 1 year but which may extend to 3 years and with fine	cognizable	Non-Bailable	Any Magistrate
IPC	376 (1)	Sexual Assault	Rigorous imprisonment of not less than 7 years but which may be extended to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	376 (2)	Sexual assault by a * Police officer * Public servant * Member of armed forces * Person being on the management of on the staff of a jail * Remand home or other place of custody * Women's/ children's institution * Person on the management or on the staff of a hospital * Person in a position of trust or authority towards the person assaulted * Near relative of the person assaulted	Rigorous imprisonment of not less than 10 years but which may be extended to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Sessions

IPC	376 A	Person committing an offence of sexual assault and inflict injury which causes death of causes the person to be in a vegetative state.	Rigorous imprisonment of not less than 20 years but which may extent to imprisonment for life which shall mean the remainder of that person's life or with death.	Cognizable	Non-bailable	Court of Sessions
IPC	376 B	Sexual assault by husband upon his wife during * Separation * Under any custom or usage without her consent	Imprisonment for not less than 2 years but which may extend to 7 years and with fine	Cognizable (but only on the complaint of the victim)	Non-bailable	Court of Sessions
IPC	376 C	Sexual intercourse by a person in authority	Rigorous imprisonment for not less than 5 years but which may extend to 10 years and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	376 D	Sexual assault by gang	Rigorous imprisonment for not less than 20 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and compensation to the victim.	Cognizable	Non-bailable	Court of Sessions
IPC	376 E	Repeat offenders	Imprisonment for life which shall mean the remainder of that persons natural life or with death	Cognizable	Non-bailable	Court of Sessions

POCSO Act	4	Penetrative sexual assault	Imprisonment for not less than 7 years which may be extended to life and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	6	Aggravated penetrative sexual assault	Imprisonment for not less than 10 years which may be extended to life and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	8	Sexual assault	Imprisonment for not less than 3 years which may be extended to 5 years and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	10	Aggravated sexual assault	Imprisonment for not less than 5 years which may be extended to 7 years and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	12	Sexual Harassment	Imprisonment for a term which extend to 3 years and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	14	Using child for pornographic purposes	Imprisonment for a term which extend to 5 years and also liable to fine	Cognizable	Non-bailable	Special Court
POCSO Act	15	Storage of pornographic material involving child	Imprisonment for a term which extend to 3 years and also liable to fine	Cognizable	Non-bailable	Special Court



POCSO Act	17	Abetment (1) Instigates (2) Conspires for doing of that offence (3) intentionally aids by act or illegal omission	Imprisonment for one-half of imprisonment for life or one-half of the longest term of imprisonment provided for that offence or with fine	Non-cognizable	Bailable	Special Court
POCSO Act	18	Attempt to commit offence, cause such an offence to be committed, does any act towards commission of the offence		Non-cognizable	Bailable	Special Court

## TRAFFICKING (WOMEN & CHILDREN)

Law	Section	Details	Punishment	Nature of Offence		
IPC	366	Kidnapping, abducting or inducing a women to compel her marriage, etc.	Imprisonment of either description for a term which may extend to ten years and fine	Cognizable	Non-bailable	Court of Sessions
IPC	366 A	Procuration of a minor girl	Imprisonment which may be extended to ten years and fine	Cognizable	Non-bailable	Court of Sessions
IPC	366 B	Importation of a girl from a foreign country	Imprisonment which may be extended to ten years and fine	Cognizable	Non-bailable	Court of Sessions
IPC	367	Kidnapping or abduction in order to subject a person to grievous hurt, slavery	Imprisonment of either description for a term which may extend to ten years and fine	Cognizable	Non-bailable	Court of Sessions

IPC	370 (1) (2)	<p>Trafficking of person</p> <p>(a) Recruits (b) Transports (c) Harbours (d) Transfers (e) Receives</p> <p>By using :</p> <ul style="list-style-type: none"> <li>* Threats</li> <li>* Force or any other form of coercion</li> <li>* Abduction</li> <li>* Practicing fraud or deception</li> <li>* Abuse of power</li> <li>* Inducements – giving or receiving or payments/benefits to achieve consent of person having control over the person trafficked.</li> </ul>	Imprisonment of not less than 7 years but which may extend to 10 years and with fine.	Cognizable	Non-bailable	Court of Sessions
IPC	370 (3)	Trafficking of more than one person	Imprisonment of not less than ten years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	370 (4)	Trafficking of minor	Imprisonment of not less than 10 years but which may extend to imprisonment for life.	Cognizable	Non-bailable	Court of Sessions
IPC	370 (5)	Trafficking of more than one minor	Imprisonment of not less than 14 years but which may extend to imprisonment for life.	Cognizable	Non-bailable	Court of Sessions

IPC	370 (6)	Public servant or a police officer involved in trafficking of minor	Imprisonment for life which shall mean the remainder of that person's natural life.	Cognizable	Non-bailable	Court of Sessions
IPC	370 (7)	Person convicted of offence of trafficking of minor on more than one occasion	Imprisonment for life which shall mean the remainder of that person's natural life.	Cognizable	Non-bailable	Court of Sessions
IPC	370 A (1)	Employing of a trafficked child	Imprisonment of not less than 5 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	370 A (2)	Employing of a trafficked adult person	Imprisonment of not less than 3 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	372	Selling a minor for purpose of prostitution	Imprisonment of either description for a term which may extend to ten years and fine	Cognizable	Non-bailable	Court of Sessions
IPC	373	Buying a minor for purpose or prostitution etc.	Imprisonment of either description for a term which may extend to ten years and fine	Cognizable	Non-bailable	Court of Sessions
ITP Act	3 (1)	Keeps or manages or acts or assists in keeping or managing a brothel	First time - Rigorous imprisonment for a term not less than 1 year and not more than 3 years and fine Second & Subsequent - Rigorous imprisonment for a term not less than 2 years and not more than 5 years and fine	Cognizable	Non-bailable	Court of Sessions

ITP Act	3 (2) A	Being tenant, lessee or occupier allows premises to be used as brothel Second & Subsequent - Rigorous imprisonment for a term which may extend to 5 years and fine	First time – Imprisonment for a term which may extend to 2 years and fine	Cognizable	Non-bailable	Court of Sessions
ITP Act	3 (2) B	Being owner, lessor or landlord allows premises to be used as brothel	First time – Imprisonment for a term which may extend to 2 years and fine Second & Subsequent - Rigorous imprisonment for a term which may extend to 5 years and fine	Cognizable	Non-bailable	Court of Sessions
ITP Act	4	Living on the earning of prostitution	Imprisonment for a term which may extend to 2 years or fine which may extend to Rs. 1000/- or both.	Non-cognizable	Bailable	Court of Sessions

ITP Act	5	Procuring, inducing or taking a person for the sake of prostitution	Adult - Rigorous imprisonment for a term not less than 3 years and not more than 7 years and fine Adult (against the will of the person) - Rigorous imprisonment upto 14 years Minor - Rigorous imprisonment for a term not less than 7 years and not more than 14 years Child - Rigorous imprisonment for a term not less than 7 years which may extend to life	Cognizable	Non-bailable	Court of Sessions
ITP Act	6	Detaining a person in premises where prostitution is carried on	Imprisonment for a term not less than 7 years which may extend to life and fine	Cognizable	Non-bailable	Court of Sessions
ITP Act	7 (1)	Prostitution in or in the vicinity of public places (Prostitute or Customer)	Imprisonment for a term which may extend to 3 months	Non-cognizable	Bailable	Court of Sessions
ITP Act	7 (1) A	Prostitution of a minor in or in the vicinity of public places (Prostitute or Customer)	Imprisonment for a term not less than 7 years which may extend to life and fine	Cognizable	Non-bailable	Court of Sessions
ITP Act	7 (2)	Prostitution in or in the vicinity of public places (Keeper, Owner or Landlord)	First time – Imprisonment for a term which may extend to 3 months or fine or both Second & Subsequent - Imprisonment for a term which may extend to 6 months and fine	Non-cognizable	Bailable	Court of Sessions



ITP Act	9	Seduction of a person on custody	Imprisonment for a term not less than 7 years which may extend to life and fine	Cognizable	Non-bailable	Court of Sessions
BLS (A) Act	16	Punishment for enforcement of bonded labour	Imprisonment for a term, which may extend to three years and also with fine, which may extend to two thousand rupees.	Cognizable	Non-bailable	Executive Magistrate
BLS (A) Act	17	Punishment for advancement of bonded debt	Imprisonment for a term, which may extend to three years and also with fine which may extend to two thousand rupees.	Cognizable	Non-bailable	Executive Magistrate
BLS (A) Act	18	Punishment for extracting bonded labour under the bonded labour system	Imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees	Cognizable	Non-bailable	Executive Magistrate
BLS (A) Act	19	Punishment for omission or failure to restore possession of property to bonded labourers.	Imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.	Cognizable	Non-bailable	Executive Magistrate
BLS (A) Act	20	Abetment to be an offence	Punishable with the same punishment as is provided for the offence	Cognizable	Non-bailable	Executive Magistrate

THO Act	18 (1)	Punishment for removal of human organ without authority	Imprisonment for a term which may extend to 5 years and fine	Cognizable	Non-bailable	Metropolitan Magistrate or Judicial Magistrate of the first class
THO Act	18 (2)	Punishment for removal of human organ with authority if a Medical Practitioner	his name shall be reported by the Appropriate Authority to the respective State Medical Council for taking necessary action including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.	Cognizable	Non-bailable	
THO Act	19	Punishment for commercial dealings in human organs	imprisonment for a term which shall not be less than two years but which may extend to seven years and fine	Cognizable	Non-bailable	
THO Act	20	Punishment for contravention of any other provision of this Act.	imprisonment for a term which may extend to three years or fine	Non-cognizable	Bailable	

## CHILD ABANDONMENT

Law	Section	Details	Punishment	Nature of Offence		
IPC	315	Act done with intent to prevent children being born alive or to cause it to die after birth	Imprisonment which may be extended to 10 years and with fine	Cognizable	Non-bailable	Court of Sessions
IPC	317	Exposure or abandonment of child under 12 years, by parent or person having care of it	Imprisonment which may be extended to 7 years and with fine or both	Cognizable	bailable	Fist class Magistrate
IPC	318	Concealment of birth by secret disposal of dead body	Imprisonment which may be extended to 2 years and with fine or both	cognizable	Bailable	Fist class Magistrate

## CHILD MARRIAGE

Law	Section	Details	Punishment	Nature of Offence		
PCM Act	9	Male adult marrying a child	Rigorous imprisonment which may be extended to 2 years or with fine which may be extended to Rs. 1 lakh or both	Cognizable	Non-bailable	Court of Sessions
PCM At	10	Whoever performs, conducts, directs or abets child marriage	Rigorous imprisonment which may be extended to 2 years or with fine which may be extended to Rs. 1 lakh	Cognizable	Non-bailable	Court of Sessions
PCM Act	11	Whoever parent/guardian/custodian of the children promotes or permits solemnization of child marriage	Rigorous imprisonment which may be extended to 2 years or with fine which may be extended to Rs. 1 lakh	Cognizable	Non-bailable	Court of Sessions

## CHILD LABOUR

Law	Section	Details	Punishment	Nature of Offence		
CL(P&R) Act	14	Whoever employs any child or permits any child to work Sec 3. No child (a person who has not completed 14 years of age) shall be employed or permitted to work in any of the occupations set forth in Part 'A' or in any workshop wherein any of the processes set forth in Part 'B' of the Schedule is carried on.	Imprisonment for not less than 3 months which may be extended to 1 year or with fine which shall be not less than Rs. 10 thousand which may be extended to Rs. 20 Thousand or both.			Labour Court Or Executive Magistrate
IPC	374	Unlawfully compels any person to labour against the will of that person	Imprisonment for a term which may be extended to 1 year, or with fine, or both	Cognizable	Bailable	Any Magistrate
JJ Act	26	Whoever ostensibly procures a child for the purpose of any hazardous employment, keeps him in bondage and withholds his earnings	Imprisonment for a term which may be extended to 3 years, and also liable to fine	Cognizable	Non Bailable	Any Magistrate

## CHILD BEGGING

Law	Section	Details	Punishment	Nature of Offence		
IPC	363 A	Whoever kidnaps any minor or obtains custody of minor that such minor may be employed or used for the purpose of begging	Imprisonment for a term which may be extended to 10 years, and also liable to fine	Cognizable	Non Bailable	Fist class Magistrate
	(1)	Whoever maims any minor in orders that such minor may be employed or used for the purpose of begging	Imprisonment for life and also liable to fine			
	363 A (2)	Whoever maims any minor in orders that such minor may be employed or used for the purpose of begging	Unless contrary is proved, it shall be presumed that he kidnapped the minor or obtained the custody of the minor for the purpose of begging.			
	363 A (3)	Wherever any person not being the lawful guardian of a minor, employs or uses such minor for the purpose of begging				
KPB Act	12	Prohibits begging	Imprisonment for a term which may be extended to 3 year, and also liable to fine			Executive Magistrate



## CHILD PROTECTION

Law	Section	Details	Punishment	Nature of Offence		
JJ Act	74	No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding child in conflict with law or child in need of care and protection Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed.	Imprisonment for a term which may be extended to 6 months, or fine of Rs. 1 lakh which may be extended to Rs. 2 lakhs or both	Non cognizable	Bailable	Any Magistrate
JJ Act	75	(a) Whoever, having the actual charge of or control over a child, assaults, abandons, abuses, exposes or willfully neglects the child or procures the to be assaulted, abandoned, abused, exposed or neglected in the manner likely to cause such child unnecessary mental or physical suffering.	Imprisonment for a term which may be extended to three years or fine of one lakh rupees or both	Cognizable	Non-Bailable	Magistrate of First Class

		(b) If such offence is committed by any person employed by or managing an organization, which is entrusted with care and protection of the child	Rigorous imprisonment which may extended up to five years and fine extended to five lakhs	Cognizable	Non-Bailable	Magistrate of First Class
		(c) On account of foresaid cruelty if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person	Rigorous imprisonment not less than three years which may be extended upto ten years or liable to fine of five lakhs rupees	Cognizable	Non-Bailable	Children's Court
JJ Act	76	(1) Whoever employs or uses any child for the purpose of begging or causes any child to beg  (a) For the purpose of begging, the person amputates or maims the child,  (2) Whoever having the actual charge of or control over the child, abets the commission of an offence under sub-section(1)	Imprisonment for term which may extended to five years and fine of one lakh rupees.  Rigorous imprisonment for a term less than seven years which extended up to ten years and fine of five lakhs  Imprisonment for term which may extend to five years and fine of one lakh rupees.	Cognizable  Cognizable  Cognizable	Non-bailable  Non-bailable  Non-bailable	Magistrate of First Class  Children's Court  Magistrate of First Class

JJ Act	77	Giving intoxicating liquor or narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner	Rigorous Imprisonment for a term which may be extend to seven years and also liable to fine of one lakh rupees	Cognizable	Non-bailable	Magistrate of First Class
JJ Act	78	Whoever uses a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance	Rigorous Imprisonment for term which may extend to seven years and fine up to one lakh rupees	Cognizable	Non-bailable	Magistrate of First Class
JJ Act	79	Whoever, ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for the own purposes	Rigorous Imprisonment for term which may extended to five years and fine of one lakh rupees	Cognizable	Non-bailable	Magistrate of First Class
JJ Act	80	If any person or organization offers or gives or receives, any orphan, abandoned or surrendered child for the purpose of adoption without following the provisons or procedures as provided in this act,	Imprisonment which may extend upto three years or fine one lakh rupees or both	Non-cognizable	Bailable	Any Magistrate

JJ Act	81	Any person who sells or buys a child for any purpose  If offence is committed by a person having actual charge of the child, including employees of hospital, nursing home, maternity home.	Rigorous imprisonment term which extend to five years and fine of one lakhs rupees  Imprisonment shall not be less than three years and extend up to seven years	Non-Cognizable  Non-Cognizable	Non-Bailable  Non-Bailable	Magistrate of First Class  Magistrate of First Class
JJ Act	82(1)	Any person incharge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child.	First Conviction – Fine of Ten thousand rupees and Subsequent offence- Imprisonment which may extend to three months or fine or both	Non-cognizable	Bailable	Any Magistrate
JJ Act	82(2)	If person employed in an institution referred in Sub-section(1), is convicted of an offence under that sub section	For dismissal from service, and shall be debarred from working directly with children thereafter			
JJ Act	83(3)	Where any corporal punishment is reported in an institution and the management of such institution does not cooperate with any inquiry or comply with the orders of the committee or board or court or state government, the person in charge of the management of the institution.	Imprisonment for a term not less than three years and shall also be fine which may extend to one lakh rupees	Non-cognizable	Bailable	Any Magistrate

JJ Act	83(1)	Any non-State, self-styled militant group or outfit declared as such by the Central Government, if recruits or uses any child for any purpose.	Rigorous Imprisonment for a term which may extend to Seven years and shall also be liable to fine of five lakh rupees	Non-cognizable	Non-Bailable	Children's Court
	83(2)	Any adult or an adult group uses children for illegal activities either individually or as a gang.	Rigorous Imprisonment for a term may extend to seven years and shall also be liable to fine of five lakh rupees	Non-Cognizable	Non-bailable	Magistrate of First Class
JJ Act	84	For the purpose of this act, the provisions of sections 359 to 369 IPC, shall mutandis apply to a child or a minor who is under the age of eighteen years and all provisions shall be construed accordingly	IPC	IPC		
JJ Act	85	Whoever commits any offences referred to in this act on any child who is disable as so certified by a medical practitioner, then, such person	shall be liable to twice the penalty provided for such offence			
JJ Act	87	Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment.	Punishment as provided for the offence abetted.			