

DH- District Head; **DHD/DD-**District Head Doctor; **DPH-**District Police Head; **CBCE-**Central Body for Crime Elimination; **DJD-** District Justice Deliverer; sample collection as evidence (SAE);

Draft Law against Rape

Note : The provisions contained herein can be added to the present Laws

1. Law Reference: LAWS/Anti Rape/India/All regions/Date of approval by Government/Updated...../No.....

2. Objectives of the law/Act

2.1 To reduce and eliminate the cases of rape on women and children

2.2 To convey a message through fast judgement and punishment to the culprit that Government is active and no crime is tolerable

2.3 To identify the culprit by adopting all means, including designated scientific procedures and means, knowledge of social attributes and human behaviour.

3. Definition of rape.....(may be picked from existing laws and medical experts)

4. Rules

- I. No one is above the necessity of delivering justice and assuming Justice as the order of Goddess of Justice, no one's personal ego, sentiments, energy deficit, intention deficit should appear as a cause of obstruction in the way of formulation of justice.
- II. All records with DH, DHD, DPH, CBCE must be computer based from FCR/CRAG till medical examination till DPH investigations etc with backup on centralized server not editable by DH, DHD, DPH once data is fed
- III. Under 'No circumstances' FCR should be with investigation agency i.e. DPH. If it is permitted DPH would tend to 'write off' the crime right at the beginning by not entertaining FCR to avoid botheration of investigations and also likely emergence of 'bad name' due to crime. The direct man to man link of DPH with public (which includes SNF also) as noted in..... would also warrant that DPH should be delinked from FCR.
- IV. The biological identification of the culprit using well established and validated tests and procedures, and verification with real person shall be sufficient to pronounce guilty.
- V. Victim is the worst loser in the case and the whole process of justice must be aimed at getting her due justice and feel of compensation by punishing the culprit at earliest. It would be the only duty of Government organs including DJD. All samples SAE-victim, SAE-site and SFA must be created in her witness and sealed under her finger prints.
- VI. All SAE and SFA received by Hospital and Laboratory should be checked for proper seal by Hospital and Forensic Laboratory
- VII. The Government must officially announce and make public the regions which are identified as independent domain for handling the crimes. As the state normally is

divided into districts and the administrative organizations is modelled for district level, the unit-Region DUR (District as Unit Region), for crime control and prevention is considered as a 'district'.

A district would be the Unit-region for implementation of Act and District level officers associated with control and prevention of crime shall be accountable for failures of the provisions. There are designated Government people posted at the district level. Let us take it as DH- District Head as head of such organization. Let us take DPH- District Police as head of the police organization in a district. This is the basic model of government organization in a district to deal with crime.

VIII.

5. Government constituents relevant in the delivery of justice in resolving the cases of rape, defined for a region, (a district already designated by the Government is taken as a region in this case):

Accountability domain: 5.1-District Head- DH. The head of Civil administration

- I. Creation of freely all time accessible FCR, First Crime Report, centres as per procedure for lodging FCR as per procedure-DH1, without human interface,

Procedure DH1: The FCR (FIR) shall be lodged with DH in a manner that the reporting is freely accessible, with no human interface. There will be an office in the DH office itself having a computer, electronic writing pad, voice and video recorder. The reporting of crime may be written (on the electronic pad) getting saved in its real form, or recorded in voice/ video narrating the complaint and crime. A female assistant may provide help only if required by victim. The video recording would be automatic in a manner that DH is in a position to certify any details if needed later. Local language would be always the first language for FCR and any recording which can be translated by DH but preserving the original invariably.

By submitting complaint, it would go to (i) DH central district server with no interference by any human or software interface and designated authority of district for medical examinations, let us name it DHD-District Head Doctor.

Additional centres should be on the basis of one centre per two kilometre square area to be established. It should be located in secured area and security ensured by DH. Computer interface should be available for permanent record regarding visit of victim, report lodged- may be written or verbal, transmission of the report within 5 seconds to DH by computer interface with relay of SMS on its mobile phone. The centre may be manned with female assistants who may get the verbal complaint converted to language write up for documentation, but complaint lodging area shall be 10ftx10ft, enclosed, door closed when lodging FCR, free of anybody except mother, sister and if they are not available- any female help of her choice.

- II. On getting an alert of an FCR report, the DH would assign the responsibility of contacting the victim to its designated officials, in case of rape invariably lady, within one hour after the report. Ideally if the reporting system is working properly and DH is alert and positive, the DH or designated official, representative of DH (RDH) should be able to meet the victim in the DH office itself. Such management would be the responsibility of DH and any failure in contacting the victim within one hour shall give a minus rating to DH. The RHD shall hand over written confirmation through computer printout duly signed to the victim that its complaint has been received. If this is not done within one hour, minus rating of DH shall be registered. The reporting shall be such that name of culprit, accused, criminal shall remain hidden to DH (and RDH) till medical examination is done.
- III. It will be the responsibility of DH to be able to identify each individual of the district in terms of their identification number, face, address and finger print. DH should be able to identify the victim within one hour of reporting (if belongs to same district) however, keeping the same confidential shall be the responsibility of DH. A alert would go to DH whenever a complaint is lodged and DH would within one hour advise DHD to conduct medical examination under standard procedure-.....
- IV. The FCR reporting would include SMS and MMS messages on official phone, Mail messages or on any accessible computer based widely notified domain of DH reporting by the victim or others, on the official mail box of DH through any E-mail quoting the identification number (defined by DH) and photo. It would be the responsibility of DH to keep the identification confidential.
- V. The victim shall register on the computer in DH office, in FCR office, and the procedure should be adequately displayed on wall/ posters on wall in a manner that victim herself can follow the guiding instructions and do it independently. If she asks for, a female assistant would be available to assist her. The computer shall capture her photo on three angles and her finger prints of all fingers of one hand at least. These will be printed on the FCR generated by computer.
- VI. FCR numbering shall be done by computer and two FCR would never have same number. The FCR would include video recording of victim's statement, her written statement or prepared by the female assistant with her finger prints and photo. It will be scanned on the spot if on paper, and fed to the computer. A copy of FCR shall be handed over to victim. However, for any communication (like to DHD) the photograph and address would not be printed and FCR number shall be the reference. If victim is not able to write or feed into computer, the female assistant would do it maintaining the responsibility that it would not differ from video recording contents.
- VII. Computer would generate nine paper seals with FCR number reference and finger print of the victim, five for DHD to seal SAE1,2,3,4,5 for the hospital and four to seal SAE-copy for DH office. The procedure and the software shall be developed by CBCE.
- VIII. Time of FCR, time of reporting to DHD, time of victim leaving DH office for medical, time of arrival at hospital and time of completion of medical examination must be recorded and monitored by DH.
- IX. Conducting medical on victim within 2 hrs, if FCR lodged in DH office and 12 hrs if FCR registered through SMS/MMS after FCR is the responsibility of DH. DH should develop suitable procedure and means alongwith DHD to be in a position to reach

the victim within 12hrs, if FCR has been lodged through message or mail alongwith all facilities in mobile van for conducting medical and creation of SAE1, SA2, SAE3, SAE4, SAE5. In such case the site shall be locked and sealed by DH so that there is no possibility of anybody entering before DPH starts investigations and the room shall be opened by DPH under advice to DH.

- X. If victim has not reached the DH office, the medical shall be done by reaching the place where victim is. In high hills etc even helicopter may be demanded from State Government as an alternative mentioning objectives and deadlines stipulated in the Act.
- XI. **Procedure DHD1** shall be incorporated made by CBCE with Medical experts together. All possible and relevant points must be included and DH and DHD would comply to all without any exception.
- XII. Arranging medical examination and sample collection as evidence (SAE) as per procedure-DHD1 within 2 hours/ 12 hrs of reporting. The confidentiality regarding name of victim or accused if she has stated shall be the responsibility of DH.
- XIII. For samples to be sent away for testing, the computer shall generate name, address and other details in bar code or other ABC...123 form which cannot be understood by the persons conducting tests on the samples in a manner that victim's name becomes known.
- XIV. For sample to be preserved in DH/ CBSE, both code as above and the name, address, identification details would be written. The name, address, identification details would only be written on samples by DHD after the medical and verified/ stamped by DH.
- XV. Transportation of the samples to the designated hospitals as per procedure-DH4 for identification of biological details of assaulter including DNA

Procedure DH4:

- (i) DH would arrange to send these samples to national level hospital. There shall be at least 10 national level hospitals for further analysis nominated by the, CBCE, spread over the country. There will be a unit controlled by central government with having transportation facilities to nearest airport. This unit shall be responsible to send these samples to National level hospital at least 500 km. away from district and invariably out of the state and region in which district exists.
 - (ii) The samples should reach the hospital within 24-36 hrs.
The name and details of the hospital shall be kept confidential by CBCE.
 - (iii) Till the samples are despatched to National level designated hospital duly sealed and SAE-copy is preserved sealed and locked, No information is to be shared by DH with DPH. DH shall be responsible for any breach of confidentiality in this regard.
- XVI. Safe custody of one sample as evidence as per procedure-DH5, confidentially, in a manner that its biological characteristics do no change.
 - XVII. The DPH in 2 hrs will take statement of the victim if anything in addition to FCR is to be added/stated, which should be video recorded. Victim should be asked to mention whatever she can tell about the assaulter/ accused. She would mention to the minimum, name, address, previous interactions with the accused, reference of

- previous complains pertaining to accused, his conduct in the society with incidents whatever she remembers. She should be asked to mention any specific identity marks or personal features of the accused, like complexion, height, built, face characteristics, moustache, beard, colour of eyes, hairs size, style, face complexion lips, teeth, mark on the face, ears etc.
- XVIII. The above details to be asked and recorded even if she does not know the assaulter and she may mention whatever she can recollect.
- XIX.
- XX. Preparation of the sketch using best means of assaulter based upon the feed back of the victim providing cooperation and furnishing details whatever known to the victim alongwith. This stage should be reached by DH within 24 hrs after reporting of crime by the victim. Before this stage, confidentiality of all actions, even from DPH, shall be the responsibility of DH. After securing the SAE and SAE-copy, DH with develop sketch of the accused using scientific procedures and computer with the help of experts and in the presence of victim. The sketch shall be developed on the computer with proper software and collection of face parts/organs. Use of computer would make the process faster, accurate and even the victim, if knowledgeable and intelligent, can pick up different face parts/organs to make it faster and accurate. When the DH feels like the sketch being enough to catch the accused and also when victim feels like the sketch being largely complete, it would be saved. With saving instructions, computer would transfer the FCR and details of SAE+SAE-copy, and the sketch to the central server in DH office and to CBCE data base. If the above two conditions do not coincide then two images can be saved corresponding to DH point of view and victim point of view. Sketch of all the accused, if more than one, shall be prepared likewise. The final submission of sketch with consent of victim, should be video recorded. The sketch shall be handed over to DPH by DH.
- XXI.
- XXII. Identification details of each native of district must be available with DH including, OIG, MMG. DH can device suitable methodology for acquiring this but to the minimum face photograph (three views), Full length photograph(three views), physical details, biological details, blood group, DNA(some more time may be permitted for this),
- XXIII. (A) Wide publicity of actions by women being attacked: Actions by **DH (General)-1**. Publicity widely throughout the district that in case of a rape attempted on a women on girl or child, she (they) would do the following in addition to their extreme urge to save themselves from the rape. Not only this, many cases occur in which the criminal kills the victim and victim is the only person living or otherwise, who can best help the Government crime prevention system to get due punishment to the criminal.
- a. She (victim) would penetrate her nails into assaulters body as much as possible and scratch his body whatever way and where ever it is possible. She would try to get as much as possible of his blood, skin tissues on and inside the nails.
 - b. She (victim) would rub the nails after scratching assaulters body with her clothes at many places so that his blood samples and body tissues gets stuck with the clothes. More the number of such places, more difficult would be for the assaulter to erase these evidences.
 - c. She would hit on the eye of the assaulter with full force by fist and putting finger into his eyes.

- d. She would hit the sex organ of the assaulter with full force.
- e. She would cut into the skin of assaulter with teethes as deep as possible and try to take out flesh. If so she should rub teethes with her clothes or spit it around specially on objects like cotton patti of Charpai (village bed), mattress foam, cotton Gadda, where the spit would get absorbed and the object is heavy and bulky which can not be taken away by the assaulter
- f. The victim should uproot as many as possible, hairs from the skull or from the body of the assaulter and keep it or throw scattered at site.
- g. If site is enclosed space like room etc, the victim must lock it before leaving for reporting to DH or if waiting for medical team to arrive at site, then either keep it locked from inside till the team arrives, or lock it from outside and take shelter in other house of reliable relation. If there are more rooms in the house, the victim must lock the room where incident occurred, and take shelter in other rooms.
- h. The victim must not change her dress and clothing and should not dress up any injury caused by assaulter unless serious.
- i. The victim must preserve immediately after the incident, any object which the assaulter touched or taken grip of in his hands.
- j. The victim must shout 'name of the assaulter' alongwith call for help as loud as possible. She should do it as soon as the assaulter start attempting on the rape and should not wait for climax. If name of assaulter is not known, the victim should shout anything which can help in identifying the assaulter like 'Kane Admi se Bachao'(if he has defective eye), or '..(name of caste)..se bachao' etc

(B) Advise DHD to advise further all doctors to keep note on anyone visiting them for treatment of scratches on the body, teeth cut marks/ injury, injury or deep injury if the victim has caused it by teethes. If so the doctors should intimate the DPH and DH.

(C) After preserving packets of samples SAE-copy with DH which nobody can open except the DJD-the judge in the court and sample sent to hospital designated and far away, DH will inform DPH to take over the case. FCR and sketch of the accused shall be handed over to DPH by DH.

5.2 Accountability domain: (Head)District Doctor

- I. Arranging medical examination in designated hospitals as per procedure DHD1 for securing samples as evidence.
- II. Procedure DHD1 to be created by CBCE using Medical Experts
- III. Confidentiality about the victim or the assaulter even if it is conveyed by DH by mistake must be maintained
- IV. The collection of Samples as Evidence SAE shall be completed within 60 minutes after the victim reached the hospital
- V. The samples shall be stored in small containers, only the size which is required. and handing over to DH duly sealed

- VI. The original clothing of the victim alongwith stains of blood and body tissues of the assaulter/ criminal should be preserved in a lockable container and sealed by DHD and DH. These will be SAE2

5.3 District Police Head- DPH

Accountability domain: (i) Locating, finding out the accused as early as possible and keep in home custody.

(ii) Matching the details and sketch prepared by the victim in the office of DH and the person arrested. It should be done by personal judgement and computer based procedure both. Positive result of any-one shall be considered. Procedure DPH1

(iii) Checking past actions by accused against the victim and its whereabouts when the crime was committed.

(iv) Arrest the accused if findings of (ii) and (iii) are suggestive. If the accused has not been traced, it should be declared deemed to have been arrested and intimation to be relayed to all DPH and CBCE. If accused has not been arrested, details to be transmitted to all DPH and CBCE for making public everywhere to trace the accused. Procedure DPH2. This stage should be reached in five days from the day information passed on by DH.

(v) Interrogation, investigations, checking social or anti-social attributes and background of accused, details from locality, finding out associates and weapons

(vi) Forensic investigations and tests at the site of crime. This must be done by a team of other state or region not under the control of DPH of that region. CBCE to coordinate and decide. Procedure DPH-2A

(vi) Social or anti-social background with such details, past history of crimes must be available with DPH of each native of the district as its responsibility. It would be desirable that details of all natives is placed on public domain accessible by all.

(vii) Preparing the case against the culprit. This must be presented to the court on 11th day after the crime irrespective of the culprit having arrested or not, the investigations completed or not. DPH would ask for one to five more days from the District Justice Deliverer DJD (Judge) for collecting details mentioning specifically. The DJD would also instruct DPH for collecting details which he feels necessary for deciding the case simultaneously.

(vii) Submitting all details on 16th day to DJD by DPH irrespective of whatever collected or whatever not.

2. The DPH shall specifically take confirmation from DH that the procedures have been completed as specified in DH and DHD interface, Phase-I.

3. The DPH will save the statement of victim on computer and a copy shall automatically be transmitted to the central server of DH in a manner that it cannot be tempered/ edited.

5. With the face sketch, the complete body profile of assaulter shall be developed by DPH taking details from victim. It will be transformed into a sketch of full body. DPH would also prepare sketch of complete body profile of any other associate, helper of the accused

likewise and feed into the computer with victims consent. Computer would instantaneously transfer the details/ data to central server of DH and CBCE.

6. It will be the responsibility of DPH to match the physical attributes of the accused as mentioned in victims statement with the sketch.

* DPH shall visit the site within 6 hrs after the case handed over by DH and shall collect SAE-site: It would purely be the alertness and vigil of DPH to pick as many samples as evidence as possible from the site, but shall pick following to the minimum:

The DPH shall keep victim, mother and sister of the victim with them while visiting site in a manner that it is possible for DPH to prove it. If victim is not well, keeping mother or sister or both is must. Before entering into the room, if enclosed space, DPH shall take photograph from the door covering the space very well. Minimum four photos of different corners shall be taken.

(i) All clothes and bed items may be on bed or floor should be picked up. Any clothes having blood stains, body tissues, saliva etc must be carefully preserved. These will be SAE-site2

((ii) Any stains of blood, body tissues, saliva, semen, anywhere or on any object to be preserved. These will be SAE-sites1

(iii) Any other thing victim may point out to be having traces of evidence, to be preserved.

All these shall be sealed and locked with seal of DPH and finger prints of the victim and her mother and sister on the seal. This should be over within 12hrs after the case handed over to DPH or 48hrs after occurrence of the incident.

These SAE-site shall be sent to designated forensic laboratory in any other state, other than where the crime took place for carrying out all tests as per procedures as necessary to establish the identity of the accused later when he is arrested. The SAE-site should reach the designated laboratory by 5th day positively and tests must be over by 7th day. The reports must be with the DPH duly sealed by the forensic laboratory by 9th day.

8. DPH will not ask about the witnesses. Victim may tell about witnesses but shall not bear any responsibility for their support. DPH would of its own, persuade the people to come and support by giving their statements. However, DPH must maintain complete confidentiality from getting the details of such people or witnesses leaked out. DPH shall be charged for supporting accused if such details are leaked out.

The PH police head shall be responsible for providing man to man interface with the PON in the district. The police shall be responsible for ensuring 'criminals free society' and shall be possessing authority entrusted by the government to identify criminals and people with anti national and anti social background, likely offenders, and make public the details of individuals identified as criminals by any court, undergoing trials in a court as an accused and people having supported crimes, people against whom three or more complaints have been received and native of the district. Such lists would be published by DPH every three months. If such list not published and placed on public domain and/or it is incomplete, the DPH shall be directly responsible. Keeping the list incomplete, especially missing anyone

having previous criminal background, shall have adverse ranking in the performance appraisal.

The DPH shall have powers to deal with criminals as covered in the extant laws. A review is evident every six months regarding updation of laws if the crimes are not continuously decreasing over preceding six months. DPH shall send such advice to CBCE and the State Administration for a review and make suggestions to curtail deficiencies.

The DPH within 36 hrs preferably or within 48 hrs in any case, transmit the image of accused to all states, all DH, all DPH through networked system with necessary instructions.

The case shall be presented to the DJD on 11th day jointly by DPH and CBCE. The DPH shall submit the case to the court on 11th day even if the accused has not been arrested. DPH would submit the following documents as the minimum:

- (i) Victims FCR statement
- (ii) Details of incident
- (iii) Criminal angles of the incident
- (iv) Accused sketch, details, name, address, past history regarding crimes committed earlier in the district or outside (whatever known), punishments by court in district or outside (whatever known)
- (vii) Efforts made to arrest if the accused was not arrested.

5.4 Central Body for Crime Elimination-CBCE (National level Government Agency)

- (i) Preparing the procedures for DH, DHD, DPH, DHD1 as required and implementing uniformly. The procedures must be produced alongwith checklist of items to be checked and result entered by DH, DHD, DPH both on hard copy and on computer network, through computer network.

Procedure for medical tests need to be developed by experts of that field, doctors, biochemists etc. and not DH and DPH. The procedure must be documented and on public domain and must be reviewed every year for possible updation. This review shall be the responsibility of CBCE and the revised procedure shall be got implemented through DH.

- (iii) Creation of necessary computer domains, server, networking as required
- (ii) Monitoring entry of dates of FCR, DHD examination, DPH investigations and submission of case for justice for over viewing compliance by DH, DHD, DPH and all DH, DHD, DPH using automated computer based vigilance and monitoring system. CBCE would develop procedure CE-1 for such monitoring.
- (iii) Getting the samples as evidence SAE examined as per procedure-CE2 in national level hospitals for biological identification of accused/ assaulter. Maintaining confidentiality of

name and identification of the assaulter shall be the responsibility of CBCE. CBCE would develop such procedures-CE3 for uniform application.

(iv) Delivery of results of biological identification from hospitals to the DJD confidentially. Let these be called Assaulter in Biological form AIBF. SAE shall form the basis for AIBF

-preparing procedure for FCR and formatting documentation

-development of software for FCR, video recording, monitoring of whole process

DPH has direct interface with the people consisting of criminals, thus has direct interface with the criminals also. On account of many human attributes, alliances, bonds, relations etc, DPH may not show uniform behaviour to all the people, it therefore, obvious that first reporting by victim FIR/FCR has no interface with police. CBCE must develop all procedures keeping this aspect in view.

If the case produced to DJD without arresting the accused, CBCE would advise public representatives MP, MLA of the region about the crime and the accused and advise them to give public address every alternate day in newspapers and on the video media or photo media with appeal to all the people to help arresting the accused. Any refusal by the public representatives of that region for doing so shall be considered a sign of supporting the cases of rape and invariably reported to ICE and DAU by CBCE and notified in media. It would be used by DAU to revise rating of public service profile of MP, MLA....(OIG) downward if they don't do it.

Procedure DHD1 : In case of reporting of a rape, DH will advise DHD to conduct medical examination within 60 minutes after the FCR

- I. There will be 3-4 hospitals nominated for conducting medical examination and DH would advise DHD to keep all these places in well preparedness of conducting medical examination. On leaving DH office code of hospital shall be transmitted to the RDH, escorting the victim after 15 minutes, generated by computer arbitrarily and random, and the victim shall be taken to that hospital.
- II. If the medical examination does not start within 10 minutes after reaching the hospital, minus rating is due to DHD on its public domain. The identity of the victim shall be kept hidden by DH and a code shall be assigned for identification alongwith the photograph. These details must have reached the hospital from DH through networking. The samples collected through medical examination shall be termed as collection of Samples as Evidence SAE-victim. The medical examination shall be done as per standard laid down procedure with an objective and aim of extracting DNA and other established biological proof to establish identity of the accused. The medical shall cover to the minimum:

- III. Samples of liquids, semen, blood and body tissues of the outsider, accused, inside victims genital, ass or mouth. These samples shall be named as SAEV, SAEA, SAEM respectively. Collectively these would be termed as SAE1.
- IV. Original dress and clothing of the victim having stains of blood, body tissues, his saliva etc shall be preserved in lockable container and sealed by DHD and DH to analyse these traces of blood, body tissues etc of the criminal over the clothing of victim. This shall be termed as SAE3. Fresh dress can be provided by DH.
- V. Any traces of blood, body tissues of assaulter/criminal 'over or inside nails' or mouth of the victim or on her body or bunch of hairs victim has uprooted fresh from the head or body of the accused. These shall be termed as SAE2.
- VI. Any injury caused by accused, scratch etc on or around genital, ass, mouth, Body of the victim. In addition to possible extraction of outsider, the other details like how it was caused, injury details etc shall also be recorded. This shall be named as SAE5
- VII. Any finger print found on victim's body other than victim's. This shall be termed as SAE4
- VIII. All samples must be sealed with official seal of DHD with thumb impression of victim, her mother and her sister on the seal.
- IX. One packet each of all samples shall be kept under the custody of DH in a manner and in safe environment so that the biological characteristics of samples do not change during long period of preservation. The SAE3 may not be included in SAE-Copy. The box in which these shall be preserved, to be sealed by DHD with its seal and with thumb impression of victim, her mother and her sister on the seal. Let it be termed as SAE-copy. This box shall only be opened by the judge at later stage in the presence of victim, her mother and sister if necessary.
- X. SAE samples shall be stored in a lockable container where the biological characteristics of the samples would not change. These would be locked and sealed with the identification proof of victim and her mother and DHD and doctor having done the medical examination. The samples shall be returned in boxes / containers with RDH and victim to DH office. This must be completed within four hours of FCR reporting.

Accountability- DJD

The case shall be presented to the DJD on 11th day jointly by DPH and CBCE. The DPH shall submit the case to the court on 11th day even if the accused has not been arrested. DPH would submit the following documents as the minimum:

- (i) Victims FCR statement
- (ii) Details of incident
- (iii) Criminal angles of the incident
- (iv) Accused sketch, details, name, address, past history regarding crimes committed earlier in the district or outside (whatever known), punishments by court in district or outside (whatever known)
- (vii) Efforts made to arrest if the accused was not arrested.

The CBCE shall hand over the reports of National level hospital on SAE-victim ie. SAE1,2,3,4,5 to DJD in sealed manner with original seal of the Head of the hospital.

If the accused has not been arrested, all the reports handed over to DJD by DPH and CBCE in original seals, shall be locked in a container and sealed by DJD with its seal and the finger prints of victim and her mother and also sister if available, on the seal in a manner that any attempt of opening the container shall break the DJD seal and destroy finger print marks.

(DJD) would match the sketch of the accused made by DH with victim and the accused and rate the resemblance 0% to 80%.

DJD- judge would review the Acts and Laws registered by the DPH especially to see that lighter provisions of the laws have not been applied by DPH. DJD would either confirm or revise/modify.

(v) If lighter provisions of laws have been applied by DPH, minus grading to be applied to DPH performance appraisal and concerned officer is to be punished with warning and depreciating the rank.

(vi) If accused is not caught and produces to the court, the DJD would advise CBCE to use nation wide campaign to catch him.

DJD would match the sketch and the culprit (converted to the form and look as at the time of crime) and rate the resemblance from 0% to 80%. This can also be supported by computer based software to provide rating of the resemblance.

(xii) DJD would place these reports (sealed) with the reports of previous samples examined (collected from victim: SAE-victim) together at the courts desk, open both the reports at the same time and sign encircling the written portion in a manner that nothing can be added later. None of the reports must not have any cutting or overwriting. Immediately after this both reports shall be scanned together placed side by side and a copy would be relayed to CBCE on computer networking and a hard copy shall be handed over to CBCE sealed by DJD. The originals shall be placed in the DJD file after taking finger prints of the victim and her mother/ sister on both sets of the reports

If the conformance or otherwise cannot be made by DJD based upon summary of the Hospital, DJD may seek help of Jury of Medical experts. The outcome and results of both sets of the reports may be such which can be directly be tallied by DJD like blood group etc however would need help of experts for other results like matching finger prints, DNA etc.

(xiii) DJD would have minimum five hospitals national level for its consultancy on medical reports. DJD would post the reports on network and computer through a random selection hospitals shall forward these reports to any two hospitals. Hospitals would get the reports examined by expert doctor to certify resemblance from 0% to 80%. This would be the 19-20th day.

Government responsibility.

1. 2. DPH would take all possible steps to catch the accused and one minus grade shall be applied per day to DPH if the accused is not caught within four days if he is/was in the same district and within 10 days if he is/was in adjoining districts.

(If the samples SAE –victim not received within 48 hrs. by the National level hospital, from DH and CBCE, the same shall be notified to the concerned DH and DHD and CBCE by the hospital. The CBCE would ensure allotment of minus grades to concern DH and DHD appropriately in a manner that it would effect their career.

Procedure Hos1: The samples sent to national level hospital (out of a penal minimum 10 hospitals) selected in random manner by the computer shall be received in the hospital in 48hrs from DH through CBCE and shall be examined for all bio-chemical or other tests which may be necessary to establish identity of any individual but the following shall be done to the minimum:

- (i) DNA identification and modelling on the semen of a person, blood stains, foreign skin and body tissues, any foreign liquid found inside the genital of victim
- (ii) DNA identification of blood clots and stains, skin tissues found in nails, teeth of victim and hairs (up rooted) of accused with the victim
- (iii) Any other tests required to be done which are unique for each individual

A report on SAE-victim with necessary imaging etc. making its understandable by a non-medical person shall be sent to CBCE by these hospitals.

The tests should be completed by Hospital within 5 days or number of days necessary for DNA test+1day and carrying out other tests simultaneously, as per medical procedures and including 2 days for reaching CBCE, the reports shall be available on 8th to 9th day with CBCE.

Procedure DJD...SFA testing: When the accused is arrested, DPH will inform DH and DHR would associate in the court's proceedings. When now accused is produced to the court, DJD would order the DH and DHD to take samples of semen, blood, body tissues, saliva, hairs etc. of the accused following predefined procedure prepared by experts of that field. Assaulter shall be taken to a specified place in the DH office nominated for such samples collection by PH.

The collection of samples, blood, skin tissues, urine and hairs shall be done with video recording till sealing of the samples and numbering/identification on the sample packets. Three samples shall be made, one of each kept under the DH and one again for testing in the national level hospital.

They would develop procedures so that victim and her mother shall be fully satisfied that the sample of semen, blood, body tissues, hairs taken by DHD now, are of the accused only. The victim and her mother shall be permitted to witness the process if they wish so. After collection of sample, these will be sealed by DHD in sample bottles and subsequently the finger prints of victim and her mother shall be taken on the seal. The samples shall be locked in a container such that the biological characteristics of samples would not change. The victim and her mother shall be permitted to inspect the container that it does not contain any other sample and is empty. The container shall be sealed by DHD with finger prints of the victim and her mother on the seal. These may be termed as 'Samples from accused' SFA. These samples would be SFA1,2,3,4,5 likewise. Presuming that the accused has been arrested within 12 days and produced to DJD on 14th day, this should happen on 14th day. Judge (DJD) would now directly send these samples to the National level hospital where the tests were done previously if the equipments required for tests on the samples must be same as used for SAE-victim, or otherwise may send to different hospital in the panel, for carrying out same (designated tests) on these samples. The samples shall be sent per bearer. DJD would also advise to arrange for report on samples of semen, hair, blood etc SFA1,2,3,4,5 of the accused and send to DJD directly per bearer. The packet containing reports must be sealed by hospital and minimum three officers-Doctors, one for blood, other for the skin tissues and hairs and third for DNA must have signed the seal on the packet.

The entire process of conducting tests on the SFA samples in the hospital shall be video recorded and it would be the responsibility of the Hospital authorities to cover entire process to satisfy the DJD and the victim that the samples sealed by them, only have been tested and the reports are of the same tests. The report on these sample will be prepared by hospitals and informed to CBCE would receive the images and video on the testing and its report on its server from the hospitals and would forward ideally server of DJD and submit hard copy to DJD on 15-16th day.

The summary shall also be produced by the Hospital signed by all three expert Doctors if the results coincides with the results of earlier testing done on SAE-victim.

Time Frame for compliance

Accountabl e unit			Number of days from occurrence of incident
DH	Phase-I	Contacting victim	<2 hrs in DH office reporting and 12 hrs if outside reporting
DH		FCR by victim in DH office	Day 1
DH		collection of samples from victim SAE-victim	Day1
DH		Sending samples to National level hospital and information to CBCE	Day2

Director, Hospital		Medical tests including DNA with confidentiality	Day3-4
DH		Initial identification of Accused and making sketch	Day1
DH		Locking the site of crime	Day1-2
Director, Hospital	Phase-1A-	Medical, biochemical, biological tests DNA in National level Hospital	Day 3-4
DPH	Phase2:	DH handing over to DPH,	Day3
DPH		site visit and collection of SAE-site, investigations to find out accused and arrest if traceable,	Day3-4
DPH		If not traceable advise to all DPH and CBCE. Making all efforts to trace and arrest,	Day5
CBCE		CBCE advising all DPH and other destinations relevant to the arrest of accused	Day6
		Sending SAE-site for testing coordinating with CBCE,	Day6
DPH		Receipt of reports on SAE- site by DPH in sealed condition	Day8
Director, Forensic laboratory	Phase2A -	Forensic, biological, biochemical, medical tests on SAE-site in forensic laboratory of other states under different regime	Day 6-7
Director, Hospital	Phase-3:	Receipt of test reports of SAE-victim by CBCE in sealed condition,	Day6
Director, Forensic Lab		Receipt of test reports of SAE-site by CBCE/ DPH in sealed condition, ,	Day8
DPH		Identification of accused by DPH	Day 5-6
		Arrest of accused in most probability,	Day 5-6
		Statement of accused if arrested,	Day 7
		establishing details and objectives of crime	Day7
DPH	Phase-4:	Presentation of case to DJD, presenting details of case and sketch of the accused by DPH,	Day9
		presentation of sealed reports of SAE-victim to DJD by CBCE/DH,	Day9
		Presentation of sealed reports of SAE-site by DPH to DJD,	Day 9
		Sealing of the reports by DJD witnessed and endorsed by victim,	Day9
DPH	Phase 4A: accused has not been arrested	Orders to present the accused within 15 days to DPH and CBCE and name the officers who would be taken up effecting the career in case it is not done,	Day9

	Phase 4B: Accused has been arrested:	Presenting accused to DJD, Order to DH to take SFA,	Say Day12
DH	Phase 4B	Submission of SFA to the DJD in sealed condition endorsed by victim.	Day14
DJD		Sending SFA to National level Hospital	Day14
Director, Hospital	Phase 4B	Receipt of reports on SFA from Hospital	Day19
DJD	Phase 4B	Matching the reports of SAE-victim and SFA, consult Medical Jury if required, Deliver the justice	Day20-21

Justice matrix

DNA of SAE-victim (semen)	DNA of blood of SAE-victim (nails/clothes)					
Matches=100% Guilty						DNA of SFA (semen)
	Matches-100% Guilty					DNA of SFA (BLOOD)

1	Medical confirms Rape with victim		
2	DNA of SAE-victim (semen) and DNA SFA (semen) matches	100% Guilty	If not matching or not traceable, Go to-2
3	DNA of blood sample of SAE-victim in nails or on clothes matches with DNA of SFA	100% Guilty	If not matching or not traceable, Go to-3
4	DNA of hairs (fresh uprooted) of matches SAE-victim matches DNA of hairs of SFA	50%	
	Blood Group of SAE-victim (in nails or on clothes) matches with Blood Group of SFA	60%	
	DNA of SAE-site (semen) and DNA SFA (semen) matches	80%	
	DNA of blood sample of SAE-site on	80% Guilty	

	clothes or objects matches with DNA of SFA		
	Blood Group of SAE-site(on clothes or objects) matches with Blood Group of SFA	70% Guilty	
	If culprit was at site at the time of crime (witness, mobile tracking, evidence left at site)	Yes- 20% Not sure- 0%	
	If culprit knew victim previously (witness, mobile tracking, evidence left at site)	Yes- Not sure-	
	If they had sour relations	Yes- Not sure-	
	If they had any rivalry	Yes- Not sure-	
	If accused ever threatened the victim	Yes- Not sure-	
	If accused is socially more powerful than victim	Yes- No-	
	Victim has sign of torture and assault (medical report)	Yes- Not sure-	

If victim is not satisfied with the judgement of DJD, she would request for testing on the SAE-victim-copy and the same procedure shall be followed for testing. It will be choice of victim to select a Hospital for testing and the testing shall be video recorded in a manner that no question of ingenuity can be raised by victim or DJD.