OFFICE OF THE DIRECTOR GENERAL OF POLICE
PUDUCHERRY

No.4/DGP/SECY/2024-59 Dated: 05.7.2024

MEMORANDUM

Sub:- Puducherry Police - Instructions on implementation of New Criminal Major Laws - Regarding.

* * *

The New Criminal Laws will be implemented in the UT of Puducherry w.e.f. 01-07-2024.

2. In this connection, in view of the ambiguity in registration of cases with regard to the Date of Occurrence of the offence and Date of Registration of crime w.e.f. 01.07.2024, a table highlighting the said ambiguity is enumerated for clarity in Registration of Cases subsequent to the implementation of New Criminal Laws:

Date of Occurrence of Crime	Date of Registration	Provisions of laws to be Law to be applied	Procedural Law to be followed
Prior to 1st July 2024	Prior to 1st July 2024	IPC	Cr.P.C.
Prior to 1st July 2024	After 1st July, 2024	IPC	BNSS
On or after 1st July 2024	On or after 1st July 2024	BNS	BNSS

3. The Sub-Divisional Police Officers are instructed to forward the said instructions to their field level officers mentioned supra for effective implementation of the New Criminal Laws.

(Dr. B. SRINIVAS, IPS)
DIRECTOR GENERAL OF POLICE
PUDUCHERRY

To

1. All Sr. Supdt. of Police, Puducherry/Karaikal
2. All Supdts. of Police, Puducherry/Karaikal/Mahe/Yanam

Copy to

1. The Inspector General of Police, Puducherry
2. The Dy. Inspector General of Police, Puducherry.

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Standard Operating Procedure for registration of FIR, recording of statements, filling of chargesheet under BNSS-2023

Introduction:-

Consequent upon the assent of Hon'ble President of India on new three new criminal laws i.e. Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, Bharatiya Nyaya Sanhita (BNS), 2023 & Bharatiya Sakshya Adhiniyam (BSA) 2023 has been notified for implementation w.e.f. 01.07.2024.The BNSS, 2023 has drastic change in the procedure of investigation and trial with an objective to impart justice in a time bound manner. It has been stressed in the BNSS for adopting scientific methods for completion of the investigation and audio video electronic means has been incorporated in the Sanhita. Hence, there is a need to deal with the cases in a more professional way by using the means of technology for the purpose of collection of evidence. As such, there is a necessity of time to issue the following directions, which are required to be followed by all Investigating Officer of Police to take these steps during investigation.

Registration of FIR U/S 173 BNSS 2023:

1. Whenever SHO of Police Station received an information of cognizable offence, SHO shall register the FIR without any delay.
2. Whenever SHO of Police Station received an information of cognizable offence through electronic communication, the same is required to be got signed from the person within 3 days from the informer.
3. The electronic information is required to be taken on record and the signature of the person who made the information is required to be obtained within three days.
4. The FIR for the offences u/s 64 to 71, section 74 to 79 & section 124of BNS, 2023 is required to be recorded by the Woman Police Officer.
5. In case, the statement made by mentally or physically disabled woman/child is required to be recorded in the presence of special

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educator or an Interpreter. The statement is further required to be recorded at the residence of the victim or the informant. Further, the statement has to be recorded at the place of convenience of the victim/informer and the same must be Videographed.

6. There should be no delay in registration of FIR especially in crime against women/children. No technicality should be allowed to come in the way of prompt and immediate registration of FIR of the offences against the women. As soon as the information received by a police officer regarding commission of offence of rape or an attempt against the woman, such information shall be recorded in accordance with provisions contained in section 173 of BNSS, 2023. The copy of the FIR should be given free of cost immediate to the victim or informant. It should be kept in mind that the FIR is an important document and every due care be adopted while recording the FIR and all necessary material/information/facts which are directly connected with the commission of offence or likely to form an important piece of evidence. One copy of FIR should be sent to District Legal Services Authority.
7. The statement U/S 183 is further required to be recorded from the Magistrate for the offences U/s 64 to71, section 74 to79 & section 124 of BNS 2023 and the Woman Police Officer shall move an application before the Ld. Judicial Magistrate mentioning therein that such statement shall be recorded by a Woman Magistrate and in her absence by a male Magistrate in the presence of a woman.
8. Every SHO shall ensure that adequate lady Police officials are available round the clock at the Police Station.
9. The victim can lodge the FIR in any Police Station in any State or District. Subsequently, it can be transferred to the concerned State or Police Station having jurisdiction for investigation. Audio-Visual and electronic means, including scanning, can be used to transmit the information at the earliest and the Enquiry Officer shall inform the concerned police station through phone call personally.
10. Immediately after the registration of the case, the Investigating Officer shall visit the scene of crime to secure and collect all incriminating evidences available on the scene of crime. The SDPO shall personally supervise the investigation of case regarding crime against women from the date of registration of FIR up to the disposal of the case by the competent court in order to increase the rate of conviction. The IO shall forward the challan/charge-sheet to the O/o Directorate of Prosecution,

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Puducherry for its scrutiny and necessary approval well in time i.e. at least 15 days prior to submitting the same in the Court.

11. The IO shall forward the challan/charge-sheet including through electronic communication, to the Magistrate empowered to take cognizance of the offence and it should contained all necessary documents, statements of the concerned witnesses, medical record, forensic reports etc. and the sequence of custody in case any electronic device.
12. The Victim/informant shall be informed with regard to progress of the investigation and it can be communicated by any means including through electronic communication within period of 60 days and the copy of the charge-sheet shall be provided to the victim free of cost as per section 230 of BNSS, 2023.
13. Investigating Officer should keep the permanent address and mobile number of the victim in their file in addition to the present address and such other information which may help in investigation.
14. If victim/complainant informs the police about any threats received from the accused or his associates, concerned SHO should consider the matter on priority, a fresh FIR must be registered under relevant sections of law against the accused or the person extending threats to the victim/complainant. The information in this regard may also be provided to the competent authority under the Witness Protection Scheme, 2018.
15. The investigating officers shall conduct the photography/videography of the place of occurrence
16. The investigating officers shall call the forensic expert team at the spot of crime to collect forensic evidence in offences punishable 7 years or more.

Recording of statement U/s 180 of BNSS-2023 during investigation.

17. The investigating officer without any delay may record the statement of any witness through audio-video electronic means.
18. The investigating officer without any delay may also record the statement of the witness through audio-video electronic means, of the victim of an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, shall be recorded, by a woman police officer or any woman officer.

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Statement before judicial magistrate U/s 183 of BNSS-2023 during investigation.

19. The investigating officer without any delay shall request the Magistrate to get record the statement of the victim in cases punishable under section 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and section 124 of Bharatiya Nyaya Sanhita 2023.

20. The investigating officer are further directed that the (statement U/s 183 of BNSS-2023 are required to be recorded for all the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the Police officer.

Filing of charge sheet before the trial Court U/s 193 of BNSS- 2023.

21. The investigation under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71 of the Bharatiya Nyaya Sanhita 2023 or U/s 4/6/8/10 of POCSO Act shall be completed within two months from the date of FIR.
22. The sequence of custody is required to be submitted in case of electronic device.
23. The information of investigation is required to be communicated to informer or the victim regarding the progress of investigation including through electronic communication within ninety days of registration of FIR.
24. The copy of the charge-sheet along-with documents be supplied to the accused as well as to the victim by electronic means.
25. Investigation of the case shall be completed within the period of 60 or 90 days as the case may be. In case, the investigation is not concluded within the prescribed period, Investigation Officer shall submit an application to concerned court with prayer to extend the time for further investigation.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Standard Operating Procedure for for the investigating Officers to deal withcases of rape/sexual assault or rape against Women and children.

Introduction:-

Consequent upon the assent of Hon'ble President of India on new three new criminal laws i.e. Bharatiya Nagarik Suraksha Sanhita(BNSS) 2023,Bharatiya Nyaya Sanhita (BNS), 2023 & Bharatiya Sakshya Adhiniyam (BSA), 2023, the same are yet to be notified for implementation very shortly, wherein stringent provisions have been made to deal with the cases of Crime against women and children. The BNSS, 2023 has made the procedure of investigation and trial ina time bound manner with an objective to impart justice in a time bound manner and it has been stressed in the BNSS for adopting scientific methods for completion of the investigation and audio video electronic means has been incorporated in the Act. Therefore, there is a need to deal with such kind of cases in a more professional way by using the means of technology for the purpose of collection of evidence. As such, there is a necessity of time to issue the following directions, which are required to be followed by all concerned investigation agencies/the Investigating officer of Puducherry Police, to take these steps whenever any incident of rape/sexual assault/violence on women and children is reported to them.

OBJECTIVES:-

To achieve the spirit of the Act for imparting speedy justice to the victims of offences of rape and POCSO cases by way of adopting time bound investigation and creating a healthy and conducive atmosphere for vulnerable section of society.

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Registration of FIR U/s 173 BNSS 2023:

1. In case, SHO received an information of cognizable offence in the police station through electronic communication, the same is required to be got signed from the person, who made the information.
2. The electronic information is required to be taken on record and the signature of the person who made the information is required to be obtained within three days.
3. The FIR for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded by the Woman Police Officer.
4. The FIR for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded in the presence of special educator or an Interpreter, in case the statement made by temporary or permanently, mentally or physically disabled woman. The statement is further required to be recorded at the residence of the victim or the informant. Further, the statement has to be recorded at the place of convenience of the victim/informer and the same must be Videographed.
5. There should be no delay in registration of FIR especially in crime against women/children. No technicality should be allowed to come in the way of prompt and immediate registration of FIR of the offences against the women. As soon as the information received by a police officer regarding commission of offence of rape or an attempt against the woman, such information shall be recorded in accordance with provisions contained in section 173 of BNSS, 2023 the copy of the FIR should be given free of cost immediate to the victim or the informant. It should be kept in mind the FIR is an important document and every due care be adopted while recording the FIR and all necessary material/information/facts which are directly connected with the commission of offence or likely to form an important piece of evidence. One copy of FIR should be sent to District Legal Services Authority.
6. The statement U/S 183 is further required to be recorded from the Magistrate for the offences U/S 64 to 71, section74 to 79 & section 124 of BNS, 2023 and the Woman Police Officer shall move an application

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before the Ld. Judicial Magistrate mentioning therein that the such statement shall be recorded by a Woman Magistrate and in her absence by a male magistrate in presence of a woman.

7. Every SHO shall ensure that adequate lady police officials are available round the clock at the police station.

8. As soon as a complaint of rape/sexual assault on women and crime against women is received, the police officer on the duty receiving the complaint/information shall call the lady police official present at the police station. When a victim comes to the police station the official present in the police station shall ensure to make victim and her family comfortable. The behavior of the police official towards the victim should be sensitive and sympathetic and no indecent questions should be asked by the Investigating Officer, however, to know the material and crucial facts from the victim, it will be only done by Lady Police official with decency.

9. The victim can lodge the FIR in any police station in any State or District. Subsequently, it can be transferred to the concerned State or police Station having jurisdiction for investigation. Audio-Visual and electronic means, including scanning, can be used to transmit the information at the earliest and the Enquiry Officer shall inform the concerned police station through phone call personally.

10. After making preliminary enquiry/investigation, the Investigation Officer along with the lady police official shall get done the medical examination of the victim within 24 hours from Duty Doctor of Govt. Hospital of UT, Puducherry as per section 184 BNSS, 2023 with the consent of such woman or a person who is competent to give such consent on her behalf.

11. The investigating officer shall make every effort to secure the clothes of the victim as well as the clothes of accused, if arrested and send it for forensic analysis to find out whether there are traces of semen/hair etc to obtain forensic reports about the matching of blood group and DNA profiling etc.

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12. The investigating officer shall ensure that medical Legal Report of the victim of sexual assault and accused shall be forwarded to the Judicial Magistrate within 7 days as per the provisions of section 184 (6) (A) of BNSS, 2023.

13. The statement of the victim shall be recorded in private at her residence or other place of her choice and by lady police officer in the presence of parents or guardians or near relatives or social worker of the locality with a view to make the victim comfortable and where such offences has been committed by a person in relation to the victim in any manner (incest cases) where there is a suspicion of complicity of the family members in the crime as such family members should not be permitted to accompany the victim at the time of recording the her statement.

14. The statement of the victim against whom offences U/s 64to 71 of BNSS,2023 and section 74 to 79 & 124 BNS,2023 has been committed or attempted, the IO shall produce such victim before the Judicial Magistrate /**Illaqa Magistrate** alongwith request application for recording her statement (including recording of statement through audio video means) U/s 183 BNSS, 2023 before a women Magistrate and in her absence by a male Magistrate in the presence of women. In case, the person making the statement is temporarily or permanently mentally or physically disabled, the statement should be recorded with the assistance of an interpreter or a special educator.

15. Immediately after the registration of the case, the investigating team shall visit the scene of crime to secure and collect all incriminating evidences available on the scene of crime. The SDPO shall personally supervise the investigation of case regarding crime against women from the date of registration of FIR up to the disposal of the case by the competent court in order to increase the rate of conviction. The investigating officer shall complete the investigation in offences U/s 64 to 71 of BNS, 2023 and section 4, 6, 8 & 10 of POCSO Act, 2012 within a period of **two months** from the date of FIR.

16. The IO shall forward the challan/charge-sheet to the O/O Directorate of Prosecution for its scrutiny and necessary approval well in time i.e.

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at least 15 days prior to submitting the same in the Court.

17. The IO shall forward the challan/charge-sheet including through electronic communication, to the Magistrate empowered to take cognizance of the offence and it should contained all necessary documents, statements of the concerned witnesses, medical record, forensic reports etc. and the sequence of custody in case any electronic device. **The documents in which the name of victim is mentioned that should be attached with the charge- sheet in the sealed cover in order to conceal the identity of the victim.** Identity of the victim and her family shall be kept secret, keeping in view the modesty and security of the victim in compliance of section 72 of The Bhartiya Nyaya Sanhita, 2023.

18. The Victim/informant shall be informed with regard to progress of the investigation and it can be communicated by any means including through electronic communication within period of 60 days and the copy of the charge-sheet shall be provided to the victim free of cost as per the provisions of section 230 of BNSS, 2023.

19. The accused should not be confronted with the victim except for identification in the court during TIP proceeding.

20. Except the offences which are reported during the night, no victim of sexual offence shall be called or made to stay in the police station during night hours.

21. The Investigating Officer should keep the permanent address and mobile number of the victim in their file in addition to the present address and such other information which may help in finding availability of the prosecutrix during trial, if she leaves her reported addresses. The victim should be advised to inform the concerned police station, if she changes her residential address.

22. If victim informs the police about any threats received from the accused family the concerned SHO should consider the matter on priority and if deem fit, a fresh FIR must be registered under appropriate sections of law against the accused or the person extending threats to the victim. The information in this regard may also be provided to the competent authority under the Witness

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Protection Scheme, 2018.

23. Helpline numbers should be displayed prominently in highly crowded areas like educational institutions, hospitals, bus stands, railway stations and on other suitable places.

24. The Investigating Officer/SHO should consider empanelling professional counselors and the counseling of the women and children should be done by the professional counselors.

25. All police stations/units are directed to display the telephone numbers, name and other details of protection officers of the area appointed under the domestic violence act 2005 and members of child welfare committee.

26. The complainants, of sexual assault cases should be provided with legal representation. It is important to have someone who iswell acquainted with the criminal justice system: The role of victim's advocate would not only be to explain to the victim the nature of the proceedings but also to prepare her for the case and to assist her in the police station and in court and to provide her with guidance to how she might obtain help of a different nature from other agencies for example counseling or medical assistance important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represents her till the end of the case.

27. Legal assistance shall be provided at the police station through established channels. Victim of sexual assault may be in a distressed state upon arrival at the police station. The guidance and support of a lawyer at that stage and while questioned would be of great assistance to her.

28. A list of advocates willing to act in these cases should be kept readily available at the police station for victims who does not have a particular lawyer in mind or whose own lawyer was unavailable.

29. Where the victim is less than 18 years of age at the time of occurrence even though evidence shows that the victim and accused were in love and the victim admitted that she had sexual intercourse with the accused out of love, such consent has no relevance because of her age

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being less than 18 years, as per the legal provisions. In nutshell, sexual intercourse by a man with a girl, who is under 18 years of age amount to rape. Hence consensual sex with a minor amount to rape there should be no leniency even if the victim is in love with her partner. All the SHOs and IOs are directed to register the cases in such type of matter in appropriate provisions of BNS, 2023 and POCSO Act, 2012.

OFFENCESAGAINSTCHILDREN

The children by reason of their physical and mental status need special safeguards and care. Child victim of sexual abuse are to be treated with compassion and dignity and to ensure this, the police officials/investigation Officers are required to follow the following guidelines.

1. On a complaint of cognizable offence involving a child victim being made. The concerned police officer shall record the complaint promptly without any delay and provisions of The Protection of Children from Sexual 2012 shall be complied with strictly and appropriate sections of BNS, 2023 shall be added. The case shall be referred to a women officer not below the rank of a Sub Inspector. The statement of the victim shall be recorded verbatim. The reporting officer must ensure psychological counseling to child victim to make the child comfortable before proceeding to record his/her statement. This would help in accurate narration of the incident.
2. The Police officer/investigating officer who is, recording the statement of the child victim shall wear plain cloths during this process as per the mandate of section 24(2) POCSO Act.
3. The statement of the child victim shall be recorded at the residence of the victim of at any other place where the victim can make a statement freely without fear/pressure The statement should be recorded promptly without any loss of time. The parents/guardians of the child or any other person in whom the child reposes trust and confidence will be allowed to remain present, as per the mandate of section 26(1) POCSO Act, 2012.
4. The investigating officer to ensure that at no point of time, the child victim come in contact with the accused, except TIP in the court, as per the mandate of section 24(3) & 36 of POCSO Act,2012 and section 308 of BNSS, 2023.

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5. The child victim shall not be kept in the police station overnight on any pretext whatsoever, including medical examination as per the mandate of section 24(4) POCSO Act, 2012.

6. The investigating officer shall ensure that the child victim is medically examined at the earliest preferably (in accordance with Section 184 BNS, 2023) at the nearest government hospital.

7. The investigating officer shall ensure that the investigating team visits the scene of the crime at the earliest to collect all incriminating evidence available at the spot for forensic examination.

8. The investigating officer shall promptly refer for forensic examination the clothing and articles necessary to be examined, to the forensic laboratory which shall deal with such cases on priority basis to make its report available at an early date.

9. The investigation of the cases involving sexually abused child may be investigated on a priority basis and completed preferably within 60 days of the registration of the case as per the mandate of section 193 (2) BNSS, 2023. The supervisory officer shall monitor the progress of the investigation and filling of the charge-sheet within the stipulated time before the Ld. Court.

10. In all cases under the POCSO Act, where the age of the victim, and cases where the age of the child in conflict with law are material, the following documents/procedure shall be relied upon (section 34of POCSO Act read along with Juvenile Justice (Care and Protection of Children) Act, 2000).

    i) A date of birth certificate from the school, or matriculation or equivalent certificate from the concerned examination Board, if available and in the absence thereof,

    ii) Birth certificate given by a corporation or a municipal authority or a Panchayat,

    iii) And only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other medically proven and improved age determination test.

11. The statement of the child victim shall be got recorded promptly and at the earliest by the concerned Magistrate u/s 183 BNSS, 2023. In the event of child victim being in the hospital, then the statement shall be recorded in the hospital itself. Wherever it is possible, the IO shall ensure that the statement of the child victim is also recorded through

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audio video means.

12. The investigating officer shall bring the cases relating to Child in need of care and protection and the child victim involved in the incest cases to the notice of child welfare committee. While dealing with the children in conflict with law the provisions of the Juvenile Justice act, 2000, (Amendment Act 2011) and Amendment Rules 2011 should be strictly complied with.

AWARENESS AND TRAINING PROGRAMMES

1. All the SDPOs shall organize Seminars and training sessions for Police personnel for sensitization in cases of rape and sexual offences violence/crime against women and children.
2. They shall also conduct awareness programs at various educational institutes including schools, bus stands, railway areas and other crime prone areas with an objective To spread awareness in the public especially women and children.
3. Regular training programmes for the investigating officer be conducted at PTS, Puducherry to introduce them with latest amendments and the judgments pronounced by the Ld. Courts.

NODAL OFFICER

Senior Superintendent of Police, Puducherry and Karaikal shall act as "Nodal Officer for the cases of rape/sexual assault/violence on women and children in Puducherry and Karaikal respectively and will coordinate with the Director Social Welfare & Health Department, Judiciary, concerned Government Departments and other agencies to deal with such cases.

Director General of Police
Puducherry.

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:- Standing Operating Procedure for registration of FIR under BNSS, 2023 for offences against victim of Rape.

Introduction:-

Consequent upon the enactment of new Criminal Act namely BNSS, 2023 and notified by the Government of India, which is likely to be implemented shortly in future and therefore, there is need to issue the following directions to improve the working of the officials of the Police Stations and other Units of the Puducherry Police.

1. Directions regarding registration of FIR.

Station house officer/the Incharge Police Station are hereby directed to follow the guidelines mentioned herein under:

i) In case the information in the police station regarding cognizable offence is received by electronic communication in police station the same is required to be got signed from the complainant/ informer/person within **three days**.

ii) The FIR for the offences of rape & POCSO cases is required to be recorded by the Woman Police Officer.

iii) The FIR for the offences rape & POCSO cases is required to be recorded in the presence of special educator or an interpreter, in case the statement made by temporary or permanently, mentally or physically disabled woman. The statement is further required to be recorded at the residence of the victim or the informant or at the convenient place to the victim or the informer.

iv) The information made as mentioned in clause (iii) shall be recorded in Videography.

v) The FIR for the offences rape and POCSO cases should be registered without any delay irrespective of the jurisdiction of the police Station,

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where the offence has been committed and the intimation in this regard be immediately sent to the concerned police station.

vi) The FIR for the offences of rape and POCSO cases should be registered by the Women Police Officer.

vii) The statement of victim is require to be recorded before the Ld. Magistrate for the offences of rape and POCSO cases and the Woman Police Officer shall move an application before the Ld. Judicial Magistrate mentioning therein that the such statement shall be recorded by a Woman Magistrate and in her absence by a male Magistrate, in presence of a woman.

viii) The identity of the victim of rape and POCSO cases should not be disclosed in the FIR or other documents of the investigation and where the name of the victim is mentioned in any document the same be put in sealed cover.

ix) The record relating to receipt of information through electronic communication regarding cognizable offences should be maintain properly, which will be signed by the SHO weekly and supervised by the SDPO fortnightly.

2. Instruction regarding recording of statement of the witnesses by the investigating officer and before the Magistrate during the course of Investigation.

i) The statement of the victim of the rape and POCSO cases shall be recorded by the Women Police Officer and the same may be also got recorded through audio-video electronic means.

ii) The statement of other witnesses who are acquainted with the facts of the case may be reduce in to writing by the Investigating Officer in a proper manner containing therein the complete facts of the case which the witness wants to disclose.

iii) The investigating officer should get recorded the statement of the witnesses before the Magistrate in the cases relating to the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death.

iv) The Investigating Officer further ensured that for the offences of rape and POCSO cases, if the person making the statement is temporarily or permanently, mentally or physically disabled, the Investigating Officer as well the Magistrate shall take the assistance of an

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interpreter or a special educator in recording the statement of such person and it shall be recorded through audio-video electronic means preferably by mobile phone.

v) The statement of the victim of rape and POCSO cases shall be recorded in private at her residence or other place of her choice and by women police officer in the presence of parents or guardians or near relatives or social worker of the locality with a view to make the victim comfortable.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:-SOP regarding Investigation

It has been deliberated that a set of Standard Operative Procedure regarding Investigation should be formulated to aid The official(s)//officer(s) to conduct the investigation and prosecution in criminal cases in a uniform manner, as under:-

1. Serious/heinous offences should be classified and investigation should be entrusted to selected, trained, experienced and professionally competent Investigators. They should not be burdened with other duties viz, VIP Security, maintenance of law and orders etc.
2. Investigators should be fully equipped with the modern scientific tool of investigation.
3. Scrutiny of Investigation at different stages, during course of investigation, by supervisory officer should be made mandatory.
4. Interpolations and alterations while recording FIR, statement of witnesses u/s 180 Bharatiya Nagarik Suraksha Sanhita,2023 should be avoided. The real facts as explained by the complainant and witnesses should be recorded and should be inserted in case diary maintained U/s 192 Bharatiya Nagarik Suraksha Sanhita, 2023.
5. Delay in recording FIR should be explained.
6. Prompt inspection of scene of crime and physical evidence available on scene of crime must be protected preserved and collected without wasting time.
7. In heinous crime, FSL team comprising Forensic Expert, in accordance with the nature of crime should be called at place of occurrence and physical evidence should be lifted, packed strictly in accordance with the procedure laid down under the law and as directed by the forensic expert.
8. Disclosure statement should be recorded strictly in accordance with the provisions enshrined u/s 23 Bharatiya Sakshya Adhiniyam, 2023, not in

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the form of confessional statement.

9. Monogram of seal for the purpose of sealing the articles should be legible and seal after use should preferably be handed over to the public witnesses if available on the scene of crime, not to the police official.
10. Complainant/ public witnesses must be made aware about the procedure, legal compulsion of the police investigation so that they may repose faith in the police working and depose accordingly.
11. Irregularities in the preparation of search, seizure list, should not be made.
12. Right and relevant sections of Bharatiya Nyaya Sanhita, 2023 and local & Special Act may be applied by the Investigating Officer and he may consult the seniors and legal expert before application of sections.
13. Documentary evidence showing the ownership of articles recovered during the course of investigation should be collected and relevant person should be cited as prosecution witnesses.
14. Direction of law as prescribed under the law should be followed.
15. The name of all relevant persons mentioned in FIR as witness or who have been joined in the investigation must be mentioned in last of PWs to avoid the filing of application U/S 348 Bharatiya Nagarik Suraksha Sanhita, 2023.
16. Every effort should be made to recover the weapon of offence used in commission of crime and the origin, in case of illegal weapon must be traced. Sketches of weapon, recovery memo should be signed by all relevant witnesses. If the weapon is licensed one, used in commission of crime, it's license should also be made a part of investigation and issuing authority must be cited as witness.
17. Usually stock witnesses cited by the investigating agency turn hostile. Only reliable witnesses should be cited as prosecution witnesses.
18. in heinous crime, frequent meeting by the supervisory officer with the Investigating Officers should be conducted. Specific directions to the Investigating Officers should be issued by the Supervisory officers and entry in this regard must be made in Case Dairy.
19. Training programme to update the knowledge of investigating Officer about new enactment and amendment with latest judgment should be organized regularly.
20. Scientific and forensic techniques should be adopted during the course of investigation.

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21. Identification test parade of accused should be conducted strictly in accordance with the procedure laid down by law.
22. Process of lifting of finger prints, foot prints etc including physical evidence from the place of occurrence should be carried out with great care and attention.
23. In case of Drowning, Diatom Test should be conducted.
24. Psychological tool of Investigation viz., Polygraphy, Brain Mapping etc should also be conducted as per need.
25. Pairvi officers should be expert and well acquainted with their function and duties. Evidence regarding previous conviction of accused should be placed.
26. To establish coordination between different segments periodical meetings should be organized.
27. Specific opinion about the injuries caused by specific weapon should be obtained from the Doctor by showing the weapon and wearing clothes having corresponding cut.
28. Copy of Post Mortem report, FSL Report, Ballistics Report, Handwriting Expert should be collected and placed.
29. Phone Number, permanent address of allthe witnesses should be mentioned in the list of witnesses.
30. Complete address (temporary as well as permanent) of witnesses and accused should be mentioned.
31. Aadhar Card of accused and public witnesses be attached with the report u/s 193 Bharatiya Nagarik Suraksha Sanhita, 2023.
32. Statement of all the witnesses be attached with the police report by mentioning the same in the list of documents attached with the police report.
33. Identification slip and conviction slip must be completed w.r.t. previous record of the accused.
34. In the injury cases, case property i.e. weapons of offence must be taken in sealed parcel while taking in police possession.
35. Blood stained cloth and blood stained earth must be taken in police possession from the place of occurrence if available and the same should be sent to FSL in sealed condition without any undue delay.
36. Photographs/videograph of place of incidents shall be taken by the concerned persons and the same be made a part of the chargsheet in accordance with law.

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37. The procedure of conducting search of a place, person or taking possession of any property or article during the course of search and seizure shall be recorded through any audio video electronic means preferably mobile phone/tabs and such recording shall be forwarded to the District Magistrate, Sub Division Magistrate or Judicial Magistrate without any delay.

38. In the site plan of place of occurrence point of source of light must be shown, if the same was prepared in the night.

39. Complaint must bear the time, place and date from where it was send for lodging the FIR and there should be endorsement of the FIR, which should be signed by concerned official.

40. Police file and Judicial file must be paginated identically with index.

41. Sincere efforts must be done to join public witness in the investigation and there should be reference in this regard, in the police case diary.

42. In the cases where electronic evidence is collected, certificate as prescribed under section 63 of Bharatiya Sakshya Adhiniyam, 2023 must be obtained and attached with the chargesheet.

43. Call details along with Customer Identification Application Form (CAF), Call location, under section 63 of Bharatiya Sakshya Adhiniyam, 2023 must be taken from concerned. Nodal Officer and application should be moved to Nodal Officer during investigation so as to preserve the relevant record and not to destroy it as the same in needed at the time of evidence. Investigating Officer must appended full name below their signature and Investigating Officer should also ask to other expert witnesses to append their full name below their signature such as doctors etc.

44. In the pictorial diagram, injuries of the MLR should be shown by the doctor and investigating officer should ask the doctor for showing these injuries on the pictorial diagram.

45. Original document should be taken in police possession by the Investigating Officer especially in cheating & Forgery cases, which is usually not taken by the investigating Officer.

46. Signature of accused must be got compared from hand writing expert of FSL in cases u/s 318(4), 338, 336(3) of Bharatiya Nyaya Sanhita, 2023, which is usually not got compared by the Investigating Officer.

47. Undue delay in sending samples to FSL must be explained, every endeavour must be made by the Investigating Officer/MM to send the

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samples to the FSL within 72 hours.

48. Notice & reply U/s 50 NDPS must be on separate papers and if there are more than one accused then, notice u/s 50 NDPS Act must be served to each accused separately.
49. Report u/s 55 of NDPS Act be endorsed by the Station House Officer.
50. Report u/s 57 of NDPS be seen by Deputy Superintendant of Police
51. Investigating Officer must join all the persons in investigation to whom actual loss is caused in the cases u/s 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023.
52. DNA tests in murder/rape cases and blood group examination should be conducted.
53. Investigating Officer must join in investigation two independent witnesses out of which one must be the lady, from the locality, which is mandatory in Immoral Trafficking Act cases.
54. Investigating Officer must take prosecution sanction order in Arms Act, P.C. Act 2005 (as amended in 2018) cases and must cite concerned witness for providing and proving the sanction order.
55. When offending vehicle number is disclosed in the FIR then Investigating Officer should move an application to motor vehicle registering authority to disclose the name of the owner of the offending vehicle and join him in the investigation.
56. Offending vehicle and victim's vehicle must be cited in the list of witnesses along with vehicles by mentioning the registration of the concerned vehicle.
57. Doctors and Registry Clerk etc must be cited as witnesses by specifically mentioning the record, which they have to produce at the time of evidence. mere mentioning the name of the witnesses is not sufficient
58. Copy of the docket must be attached with the judicial file, so that it could be clearly ascertained what articles have been sent to the FSL, in case anything necessary, is not sent to the FSL, then, same could be advised to the investigating Officer.
59. If matters / articles send to the FSL in a particular case are sentto the different divisions of the FSL, then Asstt. Directors of the concerned divisions should be separately cited as witnesses, in order to avoid further moving of application under Bharatiya Nagrik Surakshya Sanhita, 2023 at the time of trial.

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60. Specific test must be conducted by the doctors, so as to detect & estimate consumption of alcohol. Mere getting the statement regarding denial of blood and urine sample by the concerned accused is not sufficient, because in view of Apex Court judgment Selvi versus State of Karnataka, 2010 Supreme Court, samples could be obtained even by using moderate force upon the accused.

61. Birth Certificate must be verified during investigation from the concerned authority, when the same is produced by the accused for declaring him juvenile/child in conflict with law.

62. Extra judicial confession should be corroborated by another independent witness.

63. In the dowry, cruelty cases, proof of alleged dowry articles i.e. bills etc must be taken in police possession by the Investigating Officer as far as possible.

64. Statement recorded U/s 180 Bharatiya Nagrik Surakshya Sanhita, 2023 must be inserted in case diary maintained U/s 192 Bharatiya Nagrik Surakshya Sanhita, 2023.

65. Police report prepared U/s 193 Bharatiya Nagrik Surakshya Sanhita, 2023 shall be filed in the Court within the prescribed period as prescribed U/s 187 Bharatiya Nagrik Surakshya Sanhita, 2023, otherwise the accused if under custody shall be released from custody on bail.

66. Police report U/s 193 Bharatiya Nagrik Surakshya Sanhita, 2023 may be filed without production of accused.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:- FUNCTIONING OF VIDEOGRAPHY AND PHOTOGRAPHY TEAM OF CHANDIGARH POLICE FOR EXAMINATION OF THE SCENE OF CRIME AND ASSISTING/ ADVISING THE INVESTIGATING OFFICER AT THE CRIME SPOT.

The concept of Photography and Videography has been introduced during the course of investigation in order to assist the Investigating officer so that they can preserve the data record of crime scene as an evidence to be produced before the trial court during the trial of case. Recording of video and capturing of photographs of crime scene is very important to solve out all type of cases and all of it is only possible through proper videography/photography of the crime scene. The valuable quality of scenes captured by the team during the crime scene can improve the conviction rate, quality of investigation and also can provide a permanent visual proof, if done in a proper manner by well trained photographer/videographer by using modern scientific tools and technical methods.

Introduction:-The Bhartiya Nagrik Suraksha Sanhita, 2023 has made certain changes by adding the provisions of relating to the recording of evidence through audio video means. The new law has emphasis the significance of audio video technology to aid the Police in crime scene investigation and to streamline the procedure of search and seizure prescribed U/S 105 & 185 of Bhartiya Nagrik Suraksha Sanhita 2023. The goal of crime scene investigation is to identify and collect physical and biological evidences at the scene of crime and it must be done with great care and a thoughtful approach, since the case under investigation has to be put in the court. Therefore, solving the crime will depend on piecing together the evidences to form a picture of what happened at the crime scene from each and every angle. Crime scene investigation includes securing of crime scene, photography, proper search of crime scene, systematic documentation of the crime scene

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along with the suitable collection, packaging, preservation and transport of all the evidences encountered at a specific crime scene. In the majority of cases, investigating officer who protects and searches a crime scene plays a critical role in determining whether physical evidence will be used in solving or prosecuting crimes. By conducting the videography/photography at the crime scene, crucial evidence can be captured and presented in a credible manner before the Hon'ble Courts.

The purpose of laying down this procedure is to establish and carry out a standard method for the collection and preservation of digital evidence obtained by the way of videography and photography at the scene of crime. Digital crime scene images include any digital photograph, imaging, video recording, or audio recording of a crime scene for purposes of crime scene examination by the IOs or for the purpose of further processing the evidence. Following are the guidelines required to be follow up by the investigating officers, photographer and videographer for processing at a crime scene.

1. The investigating officer shall protect the scene of offence immediately after the receipt of information about the offence and shall immediately call the police photographer and videographer to the scene and with given instruction for conducting detail videography of the scene of crime/ the recovery as case may be. The videographer and photographer shall conduct the proceeding in such a way that the details of the articles shall be clearly depicted in video/photograph to enable the investigating officer for identity of such articles. The same shall be done by the Investigating Officer in E-Sakshya Application also.
2. Duties and responsibilities of the Videography and Photography Team at the scene of crime or as and when any other assistant asked by the Investigating Officer. The Team shall perform following duties:-
   I. The team shall visit scene of crime/ the place of any search and seizure.
   II. On reaching the spot, Investigating Officer will brief the team along with other members of team regarding the availability of the facts about the incident. The team shall use the expertise of the Forensic Assistants for carrying out their duties.
   III. The Team shall conduct the photography and videography of the scene of

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crime from each angle and after its completion will hand over the proper record to the investigating officer and I/C Photo section for its safe storage.

IV. Photographers/ videographers shall be equipped with all required articles/ equipments as required by the team for this purpose.

V. The team members shall advise the Investigating Officers about the brief facts of the crime scene of the cases at every stage. IOs shall make full use of their expertise.

VI. Photography should be used asa partofthe documentation for all crime scenes.

VII. The photographs should include dead body (if present) to show locations, injuries and condition.

VIII. Each piece of evidence should be photographed to illustrate where it was found to establish relationship of evidence with the victim and the place of crime/ recovery of any article.

IX. Avoid disturbing the Crime scene before the photography and videography and always take video/photo of the crime scene before and after alteration, such as when placards and scales are placed near evidence. Exclude officers, bystanders, and others at a scene from the video. Turn audio off. Take overall (long-range) video to show where the crime occurred, midrange video to show relationships of evidence and other points of interest, and close- up video to show individual items and their characteristics. Use a sturdy tripod whenever possible to reduce movement while taking video. Take video from different angles that result in the best representation of the scene. Always use the designated safe route when moving through the scene. When applicable, include the names of those assigned to specific tasks in your notebook. Plan the videography route. Take video of transient objects, such as bloodstains or latent prints, as soon as possible. Photographs of evidences should be taken from straight above eliminating potential distance distortions.

X. Never edit the original video file and preserve the hash value to prove its genuineness before the competent court of law and concerned official shall provide the mandatory certificate U/S 63of Bharatiya Shaksha Adhinyam, 2023 as per the prescribed format mentioned therein.

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XI. The video display should include the date and time of videography, so that the same if could be produced before the trial court by the IO. At the start of the video, you should also include the location, introductory information, and a brief description of what will be recorded.

XII. The Videographer/photographer shall take the pictures of the parcels showing the complete descriptions along with the specimen seal used by the IO on the parcel.

XIII. The Videographer/photographer shall also cover the procedure of, lifting of samples, preparation of parcels and the procedure of search and seizure on the direction of the IO.

XIV. The Videographer/photographer shall cover the crime scene of the murder spot where a dead body is lying should be photographed & Videographed from various angles to clarify showing the face, all injuries and other pieces of evidence indicating assault ,rape, presence of weapons, condition of clothes etc. The surface beneath the body should also be Video graphed/photographed be covered upon its removal.

XV. In cases of road side accidents, take overall photographs of the scene, including relevant street signs, and take photographs from the point of view of any witnesses, determine the paths of vehicles involved, Take overall photographs of the path of each vehicle, Photograph the path/skid marks of the vehicles if any. If the collision is a Traffic Fatality and the deceased is on spot of accident, then photograph the body of deceased by taking photographs in such a way that full body and facial photographs as well as photographs of visible injuries upon the body are seen.

XVI. Other offences can also be described.

3. Other best practices for recording a crime scene include:

I. Never talk while shooting the video and capturing the photographs on the crime scene.

II. Pause the tape and turn off mic devices available with the officials present at

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the crime scene.

III. Each scene has its own recordings, therefore it should always be kept in mind by the photographer/videographer that each and everything should be captured and preserved with utmost dignity and sincerity.

4. Supervision:-

SP/CID shall ensure proper supervision of Photo section team and will also ensure properly that the work of the team is carried out properly in a desired manner. All type of basic infrastructure as and whenever required by the team at the crime scene i.e suitable building for vehicle, adequate infrastructure and secure storage space must be provided at once to the team.

As soon as E-Sakshya App is made functional, It is the responsibility of the Investigating Officer to do Photography and videography of the crime scene and as mandated under Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 and to follow all the above instructions meticulously without fail.

Particular attention needs to be provided to adhere the aforesaid guidelines and failure to comply the same, the concerned delinquent official shall invite strict disciplinary action as per law.

Director General of Police
Puducherry.

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:- SOP FOR ZERO FIR, e-FIR & PRELIMINARYENQUIRY

FIR registration Under The Bharatiya Nagarik Suraksha Sanhita,2023

The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023,replacing the Code of Criminal Procedure 1973 (Cr.P.C) introduced the provisions of registration of FIR relating to commission of cognizable of offence irrespective of area where the offence is committed (Zero FIR). Information can be given orally or through electronic communication to the SHO. The provisions of Section 173 BNSS also provides for concept to file e-FIR, where the information received through electronic communication. It further provides the concepts of preliminary enquiry for the offence punishable for 3 years or more but less than7 years, SHO may obtain prior permission of concerned DSP, considering the nature & gravity of offence proceed to conduct preliminary enquiry to ascertain whether prima facie offence exists or not within 14 days. Therefore, a need arisen to issue certain guidelines to all the SHOs/SDPOs to implement the new BNSS-2023 in its letter & spirits.

Zero FIR:-

1. SHOs shall ensure that whenever any information about a cognizable offence is received irrespective of its territorial jurisdiction, he shall register a zero FIR without any delay and further transfer the relevant documents to the concerned Police Station having jurisdiction to investigate through electronic means or otherwise.

2. SHOs shall also ensure that the complainant shall be informed about the registration Zero FIR and further guide him/her to peruse the matter with the concerned Police Station. A GD entry in this regard must be entered in the GD register.

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3. SHOs shall send such Zero FIR in Daily Crime Report (DCR) to the supervisory officers.

4. It is clearly instructed that upon failing of registration of Zero FIR for the offence committed outside the jurisdiction of Police Station, concerned SHO shall be responsible for the same and strict action will be initiated against him.

5. Whenever any Zero FIR is received in any Police Station from the other Police Station, concerned SHO shall immediately register the FIR and further investigate the case in accordance with law.

6. If a woman gives any information regarding the commission of offences under section 64 to 71, 74 to 79 or 124 of BNS-2023 and POCSO Act, then SHO shall ensure that information must be recorded immediately only by a women Police Officer.

7. If woman complainant/victim is physically/mentally disabled, then SHO shall ensure that such information shall be recorded by Women Police Officer after taking the assistance of interpreter/Special educator at the residence of person/victim or at a convenient place of such person/victim.

8. Whenever, any information in respect of commission of offences against woman i.e. under section 64 to 71, 74, 76 to 79, 124, 143 and 144 of BNSS 2023 is received, FIR shall be registered immediately. If any SHO/ Police officer failed to lodge the FIR, he/she would be prosecuted under section **199(c) of BNS-2023** and separate departmental action shall also be initiated against erring Police officials/SHO.

9. SHOs shall ensure that victim's identity shall not be disclosed/revealed against whom offences 64 to 71 of BNS- 2023 (i.e. rape cases, sexual assault cases & POCSO cases) have been committed.

E-FIR:-

1. Whenever any information of cognizable offence is received through e-mail or otherwise by any electronic means, SHOs shall maintain an e-complaint register in the police station.

2. SHOs should further ensure that complainant be informed through email/phone calls to visit in the Police Station for signing the complaint for formally registering the FIR to proceed into the matter according to law. A GD entry in this respect should be entered, accordingly.

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3. If complainant fails to appear in the Police Station for signing his/her complaint, then SHO shall make a GD entry in the GD and also in form the concerned SDPO in this regard.

4. If complainant appears after the stipulated period of 03 days described under BNSS, then SHO shall register the case after taking the signature of the complaint.

Preliminary Enquiry:-

1. Section 173(3) of BNSS has also given statutory recognition for conducting of preliminary enquiry of cases punishable with imprisonment of three years or more but less than sevenyears. The same shall be conducted after the permission from their respective SDPOs.

2. The scope of the preliminary enquiry is only to ascertain whether any cognizable offence is committed or otherwise and if cognizable offence appears to be committed, then immediately register the case FIR under the relevant section ns of law and to investigate the case as per law.

3. SHO/EO must conclude the preliminary enquiry within a period of 14 days as per BNSS-2023 and GD entry of each steps taken under enquiry, shall be recorded.

4. After conducting the enquiry, if SHO/EO comes to the conclusion that no offence has been committed, then he will submit his finding before the concerned SDPO.

5. SDPO shall thorough examine the enquiry report/findings ofthe SHO/EO and pass an appropriate order as deem fit according the facts and circumstances of case within 14 days from the receipt of information, whether FIR is to be registered or otherwise.

6. All SDPOs/SHOs/EO shall maintain the complete record of proceedings conducted in any preliminary enquiry on day to day basis.

In view of above, all SDPOs/SHOs are hereby directed to ensure the strict & meticulously compliance of above guidelines/procedure/ directions.

Director General of Police
Puducherry.

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

SUB: Standing Operating Procedure of investigation under new Acts.

Introduction:-

Consequent upon the enactment of new Criminal Act namely BNSS, 2023 and notified by the Government of India, which will be enforced w.e.f. 01.07.2024. Therefore, there is need to issue the following directions to implement to improve the working of the officials of the Police Stations and other Units of the Chandigarh Police.

1. Directions regarding registration of FIR U/s 173 BNSS 2023.

   a) In case, SHO received an information of cognizable offenceinthe police station through electronic communication, the same is required to be got signed from the person, who made the information.

   b) The electronic information is required to be taken on record and the signature of the person who made the information is required to be obtained within three days.

   c) The FIR for the offences U/S 64 to71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded by the Woman Police Officer.

   d) The FIR for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 is required to be recorded in the presence of special executor or an Interpreter, in case statement is made by temporary or permanently, mentally or physically disabled woman. The statement is further required to be recorded at the residence of the victim or the informant. Further, the statement has to be recorded at the place of convenience of the

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victim/informer.

e) The information made as mentioned in clause (d) shall be recorded in Videography.

f) The statement U/S 183 is further required to be recorded from the Magistrate for the offences U/S 64 to 71, section 74 to 79 & section 124 of BNS, 2023 and the Woman Police Officer shall move an application before the Ld. Judicial Magistrate mentioning there that the such statement shall be recorded by a Woman Magistrate and in her absence by a male magistrate in presence of a woman.

2. Directions regarding conducting of Videography U/s 176(3) of BNSS-2023.

a) The investigating officers are directed to conduct the photography and videography of the place of occurrence of offence.

b) The investigating officers are further directed to call the forensic expert at the spot of crime to collect forensic evidence in casethe offence is punishable more than seven years.

c) The investigating officers (women officer) are further directed to record the statement of victim of an offence of rape at her residence or at the place of her choice.

3. Directions regarding recording of statement U/s 180 of BNSS-2023 during the course of investigation.

a) The investigating officer without any delay may record the statement of any witness through audio-video electronic means:

b) The investigating officer without any delay may also record the statement of the witness through audio-video electronic means, of the victim of an

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offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78. section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, shall be recorded, by a woman police officer or any woman officer.

4. **Directions regarding recording of statement before judicial magistrate U/s 183 of BNSS-2023 during the course of investigation.**

a) The investigating officer without any delay made request to the Magistrate without any delay to get record the statement of the victim in cases punishable under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 and such statement of the victim is required to be recorded by a women magistrate or in her absence by a male magistrate in presence of a woman.

b) The investigating officer are further directed that the (statement U/s 183 of BNSS-2023 are required to be recorded for all the offences punishable with imprisonment for ten years or more or with imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer.

c) The investigating officer are further directed to submit an application before the Ld.Magistrate for the purpose of recording of statement of person who is temporarily or permanently, mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement.

d) The investigating officer are further directed to submit an application before the Ld. Magistrate for the purpose of recording of statement of person who

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is temporarily or permanently, mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means preferably by mobile phone.

5. Directions regarding filing of charge sheet before judicial magistrate U/s 193 of BNSS-2023 after the conclusion of investigation.

a) The investigation under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71 of the Bharatiya Nyaya Sanhita, 2023 or U/s 4/6/8/10 of POCSO Act shall be completed within two months from the date of FIR.

b) The sequence of custody is required to be submitted in case of electronic device.

c) The information of investigation is required to be communicated to informer or the victim regarding the progress of investigation including through electronic communication within ninety days of registration of FIR.

d) The copy of Chargesheet along with documents be suppliedto the accused as well as to the victim by electronic means.

e) The permission of the court trying the case for conducting further investigation is required and the same shall be completed within the period of ninety days.

f) In case, the investigation is not concluded within the period of ninety days, then, investigation officer shall move an application before the expiry of ninety days with prayer to the concerned magistrate to extend the time for further investigation.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject: SOP ON MOB LYNCHING

Mob Lynching is a form of violence in which a mob, under the pretext of administering justice without trial, executes a presumed offender, often after inflicting torture. It is an illegally unauthorized way of punishing somebody by an informal group. It is most often also referred as informal public executions by a mob who wish to punish an alleged transgressor, or to intimidate a group. Such incidents are egregious, manifestations or prejudice, intolerance and contempt towards the rule of Law. It has led its in security among the classes/community and all of this is done in the name of religion or caste or the spread of rumours over any incident in which people resolved to take Law in their own hands. The issue was dealt by Hon'ble Supreme Court of India in case title "Tehseen S. Poonawalla Vs. Union of India" decided on 17.07.2018 and the court has describe the act of Mob lynching as Horrendous Act of Monocracy and has led on the guidelines for the Central and State Government/U.T. to frame laws specifically to deal with the crime of lynching by mob over an incident. **The inclusion of special provisions for mob lynching is a step forward in compliance of directions and recommendations issued by Supreme Court ofIndia in case titled "Tehseen S. Poonawalla Vs. Union of India"** decided on 17.07.2018. The Govt. recognized the growing problems of murder by a group of persons against a person/ community on ground of caste, race, community, language, personnel belief, communal bias, theft cases, witch craft, suspension of child, fake news/ rumours in faith in the religion. **Keeping in view, the challenges being faced by the Govt and the law enforcement agencies, the aspect of mob lynching has been addressed by the Govt.** With enactment

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of the three new criminal laws by the Govt. of India, The Bhartiya Nyaya Sanhita, 2023 address the issue of mob lynching and hate crime and described thesame in *Section 103 of BNS, 2023 enacts to provide punishment for murder which shall be punished with death or imprisonment for life, and also fine. Sub section (2) of section 103 of BNS, 2023, reads as under:*

(2) When a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground each member of such group ***shall be punished with death or with imprisonment for life, and shall also be liable to fine.***

In general parlance, the provision described under section 103(2), BNS, 2023, is referred as an offence of ***MOB LYNCHING.***

The Ingredients of the Offence U/s 103(2) BNS-2023:

1. *Murder of a person*
2. *Murder by group of five or more*
3. *The motive to commit the murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground.*

Causes of Mob Lynching:-

(a) Mob Psychology
(b) Political Patronages
(c) Administrative failure
(d) Rumours on Social Media – Misinformation and propgonda
(e) Societal factors
(f) No database to analyse trends
(g) Cattle protection Laws

Impacts of Mob Lynching:-

(a) Fuel Communalism and Casteism
(b) Against Human Rights

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(c) **Subverts Rule of Law**

(d) **Fear Psychosis**

(e) **Economic Impacts on our Economy**

Duties of Police Officer while controlling the Mob Lynching in his area:-

Every police officer, directly in charge of maintaining law and order in an area shall take all reasonable steps to prevent any act of lynching including its incitement and commission; and to that end, shall take the following steps for precautionary measure:-- (i) He will make all possible efforts to identify instances of dissemination of offensive material or any other means employed in order to incite or promote lynching of a particular person or group of persons.

(ii) He will act in furtherance of the duty to prevent Mob lynching in accordance with the powers vested in them.

(iii) He will make all possible efforts to prevent and eradicate the creation of a hostile environment against a person or group of persons which is targeted in such type of incidents created by Mob.

Investigation by senior police officer in the offence of Mob Lynching:-No police officer below the rank of inspector of police shall investigate any offence committed under this Act. The Superintendent of Police, or officer designated by him or her shall inform the victim in writing about the progress of investigations into the offence, whether or not the offender has been arrested, charge-sheeted, granted bail, charged, convicted or sentenced, and if a person has been charged with the offence, then the name of the suspected offender. Victim shall have the right to reasonable, accurate, and timely notice of any court proceeding and shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submissions on conviction, acquittal or sentencing.

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Duties of Nodal officer in Mob Lynching:-

The nodal officer designated under sub-section shall follow the below mentioned guidelines to control the Mob Lynching:-

(a) He will take, regular meetings (at least once in a month) with the local intelligence units in the district along with all Officers in- charge of Police Station of the district to identify the existence of the tendencies of vigilantism or mob lynching in the district.

(b) He will take such steps to prohibit instances of dissemination of offensive material through different social media platforms orany other means for inciting lynching.

(c) He will monitor the investigation of offences of mob lynching personally and ensure that the investigation is carried out effectively and the chargesheet in such cases is filed within the statutory period from the date of registration of the First Information Report.

Guidelines to be followed to control the Mob Lynching:

- The identification of places should be made where instances of lynching and mob violence have been reported in the recent past times. The process of identification should be done within a stipulated period of time.

- The Nodal officer shall hold regular meetings (at least once a month) with the local intelligence units in the districts and station house officers to identify tendencies of vigilantism and mob violence.

- The Director-General of police or the Home Department secretary shall hold regular review meetings (at least once a quarter) with all the nodal officers of the UT/State.

- All Police officers will have to ensure the dispersal of mobs that have a tendency to cause violence or lynch in the garb of vigilantism or otherwise.

- The Police Officials should ensure broadcast on radio, television and other media platforms, including the official websites of the state police, that lynching and mob violence will invite serious consequence.

- It will be the solemn duty of the Police to curb the dissemination of irresponsible

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and explosive messages, videos and other material on social media platforms.

• The police shall register FIRs under relevant section of Law (promoting enmity among people) and/or other relevant provisions against the perpetrators.

Punitive measures against erring police officials:-

• Departmental action must be taken against police or District officials who fail to act against the perpetrators. Such failure will be considered as an act of deliberate negligence and/or misconduct for which appropriate action must be taken. The action shall be taken to its logical conclusion preferably within six months.

Special tasks of Police services during the Mob Lynching:-

The police officials will ensure that the fire and Ambulance services can do their job. They will cordon off the disaster area, direct traffic and sometimes set up a safety zone around the disaster area. If victims are difficult to identify, the police will deploy the disaster identification team, consisting of experts convened on an ad hoc basis. This team of specialists perform their work in consultation with one another Police official to control the Mob in time.

Mode of Investigation as adopted/prepared by the Puducherry Police to control the Mob lynching:

1. *The Nodal Officer in cases of mob lynching and mob violence shall attend a regular meeting (at least once a quarter) with the undersigned (DGP) to bring out any Inter-District/Inter-State co-ordination issues for devising a strategy to tackle the lynching and move violence related issues.*
2. *Keeping in view the sensitivity of case, the investigation must be conducted by Inspector/SHO of Police Station.*
3. *The SDPO shall beheld responsible to supervise the investigation of the Inspector/SHO of Police Station.*
4. *All the SHOs are also directed to take extra caution, if any, instance of mob violence come to their notice in their respective areas immediate strict action be initiated as per law.*
5. *All the SHOs are further directed to regularly brief their staff as well as general public in the monthly meetings held by them in their respective areas to prohibit the offences like mob-lynching.*

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6. The Special Task Force will identify the area/villages where instances of lynching and mob violence have been reported in the recent five years.
7. All the SHOs of the Police Stations shall interact with the officials of the Media to prevent the offences of lynching and mob violence.
8. All the SHO concerned shall monitor the social media platform like facebook, twitter, instagram or any other social media handle to check the spread of any rumour over any incident and shall take prompt action under the provisions contained in I.T. Act, 2000 and other relevant laws from the time being enforced to curb and stop irresponsible and explosive messages, whatsapp messages,videos,reelsandotheroffensivematerialthroughsocialmediaplatforms which have tendency to incite the mob to resort to violence and lynching of any person or a group of person against a particular caste, colour, race religion etc.
9. All the SHOs of Police Stations shall cause to register the FIR under provision of Section 196 of BNS-2023 and or other provisions of law against the persons who are responsible to spread rumours/violence in the area by spreading of explosive messages.
10. All the SHOs of the Police Stations shall collect the day to day reports from CID/Secret Agency to prevent the offences of lynching and mob violence in their areas.
11. It shall be the duty of SHO to cause a mob to disperse from the sport by exercising his powers vested U/s 148 and 149 of BNSS- 2023 where there is a tendency of spread of violence of wreak the havoc of lynching in the disguise of vigilantism or otherwise, so that the precious life and property can be saved.
12. The photography and videography of place of occurrence is required to be conducted.
13. The forensic evidence must be collected from the spot or other places by calling the forensic expert.
14. The statements of all the witnesses U/s 183 of BNSS-2023 are required to be

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recorded.

15. The examination of the call detail record of the accused and the suspected regarding their presence at the spot or their conversation.
16. The footage of the CCTVs are required to be collected at the place of occurrence or other places to prove the conspiracy of the accused.
17. The investigation of the case of mob lynching shall be carried with due care and caution and all the necessary provisions of law shallbe followed by the investigating officer and it should be ensured that all the best possible evidence against the culprits/accused/suspect shall be collected during the course of investigation and wherever the evidences of violence or spread of messages is detected through electronic means, the same shall be preserved in accordance with provisions contained in BSA-2023.
18. All the SHOs of Police Stations shall ensure that charge sheet against the accused persons be filed within stipulated time without any delay and the report of the same shall be forwarded to the Court with the approval of Nodal Officer.
19. The investigating officer is held responsible to do the parvi of the cases and further ensure to produce the witnesses and the case property before the trial court and also provide the assistance to the concerned Public Prosecutor.
20. The investigating officer further ensure the threat perception to the prosecution witnesses and as and when he receives any information in this regard, he shall inform to the concerned authority to providethe necessary protection at the time of examination of witnesses.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject: SOP on Organised Crime:

Introduction:-

Organized crime means any continuing unlawful activity by an individual, single person or jointly, either as a member of an organized crime syndicate or on behalf of such syndicate by use of violence or threat of violence or intimidation or coercion by unlawful means with the objective of gaining pecuniary benefits or gaining undue economic advantage for himself or any person of prompting insurgency.

Organized criminals make use of specialist who provide service to them sometimes to a range of crime gangs. Services include transport, money laundering, dept enforcement or the provision of false documentation to create this type of network by the persons indulged in criminal activities. In order to keep the law and order of the State healthy, to control crime and to control the criminals who are indulged in organised crime or any type of criminal activities by forming various groups/gangs and running organised crime syndicated through such type of activities.

It is necessary that such cases of organised crime, as defined under BNS-2023 shall be dealt strictly in accordance with law. There is a specific provision to deal with the offences related to organized crime which has been defined U/s 111 and petty organised crime has been defined U/s 112 of the BNS-2023. This offence is related to continuing unlawful activities i.e. kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, illicit goods or services, human trafficking of persons, drugs, weapons or any person or group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime. Further, under

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the provisions of section 112 BNS, 2023, petty organized crime has been defined as; whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorized selling of tickets, unauthorized betting or gambling selling of public examination question paper or any other similar criminal act, the theft including trick theft, theft from vehicle, dwelling house or business premises, cargo theft pick pocketing, theft through card skimming, shoplifting and theft of Automated Teller Machine.

During the course of investigation dealt under the aforesaid offences,the proceedings of crime/property acquired illegally by the accused is required to be dealt as per the provisions of **Section 107 Bharatiya Nagarik Suraksha Sanhita, 2023** for its attachment and forfeiture as per law. The Investigating Officer shall make every effort to get quick orders from the trial court regarding the attachment order and as such necessary coordination with the concerned authorities shall be maintained and ensure that such files are referred to the concerned court in a time bound manner. Effective efforts should be made by the Investigating Officer under the supervision of concerned SHO to obtain orders in favor of the state regarding the attachment of property, so that the attached property can be released in favor of the person who are affected by such type of crime and if no claimants are there to receive such proceeding of crime, then such proceedings of crime shall stand forfeited to the Government.

Ingredients of the Offence U/s 111 of BNS-2023:

1. *Continuing unlawful activity.*
2. *The motive to commit kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber crimes, trafficking of persons/drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom.*
3. *By any person, or group of person acting in concert, singly or jointly*
4. *By use of violence, threat of violence, intimidation, coercion or by any other lawful means.*
5. *To obtain direct or indirect material including financial benefit*

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Ingredients of the Offence U/s 112 of BNS-2023:

1. Being a member of group or gang.
2. Singly or jointly
3. Act of theft, snatching, cheating, unauthorised selling of tickets, unauthorized betting or gambling, selling of public examination question paper or any other similar act.

Mode of Investigation:

1. Keeping in view the sensitivity of case, the investigation must be conducted by Inspector/SHO of Police Station or Sub Inspector.
2. The SDPO shall be held responsible to supervise the investigation of the case.
3. All the SHOs are also directed to take extra caution to prevent the organized crime in their respective areas and take immediate strict action as per law against the culprits.
4. All the SHOs are further directed to regularly brief their staff as well as general public in the monthly meetings held by them in their respective areas to prohibit the offences like Organized Crime.
5. The Special Police Officials/Beat Staff shall identify the area/place where instances of Organized Crime as described above are being carried out and shall conduct intensified patrolling in the identified affected areas.
6. All the SHOs of the Police Stations shall interact with the officials of the Media to prevent the offences of Organized Crime.
7. All the SHO concerned shall monitor the social media platform like facebook, twitter, instagram or any other social media handle to check the spread of any rumour over any incident and shall take prompt action under the provisions contained in I.T. Act, 2000 and other relevant laws from the time being enforced to curb and stop the module of organized crime of kidnapping for ransom, threat, contract killing etc.
8. All the SHOs of Police Stations shall cause to register the FIR promptly/immediately after the receipt of information, for committing the offences under provision of Section 111 and 112 of BNS-2023 and or other provisions of law.
9. All the SHOs of the Police Stations shall collect the day to day reports from CID/Secret Agency to prevent the offences of organized crime in

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their areas and from other neighbouring States and shall co-ordinate with concerned authorities in order to break through the nexus of such organized crime syndicate/gangs/group of persons.

10. *The photography and videography of place of occurrence is required to be conducted.*
11. *The forensic evidence must be collected from the spot or other places by calling the forensic expert like lifting of fingerprints/foot prints etc.*
12. *The statements of all the witnesses U/s 183 of BNSS-2023 are required to be recorded.*
13. *The examination of the call detail record of the accused and the suspected regarding their presence at the spot or their conversation.*
14. *The footage of the CCTVs are required to be collected at the place of occurrence or other places to prove the conspiracy of the accused.*
15. *The investigation of the case of organized crime shall be carried with due care and caution and all the necessary provisions of law shall be followed by the investigating officer and it should be ensured that all the best possible evidence against the culprits/accused/suspect shall be collected during the course of investigation and wherever the evidences of violence or spread of messages is detected through electronic means, the same shall be preserved in accordance with provisions contained in BSA-2023.*
16. *All the SHOs of Police Stations shall ensure that chargesheet against the accused persons be filed within stipulated time without any delay and the report of the same shall be forwarded to the Court with the approval of Nodal Officer.*
17. *The investigating officer is held responsible to do the parvi of the cases and further ensure to produce the witnesses and the case property before the trial court and also provide the assistance to the concerned Public Prosecutor.*
18. *The investigating officer shall further ensure the threat perception to the prosecution witnesses and as and when he receives any information in this regard, he shall inform to the concerned authority to provide the necessary protection at the time of examination of witnesses.*

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:-SOP on Terrorism

Introduction:-

Terrorism is defined as the unlawful use of threat of violence specially against the state or the public as a politically motivated means of attack or coercion. Terrorism represents the foolish act done by the cruel people around us. Terrorism had an adverse effect on the society as well as on the personal life of the people in which numbers of family get destroyed due to their action. Several activities of terrorist attacks are reported in different parts of the country and to address the problem the Central Govt. had introduced terrorism under section 113 Bharatiya Nyaya Sanhita, 2023 and has given all the state police the powers to deal with such offence.

Ingredients of the Offence U/s 113 of BNS-2023:

1. Act with intent to threaten or likely to threaten the unity, integrity, sovereignty, security or economic security of India.
2. Intent to strike terror or likely strike terror in people of any section of people in India or in foreign country.
3. Using bombs, dynamite or any other explosive substance or inflammable material or firearms or other lethal weapons or poison or noxious gases or other chemicals or any other substance (whether biological or otherwise) hazardous in nature in such a manner so as to create an atmosphere or spread a message of fear, to cause death or serious bodily harm to any person, or endangers a person's life.
4. To cause damage or loss due to damage or destruction of property or disruption of any supplies or services essential to the life of the community, destruction of a Government or public facility, public place or private property.
5. To cause extensive interference with, damage or destruction to critical infrastructure.
6. To provoke or influence by intimidation the Government or its organization, in such a manner so as to cause or likely to cause death or injury to any

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public functionary or any person or an act of detaining any person and threatening to kill or injure such person in order to compel the Government to do or abstain from doing any act, or destabilize or destroy the political, economic, or social structures of the country, or create a public emergency or undermine public safety.

7. Included within the scope of any of the Treaties listed in the Second Schedule to the Unlawful Activities (Prevention) Act, 1967.
8. overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary.
9. detains, kidnaps or abducts any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organization or any other person to do or abstain from doing any act.

Mode of Investigation:

1. It should be ensured that the investigation of such cases must be conducted by Inspector/SHO of Police Station CID.
2. The SP CID shall be held responsible to supervise the investigation of the Inspector/SHO of Police Station CID.
3. All SHOs are also directed to take extra caution, if any, instance of more violence come to their notice in their respective areas immediate strict action be initiated as per law.
4. All SHOs are further directed to regularly brief their staff as well as general public in the monthly meetings held by them in their respective areas to prohibit the offences like mob-lynching.
5. The Special Task Force will identify the area/villages where instances of lynching and mob violence have been reported in the recent five years.
6. The SHOs of the Police Stations shall interact with the officials of the Media to prevent the offences of lynching and mob violence.
7. All the concerned officials shall monitor the social media platform like facebook, twitter, Instagram or any other social media handle to check the spread of any rumour over any incident and shall take prompt action under the provisions contained in I.T. Act, 2000 and other relevant laws from the time being enforced to curb and stop irresponsible and explosive messages, whatsapp messages, videos, reels and other offensive material through social media platforms which have tendency to incite the mob to resort to violence and lynching of any person or a group of person against a particular caste, colour, race religion etc.
8. The SHOs of Police Stations will be responsible to register the FIR under

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provision of Section 196 of BNS-2023 and or other provisions of law against the persons who are responsible to spread rumours/violence in the area by spreading of explosive messages.

The SHOs of the Police Stations shall collect the day-to-day reports from CID / Secret Agency to prevent the offences of lynching and mob violence in their areas.

9. It shall be the duty of SHO to cause a mob to disperse from the sport by exercising his powers vested U/s 148 and 149 of BNSS- 2023 where there is a tendency of spread of violence of wreak the havoc of lynching in the disguise of vigilantism or otherwise, so, that the precious life and property can be saved.
10. The photography and videography of the place of occurrence is required to be conducted.
11. The forensic evidence must be collected from the spot or other places by calling the forensic expert.
12. The statements of all the witnesses U/s 183 of BNSS-2023 are required to be recorded.
13. The examination of the call detail record of the accused and the suspected regarding their presence at the spot or their conversation is required to be done immediately.
14. The footage of the CCTVs are required to be collected at the place of occurred at once or other places to prove the conspiracy of the accused.
15. The investigation of the case of mob lynching shall be carried with due care and caution and all the necessary provisions of law shall be followed by the investigating officer and it should be ensured that all the best possible evidence against the culprits/accused/suspect shall be collected during the course of investigation and wherever the evidences of violence or spread of messages is detected through electronic means, the same shall be preserved in accordance with provisions contained in BSA- 2023.
16. The SHO of Police Station CID shall ensure that charge sheet against the accused persons be filed within stipulated time without any delay and the report of the same shall be forwarded to the Court with the approval of Nodal Officer.

Director General of Police
Puducherry

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PUDUCHERRY POLICE
STANDARD OPERATING PROCEDURE

Subject:- Update of investigation and supply of copy of challan to victim.

All the SHOs/ Incharges of Police Post, I/C Units are hereby directed to ensure that the investigating officer shall inform the victim with regard to the progress of their case. The copy of FIR and the copy of the Charge-Sheet be also supplied to Victims/ Informants including through electronic mode.

Director General of Police
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PUDUCHERRY POLICE

Subject:-Circular for E-service of Summons/Warrants on police officials.

The Incharge of PO & Summon Staff is hereby directed to serve the summons/ Warrants issued by the Courts upon the police officials including the retired Police Officials through electronic means i.e. by sending the Warrant/ Summons on their WhatsApp Numbers, giving information through SMS and their respective emails. The serving officials shall ensure that the recipient has read the summons/ warrants and has gained the knowledge of his or her appearance before the Ld. Court on the date fixed.

It is further directed that the PO & Summon Staff shall maintain a register containing the latest mobiles number and email addresses of all the serving and retired police officials and a proper record of serving of summons through electronic mode be maintained by them.

Director General of Police
Puducherry

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