



Investigation Of Sexual Offences in India: A Guideline for Investigating Police Officer

Mr. Akash Trikha.^{1*}, Prof. (Dr.) Prabir Kumar Pattnaik², Dr. Chinmaya Kumar Mohapatra.³

^{1*}Assistant Professor, SOA National Institute of Law, Siksha O Anusandhan University, Bhubaneswar, Odisha.

²Professor, SOA National Institute of Law, Siksha O Anusandhan University, Bhubaneswar, Odisha.

³Associate Professor, SOA National Institute of Law, Siksha O Anusandhan University, Bhubaneswar, Odisha.

***Corresponding Author:** Mr. Akash Trikha

Article History	Abstract
Received: 18 June 2023 Revised: 12 Sept 2023 Accepted: 01 Dec 2023	<p>Police are a crucial and one of the most vital parts of the system of criminal justice. The investigation conducted by the police is the foundation of the system of criminal justice; without a fair and sincere police investigation, we cannot expect justice to be served fairly. In the past few decades, it has been observed that sexual offenses in India have increased at an alarming rate. However, only a few instances result in prompt and successful investigations, which are essential for effective prosecution. The victim of a sexual offense faces plenty of issues such as social embarrassment, non-acceptance from certain people, etc. In India, most cases of sexual assault go unreported. For the establishment of safety for the citizens of the country, providing justice to the victim and punishment to the culprit is utterly necessary. In the system of criminal justice, police serve as the frontline personnel. But in many cases, it has been observed by the court that mistakes and carelessness of the investigation officers led to the acquittal of the accused/suspect. Criminal courts frequently point out that the investigating officers frequently make mistakes during their investigations, and most of the times these mistakes go unreported as well as get neglected all the way up to the senior police officials. The dearth of adequate training to improve the performance and effectiveness of the police involved in investigations, as well as the non-availability along with non-supply of the relevant legal sources and the pronouncements (judicial) of courts to the investigating agencies, all present challenges to the proper and effective investigation of crimes. For culprits, this neglectful attitude, dearth of sincerity towards the case, and carelessness of the investigation officers act as a boost to commit more such crimes. This raises questions about the power of the Indian judicial system to provide justice to the victim. This paper emphasizes on the guidelines that police should follow for a successful investigation in cases pertaining to sexual offenses. Also, the article explores how police officers can be trained through various methods to handle cases of sexual offenses.</p>
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INTRODUCTION

Any undesirable sexual activity, irrespective on the physical, intellectual, or mental levels of awareness, that results in the victim's will being suppressed by invading their personal space, where they feel compelled or manipulated, and that involves the infliction of pain, is considered a sexual offense. It may also be regarded as an assault if it involves the forced participation of either adults or minors (16). In other words, any crime involving sexual behavior or another sexual activity. In this category, the three most common crimes are sexual assault, penetration assault, as well as rape (17). The person who commits any kind of sexual offense is known as a sexual offender (18).

The below table lists the sexual offenses (in India) (18,19)

Sexual offense	Section
Rape	375,376(1)
Custodial Rape	376(2)
Marital Rape	376A
Obscenity	292-294
Bigamy	494
Adultery	497
Intercourse not amounting to rape by public servant with women in his custom	376B
Intercourse not amounting to rape by superintendent of jail, remand home	376C
Intercourse not amounting to rape by any member of the managing staff of the hospital	376D
Assaulting or using force on women with the goal to offend their modesty	354
Marriage ceremony fraudulently gone through without lawful marriage	493
Enticing or taking away or detaining with criminal intent a married women	498
Selling children (minors) for prostitution purposes	372
Purchasing children (minors) for prostitution purposes	373
Procuration of minor girl under the age of eighteen years	366A
Kidnapping or abducting in order to subject persons to grievous hurt, slavery or unnatural lust of any person	367
Importation of girls upto twenty-one years of age	366B
Unnatural offense	377

Rape statistics vary widely throughout continents because of variations in sociocultural norms, views on gender roles, and legal systems. To provide one example, while there are many crimes that go undetected, Europe has relatively few documented rape incidences compared to other parts of the globe. Sub-Saharan Africa has one of the highest rape rates in the world due to a variety of factors, including violence and poverty. Due to the fact that many of these incidents go unreported, the statistics does not accurately represent this.

Rates vary from nation to nation in the Asia Pacific area, but they often stay high because of a lack of education regarding reproductive health and sexual rights, economic inequality, and inadequate legal safeguards for victims. Harmful customs like honor murders, which are still prevalent in some nations like Pakistan or India, make this situation worse. Rape is most prevalent amongst Indigenous women in Latin America, who also regularly face discrimination, denial of justice, and denial of access to medical care following sexual assault. Additionally, rates frequently exceed normal levels in nations where organized criminal groups are active. Last but not least, statistics demonstrate that North America has experienced a rise in rape complaints in recent years as a result of raised gender equality awareness and enhanced assistance for survivors. In general, a country's rape statistics indicate how effectively its rape reporting system is functioning; conversely, a low rape rate indicates how likely it is that rapes are not being recorded.

According to a rape statistics report 2023, Botswana has the highest rape rate in the world, with 96.87 instances reported for every 100,000 people. With 0 documented incidents of rape per 100,000 people, Oman and Bermuda have the lowest rape rates. The recorded rape rate in India is 2.63 per 100,000 individuals, placing the nation on the 94th rank with regard to the rape rate worldwide. However, according to statistics, a lot more incidents remain unreported because of victim-blaming and patriarchal views (20,21).

According to a report published by the Statista Research Department, in India, with more than 6,000 incidents, Rajasthan recorded the most rapes in all of India in 2021. With 2,947 instances, Madhya Pradesh ranked second. Over 31,000 rape cases were registered nationwide in that year. Less than one hundred rape cases were reported in Arunachal Pradesh (83), Meghalaya (75), Chandigarh (74), Goa (72), Tripura (61), Mizoram (26), Manipur (26), Andaman and Nicobar Islands (15), Sikkim (8), Nagaland (4), Dadra and Nagar Haveli and Daman and Diu (3), Ladakh (2) and Puducherry (2) (22).

There are multiple reasons of high rape rate of India. One of the major reasons is the ineffectiveness of law enforcement. Police officials have occasionally refrained from filing rape complaints or from taking legal

action against offenders. Police personnel have occasionally been punished with involvement in rape cases. Enhancing law enforcement systems can help in solving this issue. To guarantee that offenders are brought to justice, law enforcement systems must be improved. In order to do this, it is necessary to teach police personnel on how to handle rape cases, enhance the investigation procedure, as well as hold law enforcement officials responsible for any misbehavior.

Other reasons are cultural opinions about women, a weak judicial system, a lack of assistance for rape survivors, and the social stigma attached to reporting rape crimes (23).

In India, the police play a significant part in the system of criminal justice. The immediate assistance of the victim, the taking of preventative measures, the capture of the accused, the thorough investigation of the crime, and the establishment and maintenance of law and order conditions are the main goals of the police (1). The investigation by the police is the backbone of the criminal justice system, and without a fair and sincere Police investigation, we cannot expect to have fair justice. In India, the police are more accountable for taking action, preventing crimes, and conducting impartial investigations in order to provide justice to the victims of horrible crimes like rape (2). The Indian Police Act of 1861¹, which still holds true today with a few minor amendments, defined the principles of structure for police forces in India (2,3). Criminal courts commonly note that when conducting their investigations, the investigating officers make a number of mistakes that are unreported or undetected all the way up to the officers that are working at the upper levels of the department (4). Numerous of sexual offence incidents have also prompted the country's laws to alter. A victim of a sexual offense still has difficulty getting justice today. In India, the filing of the FIR signifies the beginning of this process, particularly when it comes to offenses that are "cognizable" in nature. The vast majority of sexual assaults on women are considered to be cognizable crimes that may be prosecuted in court and involve state law enforcement. To prevent the victim from removing herself from the legal process, the criminal procedure must be started and finished promptly (3).

Some of the gruesome incidents in India caused the introduction of several amendments to the rape laws. For instance, in the Nirbhaya Gang rape case, various amendments were introduced such as the Indian Penal Code's definition of "rape" had undergone the most significant alteration. Moreover, a new section, 376A was introduced and the recording of the victim's statement was made more victim-friendly and simple as a result of modifications made to the Criminal Procedure Code and Evidence Act. The modifications and additions were really progressive (24).

Guidelines and legal procedural mandates for various stages of Investigation by police

To enhance the effectiveness of the investigation and ensure conviction, it has been thought necessary to create a Standard Operating Procedure (SOP) for sex crime investigations. Both the investigating and supervising officers are to adhere to these directions while conducting the inquiry. In order to provide a coordinated and multidisciplinary approach to sexual offenses generally, the SOP aims to establish a comprehensive set of regulations and standards related to the reaction of police when dealing with such cases. Rape needs our immediate attention, as do crimes against women in general. Reiterating and emphasizing the need of an immediate and thorough investigation as well as prosecution of rape cases is vital to increase the likelihood of successful convictions (7).

How Promptly and appropriately police should respond to the information regarding sexual assault?

According to a standing order, No. 303² issued in 2019 for Delhi Police, the Central Police Control Room operator will attempt to capture any pertinent information supplied by the caller when a call or information about sexual assault or rape is received there. Information like name, profession, and address of the caller as well as of the victim should be recorded. Other information (if provided by the caller) regarding the accused should also be recorded. In addition to alerting the pertinent PCR Van, District Control Room, etc., the operator will bring it to the attention of the ACP/CPCR right away. However, the operator will not divulge

¹ For details pertaining to the Indian Police Act of 1861, please visit <https://www.mha.gov.in/sites/default/files/police_act_1861.pdf>

² For details pertaining to the Standing Order, No. 303 issued in 2019, please visit <<https://delhipolice.gov.in/doc/standing-order/303.pdf>>

the information to anybody else who is not involved in the situation. The same guidelines were issued for the police of Puducherry in 2020 in Standing Order No. 1³ (5,6).

When to write a FIR and record a statement of an individual?

(A) Recording of the statement

In order to successfully prosecute the accused, one important step is to record the victim's testimony since it serves as the foundation for the FIR and guides the application of numerous criminal statutes based on the information provided in the statement. It will be important to consider the statement's matter and how it was recorded. It is important to pay close attention to the victim's emotional and mental state while speaking with her. As soon as feasible, a proper report of the event should be written out in the victim's native language. In order to get all pertinent information or incident details from the victim in a cordial and sympathetic way, the Investigating Officer or IO should utilize her expertise and knowledge to do so. In accordance with Section 157⁴, a woman police officer shall record the victim's statement as much as possible over the course of the investigation of a rape case in the victim's home or another location of her choosing (3). The interviewer shouldn't just mechanically record the victim's statement; instead, she should first evaluate the victim's mental health. There is a possibility that the victim is traumatized. IO should be specifically cautious in cases where the victim is a child (5,6,7).

(B) FIR Registration

The IO will immediately make an endorsement and lodge a First Information Report (FIR) once the statement has been recorded. FIR must be filed in compliance with Section 154 of the Criminal Procedure Code⁵. In the case of rape of women, a women officer should record it. Due to the significance, it holds, an FIR should be prepared with the utmost attention and meticulously including all relevant details that are either directly or indirectly related to the crime or may serve as key pieces of evidence. A victim can lodge an FIR in any State or District. It can then be sent to the concerned State or police station with jurisdiction for an investigation. The information can be transmitted as soon as possible via audio-visual and technological methods. If in any case there is a delay in lodging an FIR then those reasons should be included in the FIR. If necessary, the FIR should be written in the language of the region in order to make it easier for the victim. The DCP of the concerned District will manage the case investigation because cases of rape are Special Report Cases. According to Standing Order No. 303 issued in 2019 for Delhi Police and Standing Order No. 1 issued in 2020 in Puducherry, the FIR should not be uploaded on the official website of Delhi Police and CCTNS portal respectively (1,3,5,6,7).

Police should handle victims of sexual assault specifically rape victims sensitively, with honor and care. Officers should behave courteously when dealing with the victim. For instance, officers should not ask any kind of indecent question that is embarrassing or questions the dignity of the victim. The victim's family should be informed right away about the incident if the victim isn't present by any family members. The victim's identity shouldn't be revealed to the public, and care should be taken to avoid doing so in both traditional and digital media (7).

If a person who is accused of committing or attempting to commit an offense is either permanently or temporarily disabled (mentally or physically), this information must be documented at the person's home or another convenient location of their choosing, under the supervision of an interpreter or special educator, as appropriate (7). The legislation also mandates that such information be captured on video. It's also significant to note that this clause even requires that such information be recorded by a judicial magistrate in accordance with Section 164⁶ (3,8). When recording the victim's statement or filing an official report, consent and parental attendance may be required if the person who was assaulted is a juvenile. If a parent or guardian is not present,

³ For details pertaining to the Standing Order, No. 1 issued in 2020, please visit <<https://police.py.gov.in/SO.%20No.%20001-2020%20-%20SOP%20or%20Guidelines%20for%20Police%20Response%20and%20Investigation%20in%20Cases%20of%20Sexual%20Offence.pdf>>

⁴ Under section 157 of Cr.P.C, in the unfortunate incident of rape, the victim's statement will be recorded by a police officer at the victim's home or another location of her choosing in the presence of her guardians, parents, or close relatives who work as social workers in that area. Wherever feasible, the victim's information will be recorded by a female police officer.

⁵ Under section 154 of Cr.P.C, a police officer must first obtain the First Information Report (FIR) relevant to the cognizable offense before beginning an investigation into that offense or case.

⁶ According to Section 164 of Cr.P.C., the statement can be recorded by the magistrate.

the statement or FIR may be recorded with the approval and presence of a representative of a non-governmental organization or a member of the Committee of Children Welfare. According to Section 24(2) of the POCSO Act⁷, the investigation officer must appear for interviews and investigations in plain clothing. The police officer must follow Sections 24(3)⁸ and 36⁹ of the POCSO Act in conjunction with Section 273 of the Cr.P.C. to ensure that the juvenile is never in any way in contact with the suspect while being examined. According to Section 24(4) of the POCSO Act¹⁰, no juvenile can be held by a police officer overnight in a police station for any reason whatsoever. The victim should be moved to a shelter home if she doesn't have a place to live. Under section 157¹¹ of the Criminal Procedure Code, the Magistrate must get a copy of the FIR as soon as possible (within 24 hrs) (7,10,12).

Case investigation and collection of evidence by police at the site of the assault and from the culprit

Until the District Crime Team or the FSL/CFSL team arrives and inspects the crime scene, whoever arrives on the scene of the sexual assault first—whether it be PCR Van employees, patrolling police staff, or the investigating officer—will safeguard the crime scene. The whole crime scene must be roped off with crime scene tapes if it is in the open, such as a park, forest, etc. The crime scene must first be carefully documented and videotaped, and only then may the investigating officer or the FSL/CFSL crew lift the exhibits and seize them by Seizure Memo(s). Lifting and packaging the exhibits must be done carefully to prevent contamination or putrefaction (5). There are certain typical mistakes and shortfalls that police personnel make when conducting investigations. For instance, It frequently occurs that the investigating police fail to collect blood-stained clothing, dirt, and other incriminating items from the crime scene, casting doubt on the prosecution's case (4). The crime scene should be thoroughly investigated in a clockwise direction, and every effort should be made to gather as many pieces of evidence from the area as it is practical. To take fingers prints and foot prints, other pertinent things, such as hair, blood, semen, bodily fluids, jewellery, etc., that have been discovered there, forensic teams must be summoned. It is important to take photos of the crime scene from all directions. It is important to take photos of the crime scene from all directions. The location's "Spot Map," which must accurately depict the distances between the things discovered there, is a crucial document. If there are any witnesses, their whereabouts must be disclosed. It would be beneficial to gather any electronic evidence that is accessible. Electronic evidence can take many different forms, including CCTV video and phone call records. CCTV footage is very helpful; thus, investigation officer is required to gather all CCTV footage when it is available. The Indian Evidence Act's section 65-B¹² requires that electronic evidence be demonstrated in the manner specified by that provision (7).

Medical examination of the victim and the accused

After conducting preliminary inquiries or investigations, the investigating officer and another female police officer will accompany the victim to a medical facility for a medical examination (5,6). At the same time, it's crucial to make sure that these forensic evidence are gathered, examined, and analyzed in accordance with legal as well as forensic science requirements in order to preserve their probative value. Rape and the majority of sexual offenses entail physical evidence because they are crimes against the human body, hence forensic analysis of that evidence will be essential to a prosecution case (3). According to Section 164-A of the Criminal Procedure Code¹³, the Investigation Officer must see to it that the victim has a medical examination as soon as possible, preferably within twenty-four hours, at the closest government hospital (3,5,6,8,11). The provision

⁷ Section 24 of the POCSO Act is about recording the statement of a child. In Section 24(2) of the POCSO Act, the police officer must not be wearing a uniform when taking the child's statement.

⁸ According to Section 24(3) of the POCSO Act, the investigating police officer must make sure that the child never comes into touch with the accused in any manner while the child is being examined.

⁹ According to Section 36 of the POCSO Act, the court must make sure that the victim isn't in the presence of the offender when the evidence is being recorded.

¹⁰ According to Section 24(4), juvenile victim of any age should be kept overnight at the police station for any reason.

¹¹ According to Section 157 of the Criminal Procedure Code, the officer who is in charge of a police station has a responsibility to provide a report to the Magistrate with jurisdiction in cognizable crimes before starting an investigation.

¹² The standards for the admission of electronic records, such as eSignatures & digital documents, as evidence in court proceedings are outlined in Section 65B of the Evidence Act.

¹³ Section 164-A of the Criminal Procedure Code is regarding the medical examination of the rape victim

indicates that such a medical examination must be completed without undue delay and that the medical practitioner must provide a thorough report that includes the conclusion reached and the grounds for such determination. The Charge Sheet must have this report attached. All hospitals, whether public or private, are required under Section 357C¹⁴ of the Criminal Procedure Code to offer free first aid or medical care to victims of acid attacks, rape, and serious types of rape, as well as to immediately report such crimes to the police (3). In order for the victim to tell the doctor the history that will be written down in the MLC proforma, the Investigation officer or the accompanying lady police officer must make the victim as comfortable as possible. Every effort must be taken to guarantee that the victim receives a medical examination. When the victim is under the age of twelve old, the agreement of the parents must also be recorded in the MLC with their signatures or thumbprints as well as the document must be countersigned along with stamped by the examining specialist or the gynecologist. The refusal by the victim to have a medical examination must be noted in the MLC by the doctor who treated the patient if the victim is above twelve years old. Attempts are additionally required to get the victim's signature or the thumbprint of the person who brought the victim to the hospital. A female doctor should be preferred to perform the medical evaluation when a girl child victim is involved. When handling child survivors, specific requirements of children must be considered. The juvenile victim should have access to psychological counseling prior to undergoing medical examination at the hospital. The presence of the child's parents, legal guardian, or other trusted adult should be permitted during the medical exam. When the victim is younger than 12 years old, the agreement of the parents must also be recorded in the MLC along with their signatures or thumbprints, as well as the document must be stamped and countersigned by the examining specialist or the gynecologist. The victim's refusal to have a medical examination must be noted in the MLC by the doctor who treated the patient if the victim is above 12 years old. Attempts must also be made to get the victim's signature or the thumbprint of the person who brought the victim to the hospital. If the victim has tooth marks on their body, a forensic dentist should perform a thorough examination, take accurate measurements, and take pictures of the marks so they can be compared to the accused's denture after their arrest (5,6). The recommendations stress the need for the States to have enough forensic skills in order to be able to provide forensic services during criminal investigations. They also acknowledge the need of using forensic science in situations of sexual assault (3). The IO should swiftly get the results of the medical examination. The victim's statement is recorded by the magistrate in accordance with Section 164 of the Criminal Procedure Code¹⁵, who also requests a copy of the medical examination report (5,6,14). It is quintessential to examine the accused medically as well since this might be useful in obtaining information needed for the prosecution of such offenses. Section 53A of the Cr. P. C¹⁶ mandates that a person who has been arrested on suspicion of committing a rape or attempted rape undergo a medical examination. Under this section, even "force as is reasonably necessary" may be employed during the examination. The I.O. must also attach this report as an attachment to the Charge Sheet (3).

¹⁴ Section 357C of the Criminal Procedure Code is pertaining to the treatment of the victim.

¹⁵ Section 164 is regarding the recording of confessions and statements.

¹⁶ Section 53A is regarding the Examination of the person accused of rape by a medical practitioner

Cases prosecution lost due to poor investigation by police

The basis of the criminal justice system is investigation. The police serve as the first responders in the criminal justice system. Poor investigative work will make it difficult to pursue the case and provide the crime victim with fair justice; instead, it will add to the strain on the court. Crime investigation is a key duty of state police forces along with some federal law enforcement organizations, such as the CBI. Over the past ten years, crime in India has climbed by 28%, and the types of crimes are also getting more complicated. However, the percentage of convictions (convictions achieved per 100 cases) has been quite low. For offences included in the IPC, 1860, the conviction rate in 2015 was 47%. The Law Commission has noted that one factor contributing to this is the unsatisfactory nature of the investigations. Due to their reliance on the complainant's account of events and the accused's version being unreliable, police frequently failed to look into the incident, bring the accused to justice, and determine the truth of the crime. Sometimes the accused is the actual culprit, but the investigating officer's perspective was different and thus made it difficult to prosecute the accused, who was the actual offender. As a result, the actual criminal was found not guilty. It is established law that in order to pursue a case, the prosecution must prove its case beyond a reasonable doubt (1,9,13).

Poor Police investigation of heinous cases of sexual assault

1. Bhanwari Devi rape case

Bhanwari Devi was a social activist in one of the villages of Rajasthan. She worked for a rural social development initiative that the Rajasthan state government had launched, which was set to put an end to child marriage in the community. When the Ramkaran Gujjars' (thakurs) daughter was a newborn or less than a year old, Bhanwari Devi set out to stop the union. Bhanwari Devi made an attempt to dissolve her marriage for the sake of her duty.

Even though the attempts of Bhanwari devi were unsuccessful in preventing the marriage from taking place. Still, she was subjected to, or made a target for, societal criticism or boycott. in front of her husband (Mohan). Because of her attempts to prevent child marriage in a high caste family, several of the male family members (5 men (Ram Karan Gurjar, Ram Sukh Gurjar, Badri Gurjar, Gyarsa Gurjar, and Shravan Sharma)) grouped together in September 1922, and gang raped her in front of her husband.

She faced multiple challenges at primary health care centre and police station. The male doctor at the nearby health care facility declined to examine her, and the doctor in Jaipur just confirmed her age in the patient's medical report without mentioning that she had been sexually assaulted. The lady's constable at the police station also continuously taunted her the entire midnight. While returning to her home, the woman was forced to don her husband's turban in order to cover herself. Despite Indian law requiring the vaginal swab to be obtained within 24 hours, it was done more than forty-eight hours later. This illustrates how indifferent and insensitive police officers are to sensitive problems like rape. Gardiner Harris, a writer for the New York Times, pointed out in her article that, even in situations of major crimes, the police are more interested in resolving the problem to prevent negative news than in bringing the criminal to justice (25,26,27).

2. Unnao rape case

On June 4, 2017, a 17-year-old girl was abducted from a village of Uttar Pradesh after tempting her with the promise of an occupation if she relocated to Kanpur. She was gang raped by a BJP politician Kuldeep Singh Sengar, his relative Jaideep alias Atul Singh and some other men. She was repeatedly raped over the course of time. She was discovered seventeen days later, on June 21, 2017, in the town of Auraiya, which is 116.8 kilometers from her home village of Mankhi. Despite the police officers' hesitation, a FIR was eventually filed the next day, on June 22, 2017. Even when the victim mentioned the name of the accused, the primary suspect was not identified in the police's First Information Report. In fact, it was said that when they asked that Sengar be identified in the report, the police actually pushed them out of the police station. The Indian Penal Code, 1860's Sections 363 (kidnapping) and 366 (kidnapping a woman in order to force her into marriage) were allegedly violated. She fought but the authorities paid no attention and did nothing. As the situation worsened, on April 3, 2018, the legislator's brother, other accused Jaideep alias Atul Sengar along with others attacked the victim's father till he was completely disfigured. A video of the incident was posted on social media for all to see. Atul Singh's name could be heard being yelled out by the victim's father on the video, yet Singh wasn't even named in the report. Even though the victim's father reported the incident to the authorities, he was nevertheless detained and imprisoned. The police force proceeded to shield the accused and his accomplices while paying no heed to Sengar's continuous threats against the victim and her family. The Central Bureau of Investigation (CBI) issued an arrest warrant for K.S. Sengar, Jaideep alias Atul Singh, and others involved in the offences on April 12, 2018. The CBI has advised taking the proper actions against three IPS officers

(Pushpanjali Devi, Neha Pandey and Ashtabhuja Singh) and one IAS officer (Aditi Singh) who were posted in the district at the time of the investigation. According to the CBI, these senior officers did not take the appropriate action after being informed of the situation by the rape victim.

The CBI had questioned all four officials about why they had dismissed the victim's rape charge against the former MLA based on claims made by the victim's family. At the time of the incident in 2017, Pandey was the district police chief. Additionally, the victim's family claimed that Devi ignored their complaint when Sengar's brother attacked the victim's father at the Maakhi police station on April 3, 2018. In the same time frame, Ashtabhuja Singh had also held the position of ASP. According to the CBI, the Uttar Pradesh Police handled the 2017 case of the rape of a young girl in Unnao with "lackadaisical" conduct, which was reported to a Delhi court (28,29,30,31,32).

3. Khushinagar rape case

In the Kushinagar area, a sixteen-year-old girl was allegedly kidnapped and sexually assaulted in a moving automobile. On September 9, about 1.30 pm, one of the accused contacted the girl to ask her to clean a cow shelter. The girl said that when she arrived, the man pushed himself onto her and led her to a shack at the point of a knife. Later, two other men arrived at the scene and kidnapped her in a vehicle. They each took turns raping her one by one before throwing her outside the home unconscious, according to the survivor's FIR. She somehow managed to regain consciousness and make it home to tell my family about the experience. Her father then drove her to a local hospital. According to the girl, they did not originally submit a complaint with Kaptanganj station (The girl's father reported the incident to the police in Kaptanganj. The victim claims that the police originally denied to file a FIR.), and the FIR was only filed after they spoke with senior officials. Dhawal Jaiswal, the SP for Kushinagar, acted quickly by suspending crucial police officers in the Kaptanganj district. In-Charge of police station (Vinay Kumar Singh), Sub Inspector Manglesh Mishra, alongwith Women Constable Ankita Singh were suspended. The viral video was quickly noticed by SP Kushinagar Dhawal Jaiswal, who then reopened an inquiry into the matter that had earlier been closed due to an allegedly false report from the Kaptanganj police station. Later it came to light that Jahangeer, the principal culprit, and police station in charge, Vinay Singh were close friends. When submitting the victim's application to the SP's office, Vinay Singh left out critical information in an effort to protect Jahangeer and hide the occurrence (33,34,35).

4. Hathras Gang rape

Four males who were deemed to be from a caste that was 'upper' than the Dalit girl was viciously gang-raped by a nineteen-year-old Dalit female. In Uttar Pradesh's Hathras, the rape took place. The rape victim was checked into a Delhi hospital, where she passed away two weeks later. Luv Kush (23), Sandeep (20), Ravi (35) and Ramu (26) were the accused. Regardless of the circumstantial proof, the local police did not initially investigate the possibility of rape; instead, they invoked a milder law, Section 354 of the the Indian Penal Code involving with assault or criminal force on a woman with the intent to offend her modesty. No charges of rape or gang-rape were made against Sandeep in the first FIR registered by the local police. Less than a week after the victim's initial formal recording of her testimony, the rape accusations were added to the FIR. When the Central Bureau of Investigation (CBI) took over the case, it filed a FIR citing the SC/ST Act, gang rape, and murder provisions of the IPC. However, crucial evidence that the local police may have retrieved during the earliest stages of the investigation had already been lost. As time went on, senior police authorities in UP made every attempt to prove that the incident was not a rape, as the victim's family claimed. According to the Forensic Science Laboratory (FSL) findings, the nineteen-year-old victim was not sexually assaulted since "no semen was found," according to a top UP police officer. Medical professionals emphasized that it is best to collect samples in suspected rape cases between 72–90 hours of the alleged offense and ideally when the victim hasn't bathed urinated, or defecated. The investigation mainly depends on physical evidence, such as bruises and blood, in rape and murder cases. However, the improper handling of what may have been crucial evidence in this case highlights the local police's lack of proficiency in conducting such investigations (36,37,38).

5. Gudiya rape case

In Shimla, a sixteen-year-old girl was discovered dead in her neighborhood. The child, who would go to and from school with her brother, didn't return home on July 4. Her family found her battered, dead corpse in the Halaila woods near Mahasu in Shimla two days later.

Following the discovery of her death in the Haliaila forest two days later, her parents filed a police report. Police initially believed it to be a case of murder, but after the postmortem report revealed it was really a rape. A case of rape and murder was filed in addition to the pertinent POCSO Act provisions because the victim was a juvenile. Investigations revealed that the offenders were aware of the girl's routine and were aware that she did not carry a cell phone. Initial police inquiries produced very little. There was a clear and predicted increase in

public outrage at the time, and it did occur. Due to intense pressure, DGP Somesh Goyal stated on July 10 that a SIT should be established to investigate the rape case due to its complexity and sensitivity. On July 11, the police detained three individuals for questioning to avoid embarrassing themselves. The people exerted pressure and asked that the case be heard in a fast-track court so that Gudiya may receive justice through demonstrations, peace marches, and dharnas. When it arrested six of the case's suspects on July 13, the SIT had a major victory. There were two locals, two people from Uttarakhand, and two people from Nepal. The people disagreed with the police's declaration that the case had been solved. They said that the cops had written the entire narrative under duress so that they could glorify themselves. As large crowds assembled in Kotkhai, Theog, and other locations to demand a CBI investigation into the issue, public anger reached its peak. People criticize the police for intervening in this case to save high-profile individuals. After some time of this unfortunate occurrence, the case was handed over to the CBI. When the CBI arrested 8 police officers on August 29, the whole state of Himachal was shocked. The Special Investigative Team of HP Police, which had looked into the gangrape and murder of Gudiya in the Halaila jungles of Kotkhai, Shimla district, in July, was among the police personnel who were arrested. With its hands in the case, the police's credibility took a severe hit (39,40,41,42).

Significance of training police officers

The training of the officers can be done through seminars, webinars and workshops. The Special Commissioner of Police (Training) must arrange seminars and workshops for police employees to increase their awareness of the difficulties, suffering, grief, and trauma experienced by the victim and her family in situations of rape and sexual offenses. Numerous facets of the investigation of such situations should be included in workshops and seminars. When an offense under the POCSO Act is reported, and when the offender is also a minor, more attention is needed from the I.O., as they must deal with numerous legal provisions under the IPC, POCSO, and J.J. Act. The training should also strive to familiarize the investigation officer (IO) with the procedural requirements in these situations. determining the age of the accused becomes a key consideration when a juvenile commits a POCSO Act offense. The certificate of birth should be obtained by the investigation officer from the local authority; if not, it should be obtained from the school or examination board along with other documents that were on file with the educational institutions at the time of registration, pasting files, etc.; and if none of the aforementioned are available, the government's Ossification Test should be obtained. The final recourse should be the hospital. Prior to choosing this, all other methods of age verification should be tried, and if necessary, a thorough report detailing all police attempts should be included in the motion to order an Ossification test that is made to the court. "National Database of Sexual Offenders" (NDSO) has been made available by the Ministry of Home Affairs for Police officers to utilize this database to find repeat offenders, get warnings about sex offenders, and find sensitive locations like schools, hotels, and busy streets (5,6,12,15).

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