

*Procedure for Medical Examination of Rape victims*

Government of West Bengal  
Directorate of Health Services, Hospital Administration Branch  
Swasthya Bhawan, GN 29, Sector V  
Salt Lake City, Kolkata 91

File No: HFW-40099/18/2019-HA SEC (DHS) (HFW)-Dept. of H&FW/ 138

Dated 01.04.2019

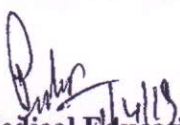
To  
MSVPs, (All MCHs and Teaching Institutions)  
CMOHs, (All districts)  
Superintendents, all hospitals


**Subject:** Recommendation of National Human Rights Commission regarding Medical Examination of rape victims

As per recommendation of the National Human Rights Commission, following directives are hereby given regarding timely examination of Rape Victims:

1. Henceforth Medical Examination of sexual assault victims cannot be denied on the pretext of Court order. It is in contravention to the Section 164 (a) of Cr. P. C inserted vide Criminal Law Amendment Act, 2013. The said provision states that the registered medical practitioner, to whom such woman is sent, shall, without delay, examine her and prepare a report of his/ her examination.
2. Further section 357 C of the Cr. P. C mandates that all hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other persons, shall immediately provide first aid or medical treatment free of cost to the victims of any offence of acid attack and rape/ sexual assault.
3. Any contravention of this provision has been made punishable u/s 166 (b) IPC.
4. Ministry of Health & Family Welfare, Govt. of India had issued guidelines and protocols for Medico-Legal care for survivors/ victims of the sexual violence. A one page instruction was shared with all CMOHs and MSVPs for wide circulation to concerned MOs under their control regarding examination and treatment of victims of sexual assault on 30.05.18 as per this guideline.

You are instructed to circulate this order to all concerned MOs and others under your control so that the recommendations of Human Rights Commission are followed forthwith.

  
Director of Medical Education  
West Bengal

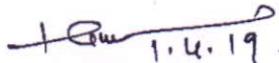
  
28/3/19  
Director of Health Services  
West Bengal

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Dated 01.04.2019

Copy for warded for information and necessary action to the:

1. Special Secretary, GA Branch, Swasthya Bhawan, Kolkata
2. Jt. DHS (HA), Swasthya Bhawan, Kolkata
3. DDHS (Admin), Swasthya Bhawan, Kolkata
4. In charge, IT Cell with a request for web posting in official website.

  
1.4.19 -  
DDHS (HA)