STANDING ORDER NO. 56/2013

DUTIES OF POLICE REGARDING DEALING WITH THE CASES OF RAPE/SEXUAL ASSAULT/ VIOLENCE ON WOMEN AND CHILDREN

Crime against women and children are on rise. There is a necessity of time to measures for protection of women and children and to provide adequate security to prevent such incidents. In compliance of the orders dated 16.4.2013 passed by the hon'ble Supreme Court of India in Crl. Appeal No. 1156 of 2010-Dalip Vs. State of Madhya Pradesh (copy enclosed) all concerned investigation agencies of Chandigarh Police, are directed to take the following steps whenever any incident of rape/sexual assault/violence on women and children is reported:-

Women:-

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

2. There should be no delay in registration of FIR in cases related to crime against women/children.

3. 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 officials present in the police station shall ensure to make victim and her family comfortable.

4. The police officer on duty, immediately, upon receipt of complaint/information intimate the 'Rape Crisis Cell' (proposed to be set up shortly) on its notified helpline number.

5. After making preliminary enquiry/investigation, the investigation officer along with the lady police official shall escort the victim for medical examination.
6. The investigating officer shall secure the clothes of the victim as well as the clothes of the accused, if arrested and send for forensic analysis to find out whether there are traces of semen/hair etc. to obtain reports about the matching of blood group and if possible DNA profiling.

7. The investigating officer shall ensure that medical examination of the victim of sexual assault and accused is done at the earliest.

8. The statement of the victim shall be recorded in private at her residence or other place of her choice and preferably 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. In incest cases, where there is a suspicion of complicity of the family members in the crime as such family members should not be permitted at the time of recording the statement of the victim.

9. Whenever it is desirable the statement of the victim u/s 164 Cr.P.C, shall be recorded expeditiously.

10. Immediately after the registration of the case, the investigating team shall visit the scene of crime to secure and collect all incriminating evidence is available there.

11. The SDPO shall personally supervise the investigations of cases 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.

12. The investigating officer shall complete the investigation at the earliest and shall ensure that in no case the accused gets the undue advantage of bail by default as per the provisions u/s 167 Cr.P.C.

13. The accused should not be confiscated with the victim except identification in the court during TIP proceeding in the court.
14. 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.

15. Periodical training to deal with rape cases should be provided to the police officers, juvenile police officers/child welfare officers.

16. The police should keep the permanent address 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.

17. 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.

18. Identity of the victim and her family shall be kept secret, keeping in view the modesty and security of the victim.

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

20. The police should consider empanelling professional counselors and the counseling of the women and children should be done by the professional counselors.

21. 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, members of child welfare committee, shelter homes, other helpline numbers.

22. The complainants, of sexual assault cases should be provided with legal representation. It is important to have someone who is
well 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, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, counseling or medical assistance. It is 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.

23. 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.

24. 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.

25. The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victim was questioned without undue delay, advocates would be authorized to act at the police station before leave of the court was sought or obtained.

26. Where the victim is less than 16 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 being less than 16 years, as per the legal provisions of Section 375 (6)." In nutshell, sexual intercourse by a man with a girl, who is under 16 years of age amount to rape. Hence consensual sex with a minor amounts to
rape and there can be no leniency even if she is in love with her partner. All SHOs/IOS are directed to register the child rape cases according to Section 375 (6) IPC and such cases be investigated by Inspector (Investigation)/SHO.

**TRAINING AND AWARENESS CAMPAIGNS**

1. DSP training and DSP/W&CSU shall organize seminars/workshops for police personnel for sensitization in cases of rape and sexual offences, violence/crime against women, gender sensitization so that they are receptive to the difficulties, sufferings, pain and trauma of the victim and her family. The seminars/workshops should also cover various aspects regarding investigation of such cases. They shall also conduct awareness programs in various educational institutes, bus stands, railway stations, slum areas and other crime prone areas with an objective to spread awareness in the public especially women and children by interaction. Awareness should be spread involving the community at large.

**CHILDREN**

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. To secure this end the following steps shall be taken:-

1. On a complaint of cognizable offence involving a child victim being made, concerned police officer shall record the complaint promptly and accurately. The provisions of 'The Protection of Children from Sexual Offences Act, 2012' shall be complied with strictly. The sections of this act should be added in addition to IPC and other acts.

2. The investigation of the case shall be referred to an officer not below the rank of Asst. Sub-Inspector, preferably a lady police officer, sensitized by imparting appropriate training to deal with child victim of sexual crime.
3. 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 ensuring accurate narration of the incident covering all relevant aspect of the case.

4. The officer recording the statement of the child victim should not be in police uniform.

5. The statement of the child victim shall be recorded at the residence of the victim or at any other place where the victim can make a statement freely without fear/pressure.

6. The statement should be recorded promptly without any loss of time.

7. The parents/guardians of the child or any other person in whom the child reposes trust and confidence will be allowed to remain present.

8. The investigating officer, to ensure that at no point of time, should the child victim come in contact with the accused, except TIP in the court.

9. The child victim shall not be kept in the police station overnight on any pretext, whatsoever, including medical examination.

10. The investigating officer shall ensure that the child victim is medically examined at the earliest preferably (in accordance with Section 164-A Cr.P.C) at the nearest government hospital or hospital recognized by the government.

11. The investigating officer shall ensure that the investigating team visits the site of the crime at the earliest to secure and collect all incriminating evidence available.

12. The investigating officer shall promptly refer for forensic examination 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.

13. The investigation of the cases involving sexually abused child may be investigated on a priority basis and completed preferably within ninety days of the registration of the case. The investigation shall be periodically supervised by senior officer(s).

14. The investigating officer shall ensure that the identity of the child victim is protected from publicity/media, unless otherwise directed by the special court in the interest of child.

15. The statement of the child victim shall be got recorded promptly and at the earliest by the concerned Magistrate u/s 164 Cr.P.C. In the event of child victim being in the hospital the statement shall be recorded in the hospital.

16. Wherever possible, the IO shall ensure that the statement of the child victim is also video recorded.

17. 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.

18. 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.

**NODAL OFFICER**

Senior Superintendent of Police, UT, Chandigarh shall act as the "Nodal Officer" for the cases of rape/sexual assault/violence on women and children in Chandigarh and will coordinate with the Director Social Welfare, Health Department, Judiciary, the concerned Government Departments and other outside agencies to deal such cases.
All concerned investigation agencies as well as all SDPOs and all SHOs shall ensure strict compliance of all the directions mentioned in this order. This must be monitored by the concerned SDPO/DSP.

Inspector General of Police
UT, Chandigarh.

No. 31660-99, /UT/E-6, dated, Chandigarh the:
Copy to:

- The Registrar General, Punjab and Haryana High Court, Chandigarh w.r.t. his office No. 5406 S. Court Cell D-17 dated 31.5.2013 for information.
- DIG/UT
- SSP/UT
- SSP/Ops.
- SSP/Sec. & Traffic
- All DSPs
- All SHOs, I/C W&CSU
- I/C Computer Section.