INTRODUCTION

For effecting curbing of crime against children, Juvenile Justice Act 2015 and Prevention of Children from Sexual Offences Act, 2012 have been enacted.

The children by reason of their physical and mental status need special safeguard and care. Child victims of sexual abuse are required to be treated with compassion and dignity.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 protects children from offences of sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process. The POCSO Act, 2012 provides a comprehensive definition and procedures to be adopted in case of sexual crimes and exploitation of children.

OBJECTIVE:

1. To safeguard the interests of most vulnerable section of the society i.e. children.

2. To help in creating and maintaining a healthy and conducive environment for the overall development of children.

3. To impart justice to the victim and their Guardians/parents.

4. To spread awareness about the provisions of law in the general public especially women and children. Awareness should be spread involving the community at large.

GENERAL INSTRUCTIONS/GUIDELINES TO BE FOLLOWED BY LOCAL POLICE:

1. The Area SHO/ I/O (CWPO) shall ensure that as and when any information or complaint is received pertaining to cognizable offence involving a child victim, he shall register the First Information Report (FIR) promptly and accurately as per the provisions of the Protection of Children from Sexual Offences Act, 2012 and other laws in force.

2. Area SHO/I/O (CWPO) shall ensure that guardians/parents of the victim child must be informed immediately after the reporting of incident and copy of FIR & other relevant documents shall be handed over to the complainant or guardian of the victim child.

3. Area SHO/I/O (CWPO) shall ensure that no accused or suspected accused shall be brought in contact with the child.

4. Area SHO/I/O (CWPO) shall ensure that where victim and accused are both children, they shall not be brought in contact with each other.
5. Area SHO/I/O (CWPO) shall ensure that the names and contact details of the Magistrates, SJPU and CWPO, CCIs, CWCS, JJBs and the Children's Courts shall be available and displayed at Police Station.

6. The Area SHO/I/O (CWPO) shall ensure that cases of POSCO Act will be dealt by a Police Officer, not below the rank of Sub-Inspector, preferably a lady Police Officer.

7. The Area SHO shall ensure that the Child Welfare Police Officer/Investigating Officer shall be in plain clothes while dealing with victim child.

8. In case, the child is abandoned against whom offences under POSCO Act, has been committed and such child has no guardian then the Area SHO shall make all the arrangements to give the victim child such care and protection as required by the circumstances i.e. admitting the child into shelter home or to the hospital etc.

   Area SHO shall also give information to the Child line Services or to a Child Welfare Committee or to the District Child Protection Unit within 24 hours (excluding the time necessary for the journey) and hand over the Child to a Child care institution registered under the Juvenile Justice (Care and Protection of Children) Act, 2015.

9. In case, the victim child is abandoned then, the Area SHO shall ensure the presence of lady Social worker or lady member of NGO all the time while conducting the legal formalities.

10. The Child Welfare Police Officer/Investigating Officer shall ensure that 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 any fear/pressure.

11. Wherever possible, the Investigating Officer shall ensure that the statement of the child victim is also recorded by Audio-Video electronic means.

12. The parents/guardians of the child or any other person, in whom the child reposes trust and confidence, shall be allowed to remain present all the time with victim child while conducting the legal formalities of the case.

13. The Area SHO / Investigating Officer (CWPO) shall ensure that the statement of the victim shall be recorded verbatim and in simple language so that the child understands contents being recorded.

14. In the case of a child having a mental or physical disability, the Area SHO/Investigating Officer shall take the assistance of a special educator or an expert in that field for recording the statement of such victim child.

15. In case the Area SHO/Investigating officer does not acquaint with the language of a child victim then the assistance of a translator or an interpreter shall be taken in such case.

16. The Area SHO/Investigating Officer shall ensure that the statement of the victim child shall be got recorded promptly before the Magistrate U/S 164 Cr.P.C. and in the event of child victim being in the hospital, the statement shall be recorded in the hospital.
17. The Area SHO/Investigating Officer (CWPO) shall ensure that psychological counseling shall be provided to the victim child 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 aspects of the case.

18. The Area SHO shall send the special report of such cases to the Child Welfare Committee and Special Court of Additional District & Session Judge, UT, Chandigarh within a period of 24 hours. In such report, the Area SHO must mention the need of the child for care and protection and steps taken in this report.

19. Area SHO/Investigating Officer (CWPO) shall ensure that the child victim shall not be kept in the Police Station overnight on any pretext, whatsoever, including medical examination.

20. Area SHO / Investigating Officer (CWPO) shall ensure that the medical examination of the child victim is got conducted at the earliest in accordance with Section 164-A Cr.P.C from the nearest Government Hospital.

21. Area SHO/Investigating Officer (CWPO) shall ensure that in case of Medical examination of girl Child, the medical examination shall be got conducted by lady doctor. The parents or guardian of the girl child victim shall be allowed to remain present during the medical examination.

22. In case the victim girl child is abandoned then the Area SHO/Investigating Officer (CWPO) shall ensure the presence of lady member of NGO or Lady Social Worker during medical examination.

23. 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 there.

24. The Investigating Officer shall promptly refer for forensic examination of 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.

25. The SDPO concerned shall seek weekly status report of the case from the concerned SHO / Investigating Officer and forward the consolidated report of the division regarding such cases to the Senior Superintendent of Police, UT, Chandigarh.

26. The SDPO shall also ensure that the investigation of such cases involving sexually abused child shall be investigated on a priority basis. The charge sheet in such cases shall be put before the Special Court of Additional District & Session Judge, UT, Chandigarh (nominated in this act) within the period allowed as per legal provision of the Code of Criminal Procedure.

27. The SDPO/Area SHO shall ensure that the identity of the child victim is protected from media as per existed laws in this regard, unless otherwise directed by the special court in the interest of child.

28. DSP/ PEB, In-charge/PEB shall ensure that a Child Welfare Police Officer (Sub Inspector) shall be deputed in each Police Station under POCSO Act and the officer concerned should have well versed and good knowledge of POCSO Act.

29. DSP/Training shall make POCSO Act and Juvenile Justice Act a part of Basic Training, Promotional Courses and Refresher Courses.
DSP/Training shall also conduct the Special Refresher Training Courses of POCSO Act and Juvenile Justice Act for all Child Welfare Police Officers (CWPO) quarterly, to make them aware about the provisions of the Act and amendments incorporated in the act regarding the offences related to the children.

30. DSP/W&CSU, Inspector/I/C W&CSU shall organize awareness programmes in various Educational Institutes, Pvt. Corporate offices, Slum areas, Bus Stands, Railway Stations and other crime prone areas with an objective to spread awareness in the public especially women and children through interactions periodically. DSP/W&CSU, Inspector/I/C W&CSU shall ensure that the awareness programme shall be conducted at least twice in a month. Awareness should be spread involving the community at large.

31. SDPOs, SHOs shall ensure to nominate at least two Officers to be designated as Child Welfare Police Officers to deal with the cases related to POCSO Act who are well versed with the provisions of the act. The SDPOs-cum-SJPUs heads shall coordinate with other stake holders including NGO's working in the field of Child Welfare and Child Rights for necessary support to the child in need of care and protection as per the provisions of Juvenile Justice Act, 2015.

32. Area SHO/CWPO shall ensure that the expenses like food, transport etc. incurred during the handling of children & Victim of POCSO, be claimed under the head of Office/ADO and the same shall be reimbursed as per the instructions of the Senior Officers.

33. DSP/W&CSU shall act/function as the Nodal Officer under the overall supervision of SSP/L&O, UT Chandigarh for the cases of Sexual Assault with 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 and provide the necessary help and basic amenities to the Child victim.

No. 32/92-3312/UT/ HAC

Dated: 03-5-18

A copy to the following for information please:-

(I) WDGP/UT (II) DIGP/UT Chandigarh

A copy to the following for information and necessary action:-

I. SP/Headquarters
II. SP/Operations
III. All SDPOs
IV. DSP/W&CSU, Training, Lines, PCR, HQ
V. All SHOs