



DELHI POLICE

STANDING ORDER NO. 303 OF 2019 **GUIDELINES FOR POLICE RESPONSE AND** **INVESTIGATION IN CASES OF SEXUAL OFFENCE**

(I) INTRODUCTION

In the past few years, there have been various amendments in offences relating to sexual assault, including enactment of the Protection of Children from Sexual Offences Act, 2012. Amendments have also been made in the procedural law i.e. Code of Criminal Procedure and Indian Evidence Act. Moreover, the Hon'ble Supreme Court and the Hon'ble High Court of Delhi have also passed guidelines for the investigation of sexual assault cases. In addition to the statutes and directions of the Hon'ble Courts, certain other important directions have been incorporated in this Standing Order which are to be followed while responding to and investigating sexual assault cases.

(II) OBJECTIVES

- (i) To respond promptly and appropriately to 'calls' or information pertaining to sexual offences.
- (ii) To initiate immediate legal action on all such complaints as and when the same is received.
- (iii) To issue comprehensive instructions regarding investigation of rape or sexual assault cases so as to improve the quality of investigation and also to secure maximum conviction.
- (iv) To emphasize the critical importance of the manner in which investigation is carried out in rape cases so that all available evidence is collected and the victim does not suffer any miscarriage of justice.
- (v) To provide immediate relief and assurance to the victim through counseling and provision of legal assistance, and investigate the case

fairly in a time-bound manner so as to ensure that the guilty are promptly apprehended and subjected to trial.

- (vi) To ensure that the investigating officers are adequately trained and made aware of the legal perspectives, statutes and directions. They must also be closely supervised and all necessary scientific and logistical support should be made available to them.

(III) RECEIPT OF INFORMATION AND RESPONSE

(a) Call Received in PCR

When a call or information of rape or sexual assault is received in the Central Police Control Room (CPCR), the Operator handling the call will try to record each and every relevant information being shared by the caller, including name, address, profession of the caller; name, address & age of the victim; exact place of occurrence; name, address and age of accused persons (if known) etc. The operator will immediately bring it to the notice of the ACP/CPCR, besides informing the concerned PCR Van, District Control Room etc., but he or she will not disclose the information to anyone else who is not connected with the matter. In-charge of PCR Van, unless it is operationally expedient to do so in the interest of the victim, should take care to avoid passing on the '*Halat Report*' on wireless and he may convey this through telephone to the concerned officers or CPCR.

(b) Response of Local Police

SHO and other responsible staff of Delhi Police should immediately respond to a call or complaint involving offences against women or children and treat the entire city as his jurisdiction to begin with. The process of recording a complaint or statement, inspection of spot, getting medical help, identifying the accused and his apprehension (if sufficient evidence) etc. should commence immediately and jurisdiction decided later.

All supervisory formations will ensure that constant briefing of police officers is ensured so that a call or complaint is responded to promptly without getting deterred by jurisdictional issue. If a complainant is not duly attended to or prompt police response is not provided on grounds of jurisdiction, strict disciplinary action should be taken.

(c) Action on Receipt of Information

- (1) If an information or a 'call' regarding sexual assault is received through Wireless message or telephone in the police station, the same shall be recorded accurately in the Daily Diary by the Duty Officer. As far as possible, the name, address and telephone number of the informant or 'Caller' shall be mentioned in the Daily Diary.

(2) The Duty Officer shall also intimate the **Rape Crisis Cell** (RCC) or the Rape Crisis Intervention Centre (RCIC) of the Delhi Commission for Women (DCW) on its 24-hour helpline number **23370557** and make an entry in the Daily Diary to this effect. If the victim is a foreigner, intimation should also be sent to the concerned Embassy/High Commission by the SHO of concerned Police Station at the earliest and a copy of the same be also forwarded to DCP/District.

(3) The Duty Officer shall invariably mark the 'call' preferably to a Woman Officer i.e. Inspector or Sub-Inspector posted or attached to the police station. The Duty Officer shall also immediately convey the information to the SHO and Inspector (Investigation) in person or through telephone.

(4) In case a Woman Inspector or SI is not available in the police station, ACP/SDPO will assign a Woman Inspector or SI from any other police station of the Sub-Division.

(5) Subsequent to the filing of the complaint/lodging of the FIR, only a woman officer of the rank of Inspector or Sub-Inspector shall be detailed as Investigating Officer (IO) to conduct the spot enquiry and further investigation.

(6) The Duty Officer shall prepare a copy of the Daily Diary entry duly attested by him and hand it over to the Investigating Officer. The Officer, who has been assigned the DD entry, shall proceed to the spot (where the victim is reported to be present) along with sufficient staff.

(7) SHO and/or Inspector (Investigation) shall also proceed to the spot without fail once the information is prima facie confirmed.

(8) In case the victim approaches the police station herself or with her parents/guardian, the Duty Officer will call the woman Investigating Officer to deal with her. The Duty Officer will also inform the SHO and Inspector (Investigation) about the same.

(9) The staff deployed at the Public Facilitation Desk shall handle the complainant/victim with due empathy and care so as to make her feel comfortable before she is further attended to.

(10) It should be kept in mind that in case a call or information of sexual assault is received through telephone, which is subsequently found 'switched-off', and the victim or the place of occurrence are also not traceable, the call should not be 'filed' in a routine manner unless proper verification from the caller or owner of the phone is done.

(IV) RECORDING OF STATEMENT & REGISTRATION OF FIR

Recording the statement of the victim of sexual assault is one of the most significant steps towards successful prosecution of the accused, since it is the basis on which the FIR is lodged and various penal sections of law are applied as per facts disclosed in the statement. The contents of the statement and the manner in which it has been recorded will be crucial. Therefore, the Investigating Officer (IO) should use her knowledge and experience to elicit each and every relevant information or details of incident from the victim in a congenial and empathetic manner.

The IO should not mechanically record the statement, but she should first assess the psychological state of the victim, as victim may be traumatized, particularly when the victim is a child.

In view of provisions of POCSO Act, vide section 19 and 26 of the Act, while recording the statement of victim, wherever necessary, the assistance of translator or an interpreter or special educator having such qualification, experience may be taken by the IO.

(1) The Investigating Officer shall record the statement of the victim promptly and accurately as narrated by the victim.

(2) If the victim is a child i.e. less than 18 years of age, her parents or guardians or any other person in whom the child reposes trust and confidence shall be allowed to be present at the time of recording her statement, unless the allegations point to the involvement of the parents.

(3) Ordinarily, 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.

(4) The Investigating Officer will ensure that at no point should the child victim come in contact with the accused.

(5) The victim shall not be kept in the police station overnight on any pretext whatsoever including medical examination, and in case the victim has no place of stay or family, she should be sent to safe places like *Nari Niketan*, Short Observation Home etc.

(6) The Hon'ble High Court of Delhi pronounced the following directions in Crl. Ref. No. 02/16 – "Court on its own motion Vs State":-

(i) A statement under the POCSO Act can be made only to a police officer or a magistrate, and;

(ii) Provisions of the POCSO Act or the J.J. Act do not contemplate any report to be made by a counselor. It further makes it explicitly clear that counseling report/notes of the

counselor (as well as any person or expert recognized under the POCSO Act and Rules of 2012 and the JJ Act) are confidential in nature and the same cannot be made a part of the charge sheet or otherwise on the trial court record. As such, the IO/SHO while preparing the charge-sheet/Final Report of Rape/POCSO Act cases shall ensure that neither the Counselor is cited as PW nor the Counseling Report is included in the list of documents to be forwarded to the Court.

(b) Registration of FIR

(1) After the statement has been recorded, the IO will make an endorsement and get an First Information Report (FIR) registered without any delay.

(2) If there is delay in registration of FIR, due to victim reporting the matter late under certain circumstances, the same should amply be explained in the endorsement of the IO and explained during the subsequent investigation of the case.

(3) The FIRs relating to sexual offences shall not be uploaded on the official website of the Delhi Police as is being done in other FIRs, categorized as "Sensitive".

(4) In view of the order dated 12.09.2017 of the Hon'ble High Court of Delhi in CWP No. 8183/2017 titled '*Court on its Own Motion Vs. Govt. of NCT of Delhi & Ors.*', a copy of FIR in all cases of 'sexual violence' shall be sent to the Delhi State Legal Services Authority (DSLSA) on their dedicated e-mail **sampark.dslsa @gov.in** immediately after registration of such FIR and in no case later than 24 hours of registration.

(5) The IO shall ensure that the identity of the child/victim is protected from publicity. No details revealing identity of victim or accused (if juvenile) be shared by any staff, as it is also an offence u/s 228 A of the IPC and 74 of the JJ Act.

(6) In terms of the directions of the Hon'ble High Court of Delhi, issued in Criminal Reference No. 2/2016 in the matter of Court on its Own Motion Vs. State, in case the identity is necessary to be revealed for the benefit of a child, then name can only be given in double sealed envelope with written warning on inner envelope i.e. the contents of this letter/report are secret in nature and should not be divulged to anyone under any circumstances and contravention of the same is punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both u/s 74 of Juvenile Justice (Care and Protection of Children) Act 2015."

(V) ACTION AT THE SCENE OF CRIME

- (1) Whoever first reaches the spot of sexual assault, whether it is PCR Van staff or patrolling police staff or the Investigating Officer, he or she will preserve the scene of crime till the District Crime Team or the FSL/CFSL team visits and inspects the crime scene.
- (2) If the scene of crime is in the open i.e. park or jungle etc., then the entire scene of crime is to be cordoned off by using crime scene tapes.
- (3) The scene of crime shall be professionally photographed and video-graphed at the first instance, and only thereafter the exhibits shall be lifted and seized through Seizure Memo(s) by the IO or the FSL/CFSL team. All precautions shall be taken while lifting and packing the exhibits so that the same is not contaminated or putrefied.
- (4) Site plan of the scene of crime and route taken by the accused, if victim has been taken from one spot to another, be got prepared intelligently by the IO. Services of Draughtsman of Delhi Police may also be utilized in preparation of such site plans.

(VI) MEDICAL EXAMINATION

- (1) After making preliminary enquiry or investigation, the IO along with other lady police officer will escort the victim for medical examination.
- (2) The IO shall ensure that the child victim is medically examined at the earliest preferably within twenty-four hours (in accordance with Section 164-A Cr.P.C.) at the nearest government hospital or hospital recognized by the government.
- (3) In case of a girl child victim, the medical examination shall be conducted preferably by a female doctor.
- (4) The IO or the accompanying lady police officer shall try to make the victim comfortable so as to enable the victim to narrate the history to be recorded in the MLC performa by the doctor. All necessary efforts shall be made to ensure that the victim is medically examined.
- (5) In so far as it may be practical, the help of a Psychologist should be made available to the child victim before medical examination at the hospital itself.
- (6) The parents or guardian or person in whom child has trust should be allowed to be present during the medical examination.
- (7) In case the victim has teeth marks on the body, proper examination/ measurement be done and same be got photographed for

comparison of the same with the denture of the accused (on his/their arrest) from a forensic Odontologist.

(8) The medical examination report should be collected expeditiously by the IO. A copy of such Medical examination report be handed over alongwith IOs request to the magistrate who records the statement of the victim u/s 164 Cr.PC. In the event the results of examination are likely to be delayed, the same should be clearly mentioned therein.

(9) Cases in which the victim is below 12 years of age, the consent of parents for medical examination or otherwise shall also be got recorded in the MLC under their signatures or thumb impressions and the same be got countersigned and stamped by the examining expert or the Gynaecologist. In case the victim is over 12 years of age and refuses for medical examination, the same be got recorded in the MLC from the doctor and efforts shall also be made to get a signature or thumb impression of the victim as well as of the person bringing the victim to the hospital.

(10) Investigating Officer as well as supervisory officers should ensure that the medical examination of the accused includes examination of any Sexually Transmitted Disease or Sexually Transmitted Infection, with which the accused might be suffering, so that the accused can be charged with appropriate sections of law and also to provide necessary treatment to the victim at the earliest, against any sexually transmitted disease or sexually infectious disease.

(11) As per the recommendations of Justice Usha Mehra Committee, the Health Department of GNCTD has set up '**ONE STOP CENTRE**' as a pilot project in selected hospitals for victims of sexual abuse. The centre has the provisions of medical, legal and rehabilitative services for the victim under one roof, and the I.O. should avail of the same wherever such a Centre is provided.

(VII) RECORDING OF STATEMENT BEFORE MAGISTRATE

(1) It has also been mandated by the Hon'ble Supreme Court in the case titled "Attorney General Vs Shiv Kumar Yadav", Manu/SC/0997/2015 and "State of Karnataka Vs. Shivanna", 2014(8) SCC816 that the statement of the prosecutrix in case of rape and sexual assault must be recorded U/s 164 Cr.P.C. within the 24 hours of the registration of FIR and at that time medical report of the prosecutrix must be before the Ld. Magistrate recording statement of victim U/s 164 Cr.P.C.

(2) In the event of the victim being admitted in the hospital, the concerned Magistrate shall be requested to record the statement of the victim in the hospital.

(3) The child victim shall not be separated from his or her parents or guardian nor taken out from his or her environment on the ground of "ascertaining voluntary nature of statement" unless the parent or guardian is reported to be abusive or the Magistrate thinks it appropriate in the interest of justice.

(4) Wherever possible, the IO shall ensure that the statement of the victim is also video recorded as per Section 26 (4) of POCSO Act.

(5) The Hon'ble Supreme Court in SLP(Crl.) No. 5073/2011 titled '*State of Karnataka by Nonavinakere Police Vs. Shivnna @ Tarkari Shivanna*' vide its order dated 25.4.2014 held that "...the Investigating Officer shall not disclose the contents of the statement of the victim under section 164 Cr.P.C. until a charge sheet is filed to anybody other than those connected with the investigation of the case either in the capacity of supervisory officer or the Prosecutor."

(6) The Investigation Officer shall as far as possible take the victim to the nearest lady Metropolitan /preferably Lady Judicial Magistrate. If there is any delay exceeding 24 hours in taking the victim to Magistrate, the Investigation Officer must record the reasons for the same in the case diary and hand over a copy of the same to the magistrate.

(7) The section 164-A Cr.P.C. imposes an obligation on the part of the IO to get the victim of rape medically examined within 24 hours. A copy of the report of such medical examination should be immediately handed over to the Magistrate who recorded the statement of victim u/s 164Cr.P.C.

(VIII) INVESTIGATION OF CASES OF SEXUAL ASSAULT

The case file shall invariably be kept in the specially designed File Cover meant for investigation of rape cases and provided to all police stations in abundance. IO should also fill-up the check list on the file cover so that her investigation and case file both are complete and up-to-date. The check-list will also act as a guide to various steps of investigation specially required for investigation into rape cases.

Since 'Death Penalty' has been provided in a rape case vide sections 376AB and 376DB of the IPC, the investigation into a rape case now assumes greater significance, and should be conducted with meticulous care and diligence.

Rape cases are treated as '**Special Report Cases**' in terms of SO No. **88/2010**. Cases registered under POCSO Act shall also be treated as such. Initial Special Report (ISR) should be issued within **24 hours** of the registration of the case by the ACP without fail and it must reach the DCP office the same evening. Thereafter, Continued Special Reports (CSRs) shall be issued every

fortnight and directions issued by the supervisory officers on ISR and CSRs must be complied with meticulously by IO and SHO.

Following points, *inter alia*, should be kept in mind while investigating sexual assault cases:-

(a) Collection of Evidence

(1) Based upon allegations in the FIR, alleged history given in the MLC, injuries on the body of victim, if any, the medical report and version u/s 164 Cr.P.C., further investigation be carried out in a professional and scientific manner to collect evidences.

(2) Each allegation be properly understood and linking evidences be brought on record. If the accused and victim are known to each other and offence is committed elsewhere, relevant mode of transport, place of stay, payments, use of phones, CDR for location, spot identification and inspection, etc. be carried out.

(3) Due care be ensured while preparing various Memos (*Furd*) as there may be cases when the victim is minor or under trauma. Efforts be made to associate independent witnesses and videography be done of such places and articles.

(4) Statements of the witnesses u/s 161 Cr.P.C. be recorded with due diligence to muster evidence in consonance with the chain of events and there should not be any contradiction.

(5) In case the offence is committed in a moving vehicle, information of the vehicle be shared with adjoining districts of Delhi as well for early tracing of vehicle. Minute inspection of the vehicle by FSL team be ensured even if the vehicle is washed.

(6) The Investigating Officer shall promptly refer for forensic examination the clothing and other articles to be examined for evidence. The Forensic Science Laboratory should also be requested to deal with such cases on priority basis and to make its report available at the earliest. Importantly, in cases where more than one accused are alleged to be involved, due care, application of mind be ensured while sending the exhibits. The queries on the FSL forms should be specific and have to be evidence-oriented so that adequate scientific evidence, FSL reports, DNA examination report etc. are brought on record for the concerned Courts to assess and reach a conclusion.

(7) As per requirement, DNA fingerprinting of biological exhibits should also be got done.

(8) Police records and charge-sheet must specify the continuity and sanctity of custody of the exhibits.

(9) Queries in the FSL Form be drafted with due diligence so that the exhibits could be linked with the victim and the accused without any plausible doubt.

(10) Due care should be exercised to ensure that the exhibits are duly preserved in cold storage to avoid putrefaction.

(11) It is mandatory for police to take the bond u/s 170(2) Cr.P.C. of the prosecutrix as well as witnesses.

(12) In case during investigation of the case, it comes to the knowledge of the IO that the victim is a member of SC or ST, appropriate section(s) of the Scheduled Caste and Scheduled Tribe (POA) Act, 1989 should be invoked and investigation of such cases be transferred to an officer of the rank of ACP for further investigation. Needless to mention here that the authority issuing such certificate should be cited as PW with relevant record.

(b) Preservation of Mobile Phone or Other Electronic Evidences

(1) In cases where phones or any other electronic device is allegedly used for taking pictures or making video etc., IO should seize the same with complete details of phones, hard discs, operating systems etc. as per the instructions contained in SO No. **448/2017**.

(2) If CCTV footage is taken on record for evidence purpose, the hard disc, its compatibility etc., should be mentioned in the Seizure Memo so that the same can be procured and played during trial. The CCTV footage is to be procured as per the instructions contained in SO No. 442/2016.

(3) Ownership details of SIM connections, IMEI No., make, colour etc. of the phones being used by victim as well as accused be brought on record.

(4) A letter must immediately be written to the concerned telecom service provider (TSP) for preserving the relevant CDRs in their system till conclusion of trial and for not destroying any of those without taking NOC from police.

(5) Whenever any computer or electronic record is seized, the certificate u/s 65-B Indian Evidence Act, 1872 should be obtained from the person under whom such system was working or from the persons authorized under the I.T. Act, 2000.

(6) Special care must be taken in respect of naming the Cellular Companies as the witnesses. Each and every document provided by them i.e., Consumer Application Form (CAF), ID proof of customer, CDRs,

Certificate u/s 65 B Indian Evidence Act is to be proved by the Nodal Officer of the service provider and they must be mentioned in the list of witnesses. The CDR is to be collected as per the instructions contained in SO No. **451/2017**.

(7) In order to get linking evidence from such devices, same should be forwarded to the FSL with supportive equipment, operating devices etc. for analysis under proper seal and brief summary of the case.

(8) Wherever the data available in the Hard Disk, CCTV, Mobile Phones etc. is required for investigation, a mirror image of the same be got prepared under proper record.

(c) Arrest and Interrogation of Accused

(1) If the accused is unidentified, sincere efforts are required to be made for identification and arrest of the accused person(s). This task should not be left to the woman IO alone and SHO should form special team(s) for identification and apprehension of the accused person(s). ACP and DCP shall monitor this at their personal level.

(2) In a 'gang-rape' case, more than one team can be formed at the Sub-Division or District level depending upon the nature and sensitivity of the case.

(3) Once the accused person is apprehended, he should be examined at length to establish and connect whole sequence of events. Careful evaluation of the information gathered during interrogation is always helpful in connecting the accused with the crime he has committed.

(4) The accused so arrested be immediately subjected to medical examination as per provisions of section 53-A of the Cr.P.C.

(d) Preserving the exhibits taken from accused

(1) Exhibits seized or handed over by the doctors taken from the victim/accused need to be preserved and sent for examination by the FSL experts at the earliest. The IO must use the investigative tools/kits provided in the PS for collection/preservation of evidence, and precautions should be taken to avoid putrefaction of exhibits while sending the same to the FSL. The refrigerators provided to the police stations for the purpose shall be used for preservation of exhibits only and not for any other purpose.

(2) Investigating Officers shall deposit all the relevant exhibits/documents for examination with the Forensic Science Laboratory (FSL) as early as possible, preferably within 07 days from the date of its collection. Further, in case of biological samples such as blood, semen,

etc. which putrefy or degenerate at a rapid rate; should be sent on the same day or the next day of collection.

(e) **Information and Attendance of Victim During Hearing of Bail and lawyers of the Delhi Commission for Women**

All the Investigating Officers shall inform the complainant or victim of sexual offences through any possible means of communication regarding the listing of bail application in order to facilitate them to put their version before the court, if they so desire. Each and every bail matter should be attended by the IO and/or Inspector (Investigation) with a detailed brief for the Court and the Public Prosecutor. Copy of bail application, replies thereto and order of the Court should be part of the Police File. The Investigating Officer should also keep in mind the mandate of Section 40 of the POCSO Act as well as Rule 4 of POCSO Rules for necessary implementation.

Information of bail matter of rape accused(s), whenever listed, be forwarded to the Rape Crisis Cell(RCC) of the Delhi Commission for Women through following channels:-

RCC Help Line No. (10 AM to 5 PM)	:	011-23370557
Mobile No. (after officer hours)	:	09013707460
Fax No.	:	011-23378325
Email ID	:	<u>dcw.rcc@gmail.com</u>
Address	:	Delhi Commission for Women. 'C' Block, 2 nd Floor, Vikas Bhavan, IP Estate New Delhi.

(IX) PINK FUND

When a child victim comes in contact with the Police Officer, generally he/she may not feel comfortable as the Police Officer is not known to him/her. In order to provide a child-friendly environment as also to make the child victim feel at home, Investigating Officer may have to offer some food item or toy etc. In some instances, the clothes/undergarment of the child victims may have to be seized for some crucial evidences, and some alternative clothes/undergarment will have to be procured for the victim.

For this purpose, a Fund will be maintained in the DCP office for disbursal to the Investigating officer through concerned ACP. The ACP concerned shall maintain a complete record of fund to be released including FIR details, amount, purpose, date of release and acknowledgement. A utilisation certificate will also be provided by IO duly verified by SHO.

The Fund will be maintained/designated as the Pink Fund and shall be recouped regularly post utilisation from the Head, 'Imprest Money', allocated to the districts.

(X) PREPARATION & SUBMISSION OF CHARGE SHEET

The charge sheets should not be a mere reproduction of the complaint or contents of FIR, in stead, it has to be a bundle of evidences collected right from the information to the police till preparation of charge-sheet, each and every allegations be commented upon and supporting evidences be mentioned in the charge sheet. Inclusion of initial complaint or statement, alleged history given at the time of MLC, statement recorded by the Ld. Magistrate, evidences in the form of expert opinion on exhibits, CDRs, statements of the witnesses, other documentary evidences, previous involvement of accused(s), chances of not joining trial if released on bail, etc. have to be commented upon in detail. In cases where more than one accused is involved in the crime, the role played by each of the accused should specifically be mentioned in the charge sheet. Permanent address of the victim, accused & PWs should be mentioned in the Charge-sheet for ensuring service of summons to them and their presence in the Court.

(a) Special Provisions for Filing Charge Sheet

Expeditious completion of investigation in rape and sexual offence cases is of paramount importance. Investigation in such cases shall be closely monitored by the concerned DCP.

(1) The Investigation of offences under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the IPC and sexual assault cases under POCSO Act shall be completed within **60 days** from the date of filing of FIR in view of the Criminal Law (Amendment) Act, 2018.

(2) It should be ensured that pseudonyms are used in place of the name of the victim while recording the statement u/s 161 Cr.P.C. so as to protect the identity of the victim. This provision will be also followed if the person alleged against is a juvenile (JCL).

(b) Draft Charge Sheet

(1) In view of the above provisions, a draft charge-sheet in the sexual assault cases mentioned in para (a)(i) above be prepared within **45 days** without fail.

(2) Inspector (Investigation), SHO and ACP shall personally monitor such cases and ensure that the draft charge sheet is prepared and put

up to them by the IO within the stipulated period. Needless to mention that the investigation of these cases should be supervised by the SHO/ACP right from its inception very closely and the I.O. should be appropriately guided.

(3) They shall also ensure that the IO put up the draft charge sheet to the Public Prosecutor concerned on the next working day and IO doesn't keep the charge sheet with herself.

(4) In sensational or gruesome rape and sexual assault cases, Special Public Prosecutor may be got appointed for proper *pairvi* of the case and *in camera* trial u/s 327 (2)Cr.P.C. should be requested for.

(c) Submission of Final Report or Charge Sheet

(1) Needless to say, the cases falling under the above category shall be investigated on a regular basis by the IO and Inspector (Investigation), and closely monitored by the SHO, ACP, Addl. DCP-I and the DCP.

(2) The charge sheet should be filed within minimum required time after arresting the accused. As far as possible, the DCP should also examine the charge sheet, depending upon the nature of the case, before it is put in court. In case the charge sheet is not filed within 30 days, the case should be brought to the notice of the concerned Joint Commissioner of Police.

(3) In case the accused has been arrested, the Final Report in the form of a charge-sheet shall be filed within 60 days without fail. Further investigation, if required, shall continue, including arrest of the co-accused, PO proceedings, deposit of exhibits, age-estimation, etc. and the same shall be mentioned in the last paragraph of Column No. 16 (Brief Facts of the Case) of the Final Report.

(4) In cases where, despite best efforts all the points have not been covered in the main charge-sheet, the IO should clearly specify the same and mention in the charge-sheet that further report i.e. supplementary charge-sheet(s) as per provisions of section 173(8) Cr.P.C. shall be filed in due course. Another Final Report in the form of a Supplementary Charge Sheet shall be filed as soon as possible after completion of investigation in all respects. Even a second or subsequent Supplementary Charge Sheet(s) can be filed in due course depending upon circumstances and requirement of the case.

(5) Action required to be taken after filing main charge-sheet or Final Report like arrest of co-accused, filing of any FSL report or any other relevant document, etc. should be mentioned in the 'Follow Up Action/Supplementary Charge Sheet Register' so that follow-up action can be ensured even if the IO and/or SHO is transferred

subsequently. In respect of all such cases, where supplementary charge sheet is to be filed or any follow-up action is to be taken, an entry to this effect shall be made in Red-ink in the Index of the relevant FIR Book by the MHC(R), at the time of issuing Road Certificate, and shall be duly attested by SHO or Inspector (Investigation). An entry shall also be made immediately in the "Follow-up Action/Supplementary Charge Sheet Register" maintained as per Form-I of SO No. 344/2008.

(6) Such rape or sexual offence cases, including POCSO Act cases, in which follow-up action is required to be taken or a 'Supplementary Charge Sheet' is to be filed, shall be handled subsequently as a 'Pending Investigation Case' and shall be reflected and discussed in the Crime Review Meetings held by DCP and Joint CP till the conclusion of investigation in all respects.

(7) Copy of each and every document submitted with the charge-sheet must be kept in the Police File as well as in the Vernacular Record Keeper (VRK) for briefing of witnesses, recollection of memory, etc.

(8) In all cases where punishment provided is 10 years or more, an e-Challan (charge sheet) shall be prepared and filed in the Court without delay. A copy of the Compact Disc (CD) so prepared shall also be kept in the VRK.

(9) The police should keep the permanent and other addresses of the victim in their file in addition to the present address and such other information which may help in finding the prosecutrix during trial, if she happens to have left her reported address. They should, during investigation itself, advise the victim to inform them about the change of address in future.

(10) The record pertaining to the identity of the victim or person alleged against(JCL) is handled at various levels including the I.O., MHC(R), MHC(CP), Naib Court & V-B section. The SHO shall regularly sensitize the staff handling such record to maintain confidentiality in regard to the identity of the victim/JCL.

(XI) PAIRVI DURING TRIAL

(1) Successful trial of cases always depends upon hard work done during investigation and trial by way of regular attendance in trial Courts by the IO and the *Pairvi* Officer. Briefing of witness a day prior to hearing, creating a sense of confidence in the mind of victim and moral support always help in ensuring successful conviction.

(2) IO should meet the concerned PP in advance and take instructions from him and act accordingly. Process server should also be briefed to serve the summons upon the witnesses well in advance. MHCM(CP) should always produce the case property as and when summoned and not to take any kind of excuse.

(XII) ROLE OF OTHER AGENCIES

In sexual assault cases not only the police is duty bound by law to investigate the case till its logical conclusion and provide all possible succour to the victim, but some other agencies are also involved. Their specific role have been defined in various orders and judgments of the Hon'ble Supreme Court and High Court.

(a) Rape Crisis Cell

Rape Crisis Cell (RCC) or the Rape Crisis Intervention Centre (RCIC) or Crisis Intervention Centre (CIC) has been established by the Delhi Commission for Women (DCW) at 2nd Floor, C-Block, Vikas Bhawan, New Delhi-110002. The High Court of Delhi has clearly stated that this cell is to provide legal assistance in the cases of sexual assault, coordinate with the Crises Intervention Centres and provide legal support to the victim and her family.

The Hon'ble High Court of Delhi in the Writ Petition (Crl.) No.696/2008 titled 'Delhi Commission for Women Vs Shri Lalit Pandey and another' passed comprehensive guidelines to be followed by the Police, hospitals/doctors, Child Welfare Committees, Courts, Prosecutors and other authorities. This includes setting up of 'Crisis Intervention Centres' by the Delhi Commission for Women. The guidelines which are relevant to the Police are as under:

"Crisis Intervention Centre"-

The Hon'ble High Court of Delhi defined a Crisis Intervention Centre as an agency recognised by the Delhi Police and Delhi Commission for Women (DCW) for responding to calls of sexual assault at the police station to provide counselling and other support services to victims of rape. Districts have been associating with various NGOs including Swanchetan for the purpose. However, it needs to be noted that NGOs which have not been recognised by the Delhi Commission for Women do not meet with the directions/requirements of the Hon'ble High Court of Delhi. It is imperative that one of the agencies which are recognised as Crisis Intervention Centres by the DCW should be associated with the investigation of cases. However, on receipt of information regarding commission of a rape, the IO/SHO has to inform the Rape Crisis Cell at their helpline No. 23370557 who in turn would depute a member from the Crisis intervention Centre. However, in order to avoid delay, the IO/SHO may also directly contact the Crisis Intervention Centre approved by the Delhi Commission for Women as mentioned above.

"Support Person"

Support person means a person working in the capacity of a counselor working with a recognised and registered Crisis Intervention Centres, approved by Delhi Commission for Women. The support person shall provide empathetic response to victim of sexual abuse and make all efforts to provide emotional support and strengthen mental health of victim including providing of psycho-social-legal intervention.

(b) Non-Government Organizations

Some Non-Government Organizations (NGOs) also play very significant role in the sexual assault cases as far as counselling and rehabilitation are concerned. Their involvement in such matters is mandatory. The list of such NGOs who have been affiliated to the Rape Crisis Cell is available of the website of the DCW.

(c) Delhi State Legal Services Authority

The Delhi State Legal Services Authority (DSLSA) has to play a pivotal role in sexual assault cases. The Hon'ble High Court of Delhi, vide order dated 12.09.2017 in CWP No. 8183/2017 titled '*Court On its Own Motion Vs. Govt. of NCT of Delhi & Ors.*' had directed that a copy of the FIR involving sexual violence shall be sent to the DSLSA via dedicated NIC e-mail **sampark.dslsa@gov.in** within 24 hours of registration of such FIR to enable the DSLSA to take immediate steps for providing legal aid to the victim as well as compensation. The IO and SHO concerned shall assist the D.L.S.A. while processing the rehabilitation/compensation process by providing all requisite information and maintaining constant liaison.

The Hon'ble High Court of Delhi in Criminal Appeal No. 5/2000, titled Khem Chand Vs. State had issued guidelines relating to the role of DLSA. A brief of the same is as under:-

The concerned SHO shall inform the Delhi Legal Services Authority immediately about commission of the offence of rape. The D.L.S.A. shall depute a social worker/Para legal worker to establish contact, latest by a week of the commission of the offence, with the victim and her family. The Social worker/Para legal worker shall work towards gaining the confidence of the victim and provide necessary moral and legal support. He/she shall also counsel and advise the victim, as may be required, to come to terms with the ordeal and deal with it. The social/Para legal worker shall operate under the overall guidance and supervision of the child counsel or/psychologist nominated by the D.L.S.A. The child Counselor/psychologist shall personally step in and give assistance to the social/Para legal worker or herself handle the case, wherever required, to ensure adjustment and rehabilitation of the victim. The child Counselor/psychologist will also ensure that the education of the victim is not disputed and normal life is restored as soon as possible. A report would be submitted to the D.L.S.A. in this regard by the Child Counsellor/Psychologist.

Under the Delhi Protection of Witness Scheme, 2015, the DSLSA is the Competent Authority to ensure protection of victim, her family members and the prosecution witnesses. Any order or direction to police received from the DSLSA in this regard shall be complied with meticulously.

(d) Child Welfare Committee

As per the provisions contained in the Juvenile Justice (Care & Protection) Act, 2015, a child victim of sexual assault case shall be produced before the Child Welfare Committee (CWC) as soon as possible to enable the CWC to record the version of the child victim. Directions of the CWC, if any, shall also be duly acted upon.

The Hon'ble Supreme Court of India in Criminal Appeal No. 1156/2010, titled Dilip V/s State of Madhya Pradesh in the case titled Delhi Domestic Working Forum v/s Union of India and other(1995) issued the following directions with regard to cases of crime against women, particularly cases of rape. A gist of the same is enumerated below:-

- (i) The complainants of sexual assault cases should be provided with the legal representation. It is important to have someone who is well acquainted with the criminal justice system. The role of the 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 and medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complaint's interest in the police station represents her until the end of the case.
- (ii) Legal assistance would have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station. The guidance and support of a lawyer at this stage whilst she was being questioned, would be of great assistance to her.
- (iii) The police should be under obligation to inform the victim of her right to representation before any questions are asked to her and that the police report should state that the victim was so informed.
- (iv) A list of advocates willing to act in these cases should be kept ready at the police station for victims who did not have a lawyer or whose own lawyer was unavailable.
- (v) The advocate would have to be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without any delay, advocates would be authorized to act at the police station before leave of the court was sought or obtained.

(vi) In all rape trials, anonymity of the victim would be maintained, as far as necessary.

(XIII) TRAINING OF POLICE OFFICERS

(1) The Special Commissioner of Police (Training) shall organize seminars and workshops for police personnel for sensitization in cases of rape and sexual offences so that they are receptive to the difficulties, suffering, pain and trauma of the victim and her family. The seminars and workshops should also cover various aspects regarding investigation of such cases. The Hon'ble High Court of Delhi has directed that a module for training shall be prepared in consultation with the Delhi Judicial Academy. Faculty and guest lecturers could be invited from the Delhi Judicial Academy, retired judicial and prosecuting officers, retired police officers, lawyers etc. This course should include officers of the rank of SI to ACP. A series of such courses need to be organized at different places so that in each police station there is corpus of officers who have been duly sensitized and trained in this regard.

(2) The training should also aim to equip the Investigation officers(IO) with the procedural requirement in particular when offence under POCSO Act is reported and if the offender is also a juvenile, more attention is required from them as they have to deal with various provisions of law from IPC,POCSO & J.J.Act. When an offence under POCSO Act is committed by a child, age determination of the accused(JCL) becomes a crucial factor. The IO should collect the Birth Certificate issued by the local Authority and in the absence of the same, the Birth Certificate should be collected from the School or Examination Board alongwith other documents available with the school at the time of registration/pasting file etc. and in absence of all the above, the Ossification Test from Govt. Hospital should be the last resort. However, before opting for this, all other possible steps to verify the age should be exhausted and if it is necessity, detailed report covering all efforts of police should find mention in the request for ordering Ossification Test moved before the Court.

(XIV) COORDINATION & SUPERVISION

Joint Commissioner of Police (SPUWAC) will coordinate and review the functioning of Crisis Intervention Centers in all Districts of Delhi Police. He will also act as the Nodal Officer for the Delhi Police for the Delhi Commission for Women, the National Commission for Women, the Central Social Welfare Board, Ministry of Human Resource Development, the concerned Government Departments and other outside agencies.

Inspector (Investigation) and SHO should ensure strict compliance of the guidelines and directions of the Hon'ble Supreme Court of India and Hon'ble High Court of Delhi. This must be monitored by the ACsP during their visit to the police stations. The DCsP must also ensure strict compliance. Special CsP (Law & Order) and Joint CsP (Ranges) also need to periodically check up the quality of investigation in rape cases and whether the timelines of investigation

and other important guidelines of the Hon'ble Courts are being followed or otherwise.

Special Task Force

In view of the orders of the Hon'ble Supreme Court in WP (Civil) No. 76/2018 titled '*Alakh Alok Srivastava Vs. Union of India & Ors.*', a Special Task Force has been constituted to ensure that the investigation of POCSO Act cases is properly conducted and witnesses are produced on the dates fixed before the trial Courts. Following officers will be the members of the Special Task Force:-

1. Special Commissioner of Police (Crime),
2. Concerned Joint Commissioner of Police (Range),
3. Concerned Deputy Commissioner of Police,

The STF will meet periodically and monitor the cases so that there is no irregularity and delay in the investigation of POCSO Act cases. Suitable directions shall be given to SHO and IO and it will be ensured that the same are meticulously complied with.

(XV) SUPERSESSION CLAUSE

This Standing Order supersedes Standing Orders Nos. 303/2010 and 313/2005 and Addendums issued thereto earlier by PHQ on the subject matter. However, some Circular Orders issued to give effect to relevant Court orders, which are not repugnant or not contrary to the instructions contained in this Standing Order, should be followed in letter and spirit.

22/5/2019
(Amulya Patnaik),
Commissioner of Police,
Delhi.

O.B. NO. 03 /RB/PHQ, Dated 23-05-2019

No. 301 - 450 /Record Branch(AC-)/PHQ, dated Delhi, the 23/5/2019.

Copy forwarded for information and necessary action to the:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police and Additional Commissioners of Police, Delhi.
3. Principal/PTC, Jharoda Kalan, Delhi
4. All Deputy Commissioners of Police of Districts/Units, including FRRO, Delhi/ New Delhi.
5. SO to Commissioners of Police and LA to Commissioners of Police, Delhi.

6. All ACsP of Sub-Divisions and all SHOs in Delhi.
7. Reader to CP, Delhi
8. Librarian/PHQ, IT Centre/PHQ and Record Branch/PHQ with 05 spare copies.

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