

**OFFICE OF THE DIRECTOR GENERAL OF POLICE  
PUDUCHERRY**

No. 4/DGP-Secy./2020

Dated: 22.01.2020.

**STANDING ORDER No. 01/2020**

**SOP/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 has 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 evidences are collected and the victim does not suffer any miscarriage of justice.
- (v) To provide immediate relief and assurance to the victim through counselling 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) Calls received in the Police Control Room :

When a call or information of rape or sexual assault is received in the Police Control Room, 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 Incharge, Police Control Room and the concerned SHO. The information should not be disclosed to any other person, who is not connected with the matter.

(b) Response of Local Police :

The SHO or the Duty Officer of the Police Station 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 complaint is not duly attended to or prompt Police response is not provided on grounds of jurisdiction, strict disciplinary action will 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 Station General 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 GD.
2. The Duty Officer shall also intimate the 'One Stop Centre' (functioning under the Department of Women & Child Development, Govt. of Puducherry) and make an entry in the Station General Diary to this effect. If the victim is the foreigner, intimation should also be sent to the concerned Embassy/High Commission by the SDPO through the Home Dept., Govt. of Puducherry at the earliest. Copy of the same shall be marked to the senior formations.
3. The Duty Officer shall immediately convey the information to the SHO in person or through telephone. He shall also intimate this to the Woman Officer, posted in the Police Station.
4. In case a Woman SI is not available in the Police Station, the SDPO will assign a Woman 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 shall be detailed to conduct the spot enquiry and further investigation.
6. The SHO shall also proceed to the spot without fail once the information is prima facie confirmed.
7. In case the victim approaches the Police Station herself or with her parents/guardian, the Duty Officer will call the Woman Officer to deal with her. The Duty officer will also inform the SHO about the same.
8. The staff deployed at the Mahila Desk shall handle the complainant/victim with due empathy and care so as to make her feel comfortable before she is further attended to.
9. 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 :**

Recording the statement of the victim of sexual assault is one of the 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 Investigation Officer (IO) should use his/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 he/she should first assess psychological state of the victim, as the victim may be traumatized, particularly, when the victim is the child.

In view of the provisions of the POCSO Act, vide Sec. 19 & 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 IO shall record the statement of the victim promptly and accurately as narrated by the victim.
2. If the victim is child, 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 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 Investigation Officer will ensure that at no point should the 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 Home, etc.

**(V) RECORDING OF STATEMENT THROUGH VIDEOGRAPHY :**

If the informant is the victim herself, then a female police officer or any woman officer should record her statement, including on video, and also have it recorded by a Judicial Magistrate as soon as possible. The video CD shall be marked as an exhibit and should be handed over to the Court as a scientific evidence.

**(VI) REGISTRATION OF FIR :**

1. After the statement has been recorded, the IO will 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 be explained during the subsequent investigation of the case.
3. The FIRs relating to sexual offences shall not be uploaded on the official website of CCTNS Portal and the same shall be categorized as "Sensitive".
4. 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 IPC and 74 of the JJ Act.

**(VII) 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, they will preserve the scene of crime till the IO/local Police 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 videographed at the first instance, and only thereafter the exhibits shall be lifted and seized through Seizure Memo(s) by the IO or the RFSL 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.

**(VIII) MEDICAL EXAMINATION :**

1. After making preliminary enquiry or investigation, the IO alongwith the Woman Officer will escort the victim for medical examination.
2. The IO shall ensure that the victim is medically examined at the earliest preferably within twenty-four hours (in accordance with Section 164-A of Cr.P.C.) at the nearest Government Hospital.
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 proforma 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 victim before medical examination at the hospital itself.
6. The parents or guardian or person in whom the victim 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 IO's 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 National Commission for Protection of Child Rights, the Department of Women & Child Development, Govt. of Puducherry will soon establish a 'ONE STOP CENTRE' in Puducherry for the victims of sexual abuse. The Centre will have 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.

**(IX) 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) SCC 816 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. Shivna @ 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 take the victim to the competent Judicial Magistrate within 24 hours for recording the statement. If it exceeds 24 hours, 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 164 Cr.P.C.

### **(X) INVESTIGATION OF CASES OF SEXUAL ASSAULT :**

Since 'Death Penalty' has been provided in a rape case vide sections 376 AB and 376 DB 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'. Cases registered under POCSO Act shall also be treated as such. Guard Files should be submitted within 72 hours of the registration of the case by the IO as per the Circular vide No. 4/DGP/Secy./2009-567, dt. 15.06.09 of O/o DGP.

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 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 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 carried out by the SDPO. Needless to mention here that the authority issuing Caste certificate should be cited as PW with relevant record.

**(b) Preservation of Mobile Phones or Other Electronic Evidences**

1. In case 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.
2. If CCTV footage is taken on record for evidence purpose, the hard disc, its compatibility etc., should be mentioned in the Seizure Mahazar so that the same can be procured and played during trial.
3. The 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 of 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.
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). The SHO should form special team(s) for identification and apprehension of the accused person(s). The SDPOs shall monitor this at their personal level.
2. In a 'gang-rape' case, more than one team can be formed at the Sub-Division level depending upon the nature and sensitivity of the case. The services of STF shall be utilized for this purpose.
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 to the FSL by the Courts 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.
2. Investigating Officers shall deposit all the relevant exhibits/ documents for examination with the Forensic Science Laboratory (FSL) through the Court concerned 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

1. 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 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 Case 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.

**(XI) PREPARATION & SUBMISSION OF CHARGE SHEET :**

The charge sheets should not be a mere reproduction of the complaint or contents of FIR, instead, 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 person(s), chances of not joining trial if released on bail, etc., have to be commented upon in detail. In case 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 SDPOs.

1. The Investigation of offences under sections 376, 376 A, 376 AB, 376 B, 376 C, 376 D, 376 DA, 376 DB or section 376 E 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, the case file shall be sent to the Law Department for getting draft Charge Sheet and legal opinion within 45 days without fail.
2. In sensational or gruesome rape and sexual assault cases, Special Public Prosecutor may be got appointed for proper conducting 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 (in the rank of Inspector) and closely monitored by the SDPO.
2. The charge sheet should be filed within minimum required time after arresting the accused. The SDPO should also examine the charge sheet, depending upon the nature of the case, before it is filed in the court. In case the charge sheet is not filed within 60 days, the case should be brought to the notice of the concerned SSP.
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 case 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 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 FIR Index of the relevant FIR Number.
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 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 Case File for briefing of witnesses, recollection of memory, etc.
8. 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.
9. The record pertaining to the identity of the victim or person alleged against (JCL) is handled at various levels including the I.O. The SHO shall regularly sensitize the staff handling such record to maintain confidentiality in regard to the identity of the victim/JCL

**(XII) DURING TRIAL PROCESS :**

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. 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. The IO should meet the concerned PP in advance and take instructions from him and act accordingly. Process PC should also be briefed to serve the summons upon the witnesses well in advance.

### **(XIII) 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.

#### a) One Stop Centre

As per the recommendations of National Commission for Protection of Child Rights, the Department of Women & Child Development, Govt. of Puducherry will soon establish a 'ONE STOP CENTRE' in Puducherry for the victims of sexual abuse. The Centre will have 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.

#### b) Non-Government Organizations

Some Non-Government Organizations (NGOs) also play very significant role in the sexual assault cases as far as counseling and rehabilitation are concerned. Their involvement in such matters is mandatory.

#### c) 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, direction 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 Vs. State of Madhya Pradesh in the case titled 'Delhi Domestic Working Forum Vs. 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 in 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.

**(XIV) TRAINING OF POLICE OFFICERS :**

- (i) The Superintendent of Police (PTS) 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. This course should include officers of the rank of SI to SP.
- (ii) 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 admission 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 necessary, detailed report covering all efforts of police should find mention in the request for ordering Ossification Test moved before the Court.

**(XV) COORDINATION & SUPERVISION :**

The Officers should ensure strict compliance of the guidelines of the Hon'ble Supreme Court of India. This must be monitored by the SDPOs during their visit to the Police Stations. The SSP must also ensure strict compliance. The senior formations 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.

**(XVI) SPECIAL TASK FORCE TEAMS :**

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.', separate Special Task Force Team was already constituted in both Puducherry & Karaikal vide Order No. 5399/SP(HQ)/E-II(A)/2018, dated 12.09.2018 of Office of the DGP, Puducherry 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 were nominated as the members of the Special Task Force Teams :

**(a) Special Task Force Team for Puducherry :**

- (i) SP(CID)
- (ii) Inspector (CID)
- (iii) SI, AWPS, Puducherry.

**(b) Special Task Force Team for Karaikal :**

- (i) SP(South), Karaikal
- (ii) Inspector, Kottucherry Circle, Karaikal.
- (iii) ASI, AWPS, Karaikal.

The STF Teams 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.

*MSY edar*  
*20/01/2020*  
**DIRECTOR GENERAL OF POLICE  
PUDUCHERRY**

To

All concerned

**Copy to :**

1. The Inspector General of Police, Puducherry.
2. All SSPs in Puducherry UT.
3. The Addl. Secretary to Govt., Home Dept., Puducherry.
4. All SPs in Puducherry UT.
5. All CIs & SHOs in Puducherry UT.
6. The Web Officer, Police Dept., Puducherry.