

POLICE



DEPARTMENT

No.U5-164062/2021/PHQ

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Dated. 29-06-2023

Circular. 9/2023/PHQ

- Sub : Ensuring timely justice and legal assistance to the victim in sexual assault and child abuse cases - instructions issued - reg.
- Ref : 1. PHQ Circular No. 36/2012 dated 15.11.2012
2. PHQ Circular No. 25/2017 dated 21.10.2017
3. PHQ Circular No. 07/2022 dated 14.02.2022
4. PHQ Circular No. 18/2022 dated 02.06.2022
5. Order dated 20-05-2022 of the Hon'ble High Court of Kerala in WP(C) 22276/2021 .
6. Judgment dated 05.07.2022 of the Hon'ble High Court of Kerala in WP(C) No.22276/2021.

The concept of Victim Liaison Officer (VLO) was introduced vide Circular 1st cited, in order to maintain and establish meaningful link between the investigating officer and victim/family of the deceased victim in rape cases/offences against women and children etc. The concept has been extended to cover grave crimes, offences against women and children especially POCSO and Juvenile Justice Act cases, offences relating to maintenance and welfare of parents and senior citizens, motor vehicle accidental deaths, medical negligence death cases where family/victim have suspicion, suspicious deaths, custodial tortures and custodial deaths, vide Circular 2nd cited.

The investigating officer stands entrusted with the task of designating an officer in the rank of Sr. CPO/WCPO as Victim Liaison Officer within 48 hours of the commencement of the investigation as per the circular 1st cited. **Hon'ble High Court vide order 5th cited had directed that the FIR be registered on the basis of the information of sexual violence or child abuse being received at the Police Control Room or the jurisdictional Police Station, and not later than 24 hours thereafter, the Investigating Officer must assign a Victim Liaison Officer who shall then contact the victim immediately thereafter, so that he/she will feel safe and protected, knowing of such support.** In order to provide necessary assistance to register FIR in the Jurisdictional Police Stations and provide necessary legal assistance to the victim women/children, who arrive at the "One Stop Centres" (OSC), an initiative of Women and Child Development Department, with a complaint related to Sexual & Domestic Violence/dowry abuse or any other form of physical/mental tortures, a Police Facilitation Officer (PFO) was deputed in each "One Stop Centres" for 24 Hours a day (24x7 basis) as per Circular 3rd cited above. Besides this, an Emergency Response Support System (**ERSS - 112 Emergency Helpline**) is also functioning in the State for the last three years by providing emergency support to the public in times of distress situations.

In this regard, Hon'ble High Court vide Order 5th cited had earlier issued the following directions to the Government which are also relevant for the Police :

- 1) On the information of a sexual violence or child abuse being received by the Police Control Room or the jurisdictional Police Station as afore, immediate steps will be taken, if possible, within an hour or so, to contact the victim either personally or through phone, without however, summoning him/her to the Police Station in any manner whatsoever.
- 2) The Competent officer will there upon record the statement of the victim oppositely, thus leading to registration of FIR under Section 154(1) of the Cr.PC.
- 3) While taking the statement of the victim, the mandatory proviso to Section 157 (1) of the Cr.PC., namely that the same be recorded at his/her residence or in the place of his/her choice and as far as practical by a Police Officer in the presence of his/her parents/guardian/near relatives or social worker, shall be scrupulously complied with.
- 4) On the FIR being so registered and not later than 24 hours thereafter, the Investigating Officer



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must assign a Victim Liaison Officer in terms of the aforementioned circulars, who shall then contact the victim immediately thereafter, so that he/she will feel safe and protected, knowing of such support.

5) This Court also suggests that simultaneous to the registration of the FIR, or at the time when the Victim Liaison Officer is assigned, the Investigating Officer will disclose to the victim the numbers of 'One Stop Crisis Centre' and that of the 'VRC', so that they can then step in and ensure that the victim goes through no further traumatization and is offered the psychological support and succor which is *sine qua non* for the reparatory process of the victims' psychological trauma.

6) The victim shall have constant access to the Victim Liaison Officer and/or to the 'One Stop Crisis Centre/VRC' as the case may be and the Government shall ensure that such access is available 24 hours a day and at any time the victim requires such during his/her difficult times.

7) The 'One Stop Crisis Centre/VRC' will offer not merely psychological assistance, but also legal support as may be required to the victim and will work in promoting his/her return to normal life, through every facilitation as may be necessary. This shall continue as long as the victim requires or at least until such time as the trial is completed.

The Hon'ble High Court of Kerala had in continuation of the Order 5th cited, issued certain additional directions for ensuring timely justice and also for providing psychological and legal assistance to the victim of sexual assault or child abuse cases, vide Judgment 6th cited. In accordance with the directions contained therein, the following instructions are issued for the notice and compliance by all Police Officers/Police personnel who deal with the subject in *stricto sensu*.

1. The Nodal Officer of Emergency Response Support System (ERSS) Project shall take necessary steps to continually publicize the Toll Free Number '112' as an Emergency Support System to be known to every citizen, so that the victim of a child abuse or sexual assault can access it whenever required.

2. Every victim of sexual assault and child abuse must be encouraged to access the aforesaid Toll Free Number or the Police Control Room Number '100', and on such intimation being received, it will be fed into a digital system, to be then brought to the notice of the jurisdictional Police Station, for taking necessary steps under Section 154 CrPC by the Police personnel who attend the call in ERSS.

3. The Nodal Officer of Emergency Response Support System (ERSS) Project shall ensure that the Toll Free Numbers of '112' and '100' are attended and responded to by well sensitized and trained personnel, who will make sure that the victim is given sufficient support from the inception, until the time she/he requires it thereafter.

4. On intimation of a sexual assault or child abuse being received by the aforesaid Toll Free Numbers, the Police Control Room or the jurisdictional Police Station, shall take immediate steps to contact the victim either personally or through phone without, however, summoning him/her to the Police Station.

5. While taking the statement of the victim, mandatory provisions of Section 157(1) of CrPC, namely, that same be recorded at his/her residence or in the place of his/her choice and as far as practical, by a Police Officer in the presence of his/her parents/guardian/near relatives or social worker, shall be scrupulously followed.

6. On the FIR being so registered, the investigating officer will forthwith assign a 'Victim Liaison Officer' (VLO) within 24 Hrs of the registration of FIR as directed in the circular read 3rd above issued by the State Police Chief, who shall then contact the victim immediately so that he/she will feel safe and protected, being sure of such support.

7. Simultaneous to the registration of the FIR or at the time when the Victim Liaison Officer is so assigned, the Investigating Officer will disclose to the victim the numbers of the 'One Stop Crisis Centre' and that of the 'VRC', so that they can involve themselves and ensure that the victim suffers no further traumatisation and obtains the best psychological support and succor which, indubitably, is the '*sine qua non*' for the reparatory process of the victim's psychological trauma.

8. The Authorities concerned will ensure that the victim has constant access to the Victim Liaison Officer and to the 'One Stop Crisis Centre/VRC', as the case may be; and that this is made available 24 hours a day, at any time the victim requires it during his/her most difficult times.


9. The 'One Stop Crisis Centre'/VRC' is directed to offer not merely psychological assistance to the victim, but also legal support as may be required and will actively promote his/her return to normal life, through every possible facilitation as may be warranted. This shall continue as long as the victim requires, or until such time as the trial is completed.

10. The Victim Liaison Officer (VLO), as also the 'One Stop Crisis Centre'/VRC', shall make available every assistance necessary to the victim for the processes under Section 164A of the



Cr.PC, and must actively guide and instruct, advising her/him of her/his rights under it, to enable them exercise it diligently and with confidence.

All DPCs shall ensure that the Station House Officers under their command have read this Circular scrupulously, have understood the instructions laid down therein thoroughly and comply the same without any laxity.



Anil Kant IPS
State Police Chief

To : All Officers in List B.

Copy To : All officers in PHQ.
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