

No.D6/72399/2006

Police Headquarters

Thiruvananthapuram

Dated: 11/03/2009

Circular No. 01/2009

Sub:- Sexual Assaults on Children - Proper investigation and speedy disposal
- Guidelines – reg.

Incidents of sexual assault on children are being reported from different parts of the state.

02. Definition of Child Sexual Assault:- A child means a person who has not completed 18 years of age (as defined in the Juvenile Justice Act 2000). Outraging of modesty, molestation or rape including all non penile penetration such as groping / fondling genitalia, digital penetrations, dry intercourse in which the child's body is used for rubbing towards masturbation etc with or without the consent of the child will come under the purview of child sexual assault, for the purpose of this Circular. All cases of kidnapping and abduction of minor girls, enticing through mobile phone and internet messages / photos and subsequent black mailing will also come under the purview of this Circular.

03. The following guidelines are issued for ensuring proper investigation and speedy disposal of all cases of Child Sexual Assault

- (i) The complaint relating to sexual assault cases shall be recorded promptly as well as accurately. The complaint can be filed by the victim or an eyewitness or anyone, including a representative of a non-government organization, who has received information of the commission of the offence or has knowledge of the commission of the offence.
- (ii) The SHO of a Police Station or his Superior Officers on receipt of information regarding existence of any child abuse rackets near schools, colleges, house boats, tourist lodges etc should verify the information and suo moto record the same, if any offences of child abuse are noticed.

- (iii) The complaint should be recorded in the following manner.
 - a) The officer recording the statement of the child should not be below the rank of SI and preferably the officer should be a lady Police officer.
 - b) The recording should be verbatim.
 - c) The person recording the version of the child should be in civil dress, if practicable.
 - d) The recording need not be insisted upon to take place in the Police Station, if it can be conveniently done at the residence of the victim or, in the presence of a doctor, at a hospital.
- (iv) If the complainant is the child victim, the reporting officer must ensure that the child victim is made comfortable before proceeding to record the complaint. This would help in ensuring accurate narration of the incident covering all relevant aspects of the case. If feasible assistance of a psychologist/counsellor should be taken.
- (v) In the case of suicide of a juvenile, the SHO will take the statement of the medical officer who has conducted the postmortem within 24 hours. If any symptoms of sexual assault are noticed, the CI of Police should be informed and the CI will take over investigation forthwith. SDPO will be personally associated with the investigation.
- (vi) The Investigating Officer shall ensure that the medical examinations of victim of sexual assault and of the accused are done preferably within 24 hours. The Chief Medical Officer should ensure the examination of victim immediately on receiving request from the I.O. The Medical Officer, preferably a Forensic Surgeon, while examining the victim should be requested to ensure the proper recording of the history of the incident.
- (vii) Immediately after the registration of the Case, the investigation team shall visit the scene of crime to secure whatever incriminating evidence is available there. If there are tell-tale signs of resistance by the victim or use of force by the accused, those should be got recorded in proper form and photographed.
- (viii) The Investigating Officer shall secure the clothes of the victim as well as the clothes of the accused, if arrested, and send them as soon as possible for Forensic Analysis to find out whether there are traces of semen or other body fluids, hair, etc. He will

also obtain report about the matching of blood group and if possible and necessary consider the need for DNA profiling.

- (ix) The forensic lab should analyze the same on a priority basis and send up analysis report immediately, in any case, within two months.
- (x) The investigation of the case shall be taken up on priority basis and, as far as possible investigation shall invariably be completed within 90 days of registration of the Case.
- (xi) Investigation of all such cases will be closely supervised by the SP/CP.
- (xii) Monthly review of all Child sexual assault cases should be done by the Superintendent of Police / Commissioner of Police, without fail to ensure proper investigation.
- (xiii) Wherever desirable, the statement of the victims u/s 164 CrPC shall be recorded expeditiously.
- (xiv) Identity of the victim and the victim's family shall be kept secret and they must be ensured protection.
- (xv) Whenever possible, facilities for obtaining legal assistance should be provided since the victim may be in a distressed state. Guidance and support of a lawyer at this stage would be of great help. The Police will inform the victim as well as the parents or guardian of the victim of their right to a counsel. The intervention of the concerned court may also be sought, in appropriate cases, in providing legal counsel.

**Director General of Police
&
Inspector General of Police
Kerala**