

No: D6/97958/2011

Police Headquarters,
Kerala, Thiruvananthapuram,
Dated: 15 /10/2012.

Circular No. 30/2012

Sub: Guidelines to be followed by Investigating Officers while taking victims of sexual assault to various places for investigation – reg.

The Kerala State Human Rights Commission has expressed grave concern over the manner in which the victims of sexual assault are taken out to various places by the Police for investigation. Section 228(A) of Indian Penal Code provides punishment for the disclosure of the identity of the victim and section 327 of Criminal Procedure Code provides for the trial proceedings of sexual offence case to be held in camera and for preventing the publishing of any matter in relation to any such proceedings except with the previous permission of the court. Police Headquarters Circular No.1/09 clearly emphasises that identity of the victim and the victim's family shall be kept secret and their protection must be ensured. In view of the observations made by Kerala State Human Rights Commission in HRMP No.600/2007 and also taking into account the sensitive nature of the matter, effective precautions have to be taken at all levels to avoid insult and humiliation to the victims of sexual offences while taking them outside for investigation purposes. Following are the brief guidelines to be observed by the Investigating Officers while handling such occasions.

1. The first and foremost thing an Investigating Officer should bear in mind is that the victim should be taken to a nearby hospital immediately for treatment and also to collect all medical evidence from her body and dress which were worn by her at the time of occurrence.
2. It must be ensured that the victim is treated with utmost courtesy and sympathy.
3. For obvious reasons usually the victims of rape very often hesitate to admit that they were raped. The Investigating Officer should take care of this aspect and give them adequate protection and also take steps to avoid unnecessary publicity.
4. The victims of sexual assaults should not be taken out routinely to various places by the police in all cases for evidence gathering unless it is absolutely essential.
5. The victims are taken out in compelling circumstances for the limited purposes of securing evidence. The Investigating Officer should bear in mind that the identity of the victim should not be caused to expose to the public. This is adding insult to the injury she already suffered.

6. If the Investigating Officer is forced to take out the victim of a sexual assault case to various places to secure evidence, her face may be covered to conceal her identity. This should be done only after discussing with the superior officers and also with the consent of her parents/guardians.

7. The victim should ^{not} be taken out in odd hours. The Investigating Officer and accompanying police party should avoid uniform while taking the victim outside for collecting evidence.

8. Only in least number of cases the victims should be taken out to secure evidence by the Investigating Officer.

9. The victims must be accompanied by the guardian/close relative and if none are available, the service of the lady police officer must be made available for this purpose.


10. Identity of the victims and the victim's family shall be kept secret and they must be ensured protection.

11. Care must be taken to ensure that a rape victim if possible should not be taken to the police station except for the period which is absolutely necessary for investigation.

12. If possible try to record the statement of the victims as per 164 CrPC to avoid tampering of evidence.

13. Include the family members in the investigative but not the interview process. Ask for information that may help apprehending the assailant.

14. As laid in the provisions under Sec.228 (A) IPC victims at any cost should not be exposed to the media.


STATE POLICE CHIEF,
KERALA 15/7/14

To

All Officers in List 'B'

Copy to : All Officers in PHQ

,, : RAC/Circular Book/Records/Stock File