

Standing Order

No.	Issue Date	Issued By	Issuing Unit	Issuing Branch
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Subject : Standard Operating Procedure (SoP) for investigation of Rape Cases.

Contents

OFFICE OF THE COMMISSIONER OF POLICE: DELHI

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1. Introduction

The need to issue instructions regarding Standard Operating Procedure (SoP) to investigate sex crimes has been felt to improve the quality of investigation and to secure maximum conviction rate. The instructions are to be followed by the supervisory as well as investigating officers while handling the investigation.

The following procedures have to be adopted by the investigating officers:-

2. Registration Of FIR

i. As soon as information about such offence is received, FIR shall be recorded in accordance with the provisions of Section 154 Cr.PC. The FIR being an important document shall be drawn-up with greatest care and caution, incorporating all material information/factors which are directly connected with the crime or are likely to form important evidence.

ii. As rape cases are Special Report Cases, hence investigation shall be monitored by the DCP of the District concerned. Initial Special Reports, giving details of facts of the case, evidence available, instructions to IOs etc. shall be issued by gazetted officer within 72 hours of occurrence. Similarly, Continuation Special Reports are required to be issued about the progress of investigation every fortnightly.

iii. Investigation of the Rape case shall be conducted by a woman officer. In case sufficient number of such I.Os. are not available in a police station, the DCP of the district shall depute such an officer from elsewhere.

iv. The DCP/In-charge of the District shall give the investigating officer proper instructions/guidance from time to time in carrying out investigation and collection of evidence.

3. Handling of victim.

i. The victim should be handled with utmost sympathy and sensitivity. The behaviour towards women victim should be courteous. No embarrassing or indecent questions should be put to her who is already under shock/trauma.

ii. While talking to the victim, her psychology should be observed carefully and eliciting information should be done in such a manner that she remains cool and calm. Proper account of the incident should be recorded in plain and simple language as early as possible in the informant's own words. If the complainant while making oral report suspects or alleges against a particular person, the ground on which suspicion is based be ascertained tactfully.

iii. The lady investigating officers should be very cautious while talking to the victim. NGOs can be of immense help in bringing-out the victim from trauma and preparing her to co-operate with the investigating agency.

iv. The victim as well as the accused person(s) should be sent for medical examination after preparing the injury sheet by the I.O. Details of injuries/scratches, bruises and nail marks, if any, on their body should be clearly mentioned in the injury sheet.

v. A rape victim above 12 years of age can only be examined after her written consent and a rape victim under 12 years of age can be examined only after a written consent from her parents/guardians.

vi. The victim should be medically examined only by a lady doctor.

vii. The victim should not be called at the Police Station. I.O. should visit in plain clothes to the victim's house for ascertaining facts in the presence of her relatives/family members.

viii. Efforts should be made to get the statement of victim recorded U/s 164 Cr P C at the earliest.

4. Inspection of the Scene of Crime

i. It shall be the foremost duty of the I.O. to safeguard the scene of crime so that clues available at the scene of crime may not be disturbed.

ii. The inspection of scene of crime and picking up valuable clues from it play a vital role in the successful investigation and prosecution of a case. The scene of crime should be thoroughly inspected clock-wise and all out efforts should be made to collect maximum evidence from the spot. Crime Team must be summoned to lift finger/foot prints and other suspect items i e hair, blood, semen, body fluid, ornaments etc. found at the spot.

iii. The exhibits collected/lifted should be properly packed/preserved, sealed and sent to FSL for chemical analysis. The instructions issued vide S O No. 219 for the despatch of exhibits to the FSL shall be followed.

iv. It is imperative that the scene of crime must be photographed from all angles because human eye may fail but not the camera.

v. The site plan of the place of occurrence is an important document. It shall be drawn correctively indicating distance among items found at the spot. The position of eyewitnesses, if any, must be shown.

vi. Collection and packing of evidence from spot should be done with utmost care and without loss of time by preparing proper seizure memo.

vii. Provision for DNA analysis at an appropriate time be also kept.

5. Collecting Evidence from Suspect

A) When suspect is known to victim :

i. Rebuttal or corroboration of facts as alleged by victim to be done after carefully examining the whole circumstances and by continuously keeping the trauma of victim in mind.

ii. Help of experienced male police officer could be taken in interrogation of suspect.

iii. Suspect should be sent for immediate Medical Examination along with his injury sheet mentioning injury, scratch, bruise or nail mark etc found on his body.

iv. Personal clothes of the accused worn at the time of crime should be seized and sent to FSL for examination.

v. The accused should also be got examined from the point of view of his potentiality of committing the alleged crime.

vi. Documentary proof of age of accused as well as victim should be collected and their ossification tests should be got done through medical officer, if proof of age is not otherwise available.

vii. A form, CAT No. SEC 100, titled "Suspect Evidence Collection Kit Instructions" has been designed to assist the examining Physician/Nurse in the collection and preservation of the evidentiary specimens from suspect of sexual assault. These specimens are analyzed by the F.S.L. I.O. should invariably refer to this FORM while sending the suspect for medical examination and request the physician to collect and preserve specimens accordingly. The FORM is attached as Annexure-IV.

viii. In cases where the accused has been declared a proclaimed offender, it must be ensured that his property is attached and is confiscated under due process of law.

B) When suspect is not known :

i. Description of accused should be ascertained from victim and portrait of suspect should be prepared immediately without loss of time and circulated in order to trace the suspect.

ii. A message should be flashed on wireless for look out of the accused.

iii. Local clandestine/open enquires should be conducted for look-out of

the suspect.

iv. In cases where accused persons are arrested, it shall be ensured that they are immediately sent to judicial custody for test identification. The court should be requested to fix an early date for their identification. It shall also be ensured that the accused persons keep their faces muffled.

C) Collection of other evidence :

i. Witness, who reached the spot of incident on hearing the cry/shriek of the victim, must be examined during the investigation and their statement in detail should be recorded.

ii. Persons to whom the victim might have narrated the incident just after its occurrence should be examined and cited as prosecution witnesses.

6. Rehabilitation of the Victim

i. The female victim needs help in rehabilitation. The rehabilitation has to be in four folds, viz physical, mental, psychological and social.

ii. The victim is likely to suffer social stigma and possible alienation from the family. Necessary counseling to her and her family members should be provided.

iii. Crises Intervention Centres located in different Districts/ Ranges and NGOs working in this field may be of immense help. They should invariably be associated in the counseling and rehabilitation of the victim. Certain NGOs and Government agencies also provide employment/ financial assistance to rape victims. Their help be taken through NGO/other Govt. agencies.

7. Handling of Media

Sex offences attract wide attention and arouse more public indignation than any other type of crime. While briefing media about sex crimes, identity of victim should not be disclosed, if need be, pseudo name may be given to the victim. Victim should not be produced before media. Disclosure of identity of victim and her family raises problems in their social rehabilitation. Only authorized officers should brief the Media.

8. Trial

i. Charge-sheet of the case should be routed through the concerned APP after proper scrutiny, attaching therewith all necessary documents.

ii. Charge sheet should be filed in the court within the limitation period i e 90 days after the arrest of the accused, as thereafter the accused may be let off on bail and may exert undue pressure on the victim and witnesses which will hamper successful prosecution.

iii. During trial safety and security of the victim and witnesses should be ensured.

iv. Presence of witnesses should be ensured in the court as and when summoned.

v. Witnesses should be properly briefed and their memory should be refreshed so that they depose before the court facts of the case as stated during investigation.

The DCP/In-charge of the District shall be responsible to ensure that his junior gazetted officers supervise the cases on the above guidelines.