

Pilot Project in Mumbai

Sexual Offences Against Women and Children

Guidelines to Police issued by Mumbai Police Commissioner

Special Police Circular No. 27/2013, Dated 12.8.2013

Sexual offences against:

- a person (boy or girl) under 18 years of age shall be registered under POCSO Act, 2012
- a woman above 18 years of age shall be registered under IPC

FIRST INFORMATION REPORT

Any person having information of an offence can lodge an FIR. It is not necessary that the information must be given by the aggrieved person. As soon as information is given to the Police, an FIR shall be recorded without waiting for the appearance of aggrieved party. (S. 19 (1), POCSO Act, 2012, Maharashtra Police Guidelines Part 3 rule 113)

If an aggrieved woman gives information herself then the FIR shall be registered by a woman police officer or any woman officer. (S. 154 (1) Cr.PC Proviso) *

If a mentally or physically disabled (temporary or permanent) victim wants to report the commission of an offence or an attempt to commit an offence, the information shall be recorded by the police officer at her residence or at any place of her choice in the presence of an interpreter or a special educator. (S. 154 (1) (a) Cr.PC Proviso) *

If a mentally or physically disabled (temporary or permanent) victim wants to report the commission of an offence or an attempt to commit an offence, the recording of such information should be videographed. (S. 154 (1) (b) Cr.PC) *

A copy of the FIR should be given immediately and free of cost to the informant. (S.154 (2) Cr.PC)

If a police officer refuses to register an FIR, it is a cognizable offence. (S.166A (c) IPC) *

If information of an offence committed is given to a police station within whose jurisdiction the offence was not committed, that police station must register a '**Zero**' FIR and immediately transfer the same to the concerned police station. (Mumbai Police Rulebook Part 3 Rule no. 119-A)

FIRST AID AND MEDICAL EXAMINATION

If an offence has been committed, then the victim shall be provided first aid or medical treatment free of cost by all hospitals (public and private). (IPC 357 (c) Cr. PC) *

Even if an offence committed on a child under any section of POCSO Act, 2012 has not been registered at a police station, the medical examination of the child shall be conducted in accordance with S.164 A Cr.PC. (S. 27 (1), POCSO Act, 2012)

Within 24 hours of receiving information of an offence under POCSO Act, 2012 or Rape under IPC it is mandatory for the Police to send the victim for medical examination to a registered medical practitioner. (S. 164A, Cr. P.C.)

VICTIM STATEMENT

The statement of the victim shall be recorded by a woman police officer or any woman officer. The statement shall be recorded at her residence or at a place of her choice in the presence of her parents or guardians or relatives or social worker of the locality or any other person in whom the victim has trust. (S. 161 Proviso 2 Cr.PC and S. 157 (1) (b) Proviso Cr.PC) *

The statement of a mentally or physically disabled (temporarily or permanently) child shall be recorded with the assistance of a special educator or any person that the child can communicate with. The police officer can take the help of professionals and experts in the field. (S. 26 (3) POCSO Act, 2012)

The statement of a victim shall be recorded by a Judicial Magistrate in accordance with S. 164 (5A) (a) Cr. PC. (S. 154 (1) (c) of Cr.PC)

The statement of the child victim shall be recorded at her/his residence or at the place of her/his choice. The statement shall be recorded by a woman police officer not below the rank of sub inspector in presence of the child's parents or any person in whom the child has trust. (S. 24 (1) POCSO Act, 2012)

While recording the statement of the child victim the woman police officer shall not be in uniform. (S. 24 (2) POCSO Act, 2012)

While recording / investigating an offence under POCSO Act, 2012 the police officer shall ensure that the child victim does not come in contact with the accused at any point of time. (S. 24 (3) POCSO Act, 2012)

SHELTER HOME AND CHILD WELFARE COMMITTEE

On receiving information of an offence under POCSO Act, 2012, if the police officer is satisfied that the child victim is in need of care and protection, then the she/he shall record the reason in writing and provide protection to the child immediately / within 24 hours; this includes admitting the child in a Shelter Home or Hospital. (S. 19 (5) POCSO Act, 2012)

Information about an offence under POCSO Act, 2012 as well as steps taken to provide protection to the child shall be reported within 24 hours by the police officer to Child Welfare Committee and the designated Special / Session Court. (S. 19 (6) POCSO Act, 2012)

