



- d. "Rape Crises Cell" means a cell established under the Delhi Commission of Women to provide legal assistance in the cases of sexual assault who would coordinate the Crises Intervention Centres and provide legal support to the victim and her family;
- e. "Support Person" means a person working in the capacity of a counsellor working with a recognized and registered Crises Intervention Centres, approved by the Delhi Commission for Women.
- f. The expression "offence" for the purpose of these guidelines shall mean and include offences of rape, attempt to rape and unnatural offences.

## **I) POLICE**

- a. Every Police Station shall have available round the clock a lady police official/ officer not below the rank of Head Constable.
- b. As soon as a complaint of the offence is received, the duty officer receiving the complaint/ information shall call the lady police official/ officer present at the police station and make the victim and her family comfortable.
- c. The duty officer, immediately, upon receipt of the complaint/ information intimate to the "A rape Crises Cell" on its notified helpline number.
- d. After making preliminary inquiry/ investigation, the investigation officer along with the lady police official/ officer available, escort the victim for medical examination.
- e. The Assistant Commissioner or Police shall personally supervise all investigation in to the office .
- f. The statement of victim shall be recorded in private, however, the presence of family members while recording statement may be permitted with a view to make the victim comfortable. In incest cases where there is a suspicion of complicity of the family members in the crime such family members should not permitted.
- g. The investigation officer shall bring the cases relating to "child in need of care and protection" and the child victim involving In incest cases to the Child Welfare Committee.
- h. The accused should not be brought in the presence of victim except for identification.
- i. Except the offences which are reported during the night no victim of sexual offence shall be called or made to stay In the police station during night hours. The Social Welfare Department of the Govt. of NCT of Delhi shall ensure that Superintendents of the Foster Home for Women will provide necessary shelter till formal orders secured from the concerned authorities.
- j. The Investigation Officer shall ensure that in no case the accused gets the undue advantage of bail by default as per the provisions of Section 167 Cr.P.C. it is desirable that in cases of incest the report under Section 173 Cr.P.C is within 30 days.

k. Periodically Training to deal with rape cases should be provided to the Police officers, Juvenile Police Officers, Welfare Officers, Probationary Officers and Support Persons. A Training Module be prepared in consultation with the Delhi Judicial academy.

l. The police should provides information to the Rape Crises cell regarding the case including the arrest and bail application of the accused, the date of filling of the investigation report before the magistrate.

m. The police should keep the permanent address of the victim in their file in addition to the present address. They should advise the victim to inform them about the change of address in future.

n. Subject to the outcome of the W.P. ( C ) 2596/2007 titled Rajeiv Mohan Vs. State, pending before this Honøble Court in cases where the victim informs the police about any threats received by the accused family, the concerned DCP should consider the matter and fresh FIR must be registered under Section 506 of the Indian Penal Code;

## **II) DOCTORS/ HOSPITALS / HEALTH DEPARTMENT**

a) Special rooms to be set up in all government hospitals for victims to be examined and questioned in privacy:

b) A sexual assault evidence collection kit or sexual assault forensic evidence (SAFE) kit consisting of a set of items used by medical personnel for gathering and preserving physical evidence following a sexual assault should be available with all the Govt. Hospitals. A Sexual assault evidence collection kit should contain commonly :

- É Detailed instructions for the examiner
- É Forms for documentation
- É Tube for blood sample
- É Urine sample container
- É Paper bags for clothing collection
- É Large sheets of paper for patient to undress over
- É Cotton swabs for biological evidence collection
- É Sterile water
- É Glass slides
- É Unwaxed dental floss
- É Wooden stick for fingernail scrapings
- É Envelopes or boxes for individual evidence samples
- É Lables

Other items needed for a forensic / medical exam and treatment that may be included in the rape kit are:

- É Woods lamp
- É Toluidine blue dye
- É Drying rack for wet swabs and / or clothing
- É Patient gown, cover sheet, blanket, pillow
- É Needles / Syringes for blood drawing

- É Speculums
- É Post-It Notes used to collect trace evidence
- É Camera (35 mm, digital, on Polaroid), film. Batteries
- É Medscope and / or colcoscope
- É Microscope
- É Surgilube
- É Acetic acid diluted spray
- É Medications
- É Clean clothing and shower / hygiene items for the victimø use after the exam.

c) A detailed description of ø Assault/Abuse Historyø be mentioned by the attending doctor on the MLC of the victim, The doctor must ensure that the complete narration of the history of the case detained by the victim and her escort is recorded.

d) After the examination is complete the victim should be permitted to wash up using toiletries provided by the hospitals. The hospitals should also have clothing to put on if her own clothing is taken as evidence.

e) All hospitals should co-operate with the police and preserve the samples likely to putrefy in their pathological facility till such time the police are able to complete their paper work for despatch to forensic lab test including DNA.

### **III) CHILD WELFARE COMMITTEE**

a) In cases of incest and child in need of care and protection, the Child Welfare Committee shall examine the victim to ascertain the nature of support she is getting from her family and initiate steps for ensuring best interest of the child. In such cases the Child Welfare Committee shall conduct a home study to assess and ensure the safety of the is provided with necessary medical and psychological aid during her stay foster home for purpose of her rehabilitation.

b) Child Welfare Committee shall maintain a list of all registered Foster Homes providing residential support, special services and rehabilitation facilities to the victim.

### **IV) PROSECUTORS**

a) In cases where the child is placed in a shelter following the orders of the Child Welfare Committee or a Metropolitan Magistrate, the application seeking custody of the child made by the parents/relatives of the victim should not be acceded to till such time, The Public Prosecutor gets the status of the applicants verified with the Rape Crisis Cell and also call for the records of the Child Welfare Committee if it is not available.

### **V) COURTS**

a) The Magistrate unless there are compelling reasons shall record the statement of the victim under Section 164 Cr.P.C. on the day on which the application is moved by the Investigation Officer. The Magistrate before proceeding to record the statement shall ensure that the child is made comfortable and she is free any extraneous pressure.

- b) An endeavour shall be made to commit such cases of offence to the Court of Sessions expeditiously and preferably within 15 days.
- c) The Honøble Supreme Court in Delhi Domestic Working Women Forum Vs Union of India, 1995 (1) SCC 14 and reiterated by this Honøble Court in Khem Chand Vs. State of Delhi 2008 (4) JCC 2 497 had directed that the victim be provided with a counsel. The existing practice of the victims being represented by a counsel from the Rape Crisis Cell may continue, In cases where the victim has a private lawyer, she may be allowed to retain the private lawyer.
- d) That as far as possible chief examination and cross examination of the victim must be conducted on the same day.
- e) The Additional Session Judge / District Judge shall maintain a panel of psychiatrists, psychologists and experts in sign language etc. who would assist in recording the statement of witnesses as and when requested by the Session Courts.
- f) If it is brought to the notice of the Court from a support person / Rape Crises Cell Advocate/Victim, regarding threats received by the victim or her family members to compromise the matter, the judge shall immediately direct the ACP to look into the matter and provide an action taken report before the court within 2 days. The court must ensure that protection is provided to the victim and her family.
- g) In cases in which the witness is sent back unexamined and is bound down, the Court shall ensure that at least the travelling expenses for coming to and from for attending the Court are paid.

## **VI) SUPPORT SERVICES**

- a) A 24 hour helpline that can be contacted by the victims, police or any member of the public will be created. The Commission shall notify and widely publish its existing telephone number and that number will be used till such time a too-free number is made available.
- b) The Rape Crisis Cell will have with them accredited support services for shelter, social workers, counsellors, mental health professional, lawyers.
- c) The list of these accredited support services will be provided to the Prosecution Branch, the Commissioner of Police as well as to the Registrar of this Honøble Court.

2. The Commission shall prepare a brochure which will contain these guidelines along with summary and directions passed by the Supreme Court and this Court in Delhi Domestic Working Women's Forum Vs. Union of India 1995 (1) SCC 14 Sakshi Vs. Union of India, (2004) 5 SCC 518, Chairman Railways Board Vs. Chandrima Das, (2000) 2 SCC 465, Sheeba Abidi Vs. state & Anr. 113(2004) DLT 125, Khem Chand Vs. State of Delhi, 2008 (4) JCC 2497 , X(Ms.) Vs. State of NCT and Anr., 149 (2008) DLT 194. The brochure shall be prepared in consultation with the Registrar General of this Court and learned Standing Counsel for the State Government so that it may be circulated to all the

departments/police/courts/Child Welfare Committees/Hospitals/doctors/prosecutors to enable effective implementation of the guidelines.

3. The brochure shall be maintained and kept with all the agencies/ authorities dealing with the victims of sexual assault and the guidelines contained therein shall be strictly followed and implemented.

4. A copy of this order shall be circulated to all the Delhi Government hospitals/ Central Government hospitals and MCD hospitals for enforcement of the guidelines and directions contained in part II of the guidelines. The concerned Medical Superintendents of the respective hospitals shall submit an action taken report to the Registrar General of this Court within a period of two months. Insofar as the Child Welfare Committees are concerned they shall file quarterly action taken reports to the Juvenile Justice Committee of Delhi High Court.

5. Women's Commission shall prepare a training module for training of police officers, Juvenile police officers, welfare officers, probationary officers and support persons in consultation with the Delhi Judicial Academy. The Principal, Police Training College, Delhi shall hold periodical training programmes and ensure that all concerned persons undergo training / sensitization programme within one year.

6. Learned standing Counsel for the State Ms. Mukta Gupta states that the draft rules for the foster care services have been prepared and the rules will be notified within a period of two months from today.

7. We are informed by the counsel for Delhi Women Commission that pursuant to the directions issued by the Supreme Court in Delhi Domestic Working Women's Forum Vs. Union of India (Supra) the Commission has submitted a draft scheme to the Delhi Government for payment of compensation to victims of rape which is under consideration of the State Government. The State Government is directed to consider the draft scheme submitted by the Commission and file a status report in this Court within a period of two months.

List on 29th July, 2009 for further directions.

**CHIEF JUSTICE**

**APR. 23, 2009**