

**GOVERNMENT OF ODISHA  
HOME DEPARTMENT**

No. 24221 / C& HR, Bhubaneswar, Dated 54.07.2013  
CP (Lit) 42 / 13

From

Shri Lalit Das, IPS  
Special Secretary to Government

To

All Superintendent of Police, Odisha/  
All Deputy Commissioners of Police, Odisha.

**Sub: Guidelines regarding protection of Women from the Sexual exploitation and assault.**

Sir,

I am directed to intimate that Hon'ble Supreme Court of India in Criminal Appeal No. 1156 of 2010 filed by Dillip-Vrs-Union of India, has directed to ensure compliance to their order dated 16.04.2013 regarding review of the existing rules regulations, system / policies meant for protection of women from sexual assault, harassment so as to enable them to live in the society with human dignity. The copy of the order of Hon'ble Supreme Court of India is enclosed for your ready reference.

The following instructions are to be followed in conjunction with the existing policies, rules and regulations of the Government.

1. That, complainants of sexual assault cases should be provided with legal representation. It is important to have some one who is well acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but also to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counselling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked

after the complainant's interest in the police station represents her till the end of the case.

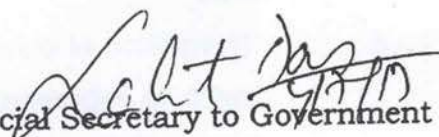
2. The Investigating Officer must ensure that the victim of rape should be handled carefully by lady police official / officer. The Investigating Officer should record the statement of victim girl in the presence of her family members making the victim comfortable except in incest cases. Investigation should be completed at the earliest to avoid the bail to the accused on technicalities as provided under Section 167 Cr.P.C. and final report also should be submitted under Section 173 Cr.P.C. at the earliest.
3. The victim should be sent for medical examination at the earliest. Specialised care has to be taken by the doctor who medically examine and treat the victim of rape. The victim of rape should normally be examined by a female doctor. Simultaneously, she should be provided the help of psychiatrist. The medical report should be prepared expeditiously and the doctor should examine the victim of rape thoroughly and give his / her opinion with all possible angle e.g. opinion regarding the age taking into consideration the number of teeth, secondary sex character and radiological test etc.
4. Legal Assistance will have to be extended at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and while she is being interrogated would be of great assistance to her.
5. The police should be under duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed.

6. A list of advocates, willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable.
7. The advocate shall be appointed by the court upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without undue delay, advocate would be authorised to act at the police station before the leave of the court was sought or obtained.
8. In all rape trials anonymity of the victim must be maintained, as far as necessary.
9. Victim Compensation Scheme has been formulated in pursuance of Section 357-A of the Code of Criminal Procedure 1973 (2 of 1974). Compensation to the victim of rape, acid attack has been included in the Scheme. District Legal Services Authority will decide the quantum of compensation to be awarded to the victim on the basis of loss caused to the victim, medical expenses to be incurred on treatment and minimum subsistence amount required for rehabilitation.

Therefore, in view of all the above, you are requested to follow the direction of the Hon'ble Supreme Court and issue suitable instructions to all concerned under your administrative control for ready compliance.

This may please be treated as **"extremely urgent"**.

Yours faithfully,

  
Special Secretary to Government

P.T.O.