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NR 364 GR 800 (3 Pgs)

No. C3/158319/2017

Police Headquarters,
Kerala, Thiruvananthapuram.

Dated: 21/10/2017.

CIRCULAR NO. 25/2017

Sub:- Strengthening the Concept of Victim Liaison Officer as a part of Justice to Victims of Crimes and protection of witness in the light of the judgments of Hon'ble High Court of Kerala and Hon'ble Supreme Court of India – reg.

- Ref:-
1. Judgment of Hon'ble High Court of Kerala in Thomas vs State of Kerala case in W.P (C) No. 27902 of 2008, dated 07-04-2017.
 2. D.O No 16/02/2017 – WW of Secretary Ministry of Women and Child Development, Government of India, Dated 26/9/2017.
 3. Judgment of Hon'ble Supreme Court of India in Nipun Saxena Vs Union of India and Ors in WP (C) No 565/2012, Dated 17.04.2017.
 4. Circular No. 36/2012/PHQ, dated 15/11/2012.

The primary objectives of introducing the concept of justice to the victims of crime and for ensuring justice to the victims/deceased family and the necessity for appointment of Victim Liaison Officers (VLOs), their deployment and supervision were vividly explained vide Circular cited 4th.

02. Apart from this the Government of India constituted the Committee on reforms of Criminal Justice System to make a comprehensive examination of all the functionaries of the Criminal Justice System, the fundamental principles and the relevant laws in under the Chairmanship of Dr. Justice V. S. Malimath Formerly, Chief Justice of High Court and Member, National Human Rights Commission and submitted the report in 2003 and now, the Hon'ble High Court of Kerala in Thomas Vs State of Kerala in W.P.(C) No. 27902 of 2008 held that the Victims shall not be an outsider in the Criminal Proceedings and considered as equal stakeholders in the criminal justice system. They are owned the right to exercise an effective voice in decision making processes like investigation, prosecution, reparation, etc. The victims are generally placed in subservient position by the collective interests of the

society in prosecuting the crime. However, time has now come give them sufficient latitude in determining how their concerns are identified and how they will be taken into account. In this process, the victims needs, concerns, fear and apprehension need to be acknowledged and accommodated. The victims deserve to be treated with respect by the investigatory and prosecuting services and to help them in their recovery process to be kept informed about the progress of all these proceedings. System of criminal jurisprudence and the justice dispensation system should attempt to assuage the petitioner's feelings and to convince them that their apprehension may be without basis.

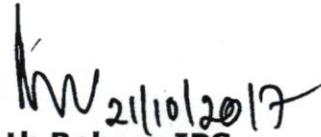
03. The earlier Circular issued includes instructions for frequent contact between the family/ victim and Police in the investigation of murder/rape cases/SC/ST atrocities. In the wake of the above judgment of Hon'ble High Court of Kerala, it is to be extended to grave crimes, offences against women and children, especially POCSO and Juvenile Justice Act cases, offences relating to maintenance and welfare of parents and senior citizens, motor vehicle accidental deaths and medical negligence death cases where family/victim have suspicion, suspicious deaths and atrocities by Police officers like custodial tortures and custodial deaths. In all these cases, the instructions issued earlier in Circular No.36/2012 should be carried out. In addition, there should be witness protection and proper compensation to the victim women of sexual assault as directed by the Hon'ble Supreme Court of India in Nipun Saxena Vs Union of India and others case cited vide ref 3rd.

04. These instructions are binding on all investigating officers, both Local and CBCID. The victims of other cases need to be attended by the beat officers under the Janamithri Policing Programme of the respective places. The selection of VLOs and their training as mentioned in the original circular should be strictly followed for ensuring a human face. The complaints against the VLOs should be enquired into by the SDPOs/Supervisory Officers of each crime and any misbehavior on the part of the VLOs should be dealt with deterrence by the District Police Chiefs/Unit Heads. The periodical review should be there in all cases till the charge sheeting and if

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possible even during prosecution so that there is desired satisfaction for the victim/deceased family. It is hereby instructed to include the remarks made by ADGPs of Zones in their Crime Review meetings in the monthly conference at PHQ so that we will be able to ensure justice to the victims/deceased family and also comply the instruction of the Hon'ble High Court in letter and spirit.

05. The earlier Circular issued in this matter is modified to that extent. The ADGP/IGP, HQ will bring to the notice of the undersigned if any violation occurs.

 21/10/2017

Loknath Behera IPS
Director General of Police &
State Police Chief, Kerala.

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