



THE 164 CrPC STATEMENT

The 164 CrPC statement is a voluntary statement to be given by the child in front of a Metropolitan Magistrate.

things you should know



Time Taken for the Procedure: Anywhere between **2 to 5 hours** not counting the waiting period.

At what Stage does this happen?

164 CrPC Statement may be taken anywhere **from a few weeks after the recording of the initial complaint to a month or two months.**

Is it Mandatory?

164 CrPC is a voluntary statement and in some cases, it is not taken at all. However, **considering the child may forget or mis-remember details of the case, it is considered good practice** to get a complaint recorded in front of a magistrate.

Accompanying The Child: The **police accompanying the child must not be in uniform.**

The police should pick the child up in a private vehicle as far as possible.



don't forget to take

Carry food & water for the child.

Carrying coloring books, children's books, some toys, video games helps in case the child is made to wait and grows restless.

If you are a parent, **carry a valid identification proof.**

If you are a support person, **carry the CWC order appointing you as support person along with valid identification proof.**





THINGS TO KNOW WHEN PURSUING JUSTICE FOR CHILD VICTIMS

THE 164 CrPC STATEMENT

what you should tell the child



Tell the child that they will be taken to court. **Describe the court in detail.** Describe the court. You may use movies and other pictorial depictions as reference points.

Tell them that **there will be a judge and a typist in the room** and no one else. The judge may ask questions while the typist will be taking notes.

Tell them that **if the judge allows, you and/or any trusted adult whom the child knows off will be present.** The child may request for the same. But tell the child that this person will not be allowed to speak or gesticulate once the statement starts being taken.

However, tell the child if the presence of the trusted adult etc is making them uncomfortable they can ask them to leave the room.

Mention to the child that they have to **tell the judge in detail about the incident.** In the same way that they told the police.

Tell them that if **they remember any other detail about the incident, they may mention it** to the judge.

Tell the child that if they feel tired or hungry or thirsty or want to use the bathroom during the statement, **they have the right to ask for and take a break.**

If the child questions as to why they have to attend the court or re-record the statement, explain to them that the **court plays a key role in punishing the accused** and that their statement is an important part of the process.

Listen to what the child has to say and respond positively and appropriately.





THINGS TO KNOW WHEN PURSUING JUSTICE FOR CHILD VICTIMS THE 164 CrPC STATEMENT

after the statement



Ensure the statement is read back to the child & trusted adult for confirmation.

Ensure that the child is taken to the park or somewhere where they can unwind, relax and take their mind away from the case.

Inform the child that this will not be the only time they will be required to repeat their statement. In the coming years, they will be required to repeat the statement at least 3 more times if not more. And that doing so, will help the court punish the accused.

Allow the child to ventilate and process the experience. Listen patiently and respond gently & appropriately.

Arrange a session with a professional counselor if necessary.

