



# THINGS TO KNOW WHEN PURSUING JUSTICE FOR CHILD VICTIMS

## HANDLING THREATS FROM THE ACCUSED

In many instances, once the case has been reported to the police, child victims face issues of harassment and threats from the accused and/or his acquaintances/well-wishers.

### 1) Why do child victims of sexual offences face threats?



Cases of sexual violence always involve the accused exploiting pre-existing power dynamics between the victim and them. In some cases, the power dynamic maybe one of physical prowess but more often than not this dynamic has social, economic and political dimensions. The threats to the victims after the case has been reported also invoke the same dynamics.

*Some examples of threats Include:* The accused have been known to use class, caste, workplace, family and political connections, to apply pressure on victims & family to force them to turn hostile. There are cases where fear is induced in the victims by the accused (who is out on bail), his close friends and acquaintances by following or stalking them. In cases of incest, there is tremendous pressure on victims from the immediate or extended family members in the name of safeguarding family honor.

### 2) How do threats affect the victim child & family?



Threats aggravate the disruption caused by the incidence of sexual violence in the life of the victim child and family and deepens the trauma being experienced by them. Mobility and freedom of victims and families is severely curtailed. In the name of safety, victims are pulled out of school and confined to home. They are shifted away from their families into child care institutions or sent back to the village. Entire families have migrated to other states because of the continuous threats and pressure. The process of healing and rehabilitation is hampered at various levels by continuing threats.

## things you should know - 1



### **a) Immediately Inform the Investigating Officer (IO) of the Case about the threats received:**

Call or personally meet the investigating officer of the POCSO case and inform him/her about the threats received by the victim and/or their family members. Once you inform the IO about the threat, he would:

- Approach the accused and his or her family (by asking them to visit the police station or making a phone call) to strongly advise them (under the fear of the law) against continuing their harassing behavior.
- Advise you to register a Non Cognizable Complaint (NC) to ensure that the threats are brought on police record. (Non-Cognizable Offences include causing hurt, criminal intimidation etc.)
- If there are incidences where along with the threats the victim and his/her family has been physically assaulted then the police registers an FIR.

### **b) Register a Non Cognizable Complaint (NC) at the nearest Police Station:**

An NC complaint can be filed at the nearest police station. In a Non-Cognizable (N.C.) Complaint, the police makes a note of the harassment suffered by the victim and registers the complaint in the separate non-cognizable register (NC register) at the police station. Thus, the nature of the offence is noted and comes on police record.

However, while filing an NC complaint is an effective recourse, it may not result in the arrest of the accused.



### things you should know - 2



#### **c) Who can file an NC complaint?**

An NC can be filed by victim themselves, their family members, support persons or trusted adults. There is no need for child victims to accompany the complainant to the police station to file an NC.

#### **d) What are the things to remember while filing an NC complaint?**

You will need to remember the full details of the threat including names of the perpetrators, the sequence of events leading up to and including the incident(s), as well time and date.

If there are any photos, videos, messages or phone records, any other evidence/eye witnesses to prove that there was intimidation & threatening, they can be taken along while filing the complaint.

#### **e) What is the time taken to file an NC complaint?**

Usually the time taken to file an NC complaint is anywhere between 45 minutes to 1.5 hours.

#### **f) What are the Sections applied by the Police while registering an NC complaint?**

The following sections are usually applied by the police while registering an NC complaint:

IPC Section 506: Criminal Intimidation

IPC Section 323: Voluntarily causing hurt

IPC Section 504: Intentional insult with intent to provoke breach of peace

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### f) What happens during filing of an NC complaint?

The Police officer records the complaint in brief. The complaint usually captures details pertaining to:

- Date and time of the incident (this has to be clearly specified by the victim & the family)
- The names of the people who threatened and their relation/connection to the accused and/or the case
- On how many occasions did they come in contact with the victim (or their family) and details of those interactions
- If available, photos, videos, call logs and messages can be submitted as supporting evidence. If there are eye witnesses, they can accompany the complainant.

### g) The Rights of the Complainant:

1. The complainant can insist on bringing on record any specific details of the case. And the police has to make a note of the same.
2. The complaint is usually recorded in the local language of the police station, however if the complainant does not understand the local language, then he/she can insist on recording the statement in Hindi.
3. The police should then read the complaint to the complainant. The complainant and the police officer have to sign and the police should give a copy to the complainant free of cost.

## things you should know - 4



### i) What the Police Does Once an NC complaint is filed.

Once the NC is filed the police officer usually calls the concerned person(s) to the police station and asks them to cease and desist for further harassment under the threat of the law.

Certain police stations are known to proactively conduct surprise visits to the community to ensure that victims and their families are not harassed.

### j) What You Should Do Once the NC Complaint is Filed.

It is always good to inform the IO and the Public Prosecutor of the case about filing of the NC complaint so that this information is brought on record at the Special court. Filing of an NC complaint can be a strong ground for the court to reject the bail application of the accused or cancel the bail of the accused.

## What if harassment continues even after the NC is filed?

There is a possibility that the harassment of victims and families will continue despite filing multiple NC complaints in the nearest police station. In such scenarios, victims & families could approach the courts through their legal representatives. A separate application can be made to the court informing the court about the harassment along with an appeal to cancel the bail of the accused if he/she is on bail.

