



Centre
for
Child
Rights

25
YEARS
1999-2024

The 2024 Factbook

Children's Access to Justice & Restorative Care



Our Work

HAQ believes:

There is a need for the realisation of human rights of children through policy, law and action. Our aim is to look at the CHILD in an integrated manner where every child's rights are recognised and promoted without discrimination.

The recognition, protection and promotion of three rights form the cornerstone of HAQ's work.

They are – **Right to Survival, Right to Childhood and Right to Equal Opportunity.**

These rights we feel form the basis of all other rights, and by ensuring them we can create the atmosphere for accessing and ensuring the other rights that every child must have.

HAQ aims at: Building a holistic understanding of child rights and exploring areas of concern that directly or indirectly affect children and their rights.

HAQ's objective: To mainstream child rights in all development planning & political agenda, locally, nationally and globally.

HAQ's core value: Place cause before the organisation and organisation before self.



About this Factbook (2024)

The following pages carry powerful insights drawn from profiles of 539 children between 14 November, 2012 and 29 February, 2024.

The factbook is broken into 11 factsheets that look at the profiles of children who experienced abuse, the proximity of those accused, and the legal aspects of proceeding, acquittal, conviction, and bail.

Each factsheet includes relevant data-points to provide insights & analysis of the findings.

The document includes a callout in the bail section and stories in the final section that will provide the readers facts on what children experience, the significance of delivering legal rights to them, and how collaboration and partnership can make a difference.

This Factbook is the latest edition of the factsheets that HAQ documents with a wide audience in mind that include those who work with children, rights activists, lawyers, students, researchers, the media, the world's citizens to whom the innocence of childhood is of utmost importance and who have made it their mission to invest in the wellbeing of children today for a safer tomorrow.



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Profile of Child Survivors & Case Referral

This factsheet outlines the profiles of 539 child survivors, providing insights on how the cases were referred to HAQ. It includes 7 tables on gender & age distribution of children, sources of referral & case intake, cases referred by Child Welfare Committees, case distribution across Delhi's Police Stations and Courts.

⇒ AGE GROUP

- For every 10 cases received, ratio of male to female is 1:9.
- While 88% (477/539) cases are of female children, 32% (153/477) of them belong to the age group of 15-18 years: the highest amidst cases of females
- For boys, 47% (29/62) of the cases are in the 6-10 year age group: the highest amidst cases of males

⇒ HOW HAQ RECEIVES INFORMATION

- Child Welfare Committees (CWCs), NGOs, and Shelter Homes form the larger source from where cases are referred to HAQ - **93%**
- Other sources include the Court Staff, Family, Police, through court orders and individuals, and suo-moto

⇒ CASES FROM CWCs

- CWCs referred 86% of the 539 cases
- Most cases were referred by the CWC VIII, IV, III and VI located at Kalkaji, Mayur Vihar, Sewa Kutir and Rohini (Avantika)

Table 1:
GENDER & AGE DISTRIBUTION OF CHILDREN

Age Group (in years)	Male	Female	Total	Children in different Age Groups (%)
0 to 3	0	8	8	2%
3 to 6	4	40	44	8%
6 to 10	29	89	118	22%
10 to 12	6	60	66	12%
12 to 15	17	127	144	27%
15 to 18	6	153	159	30%
Total No. of Children	62	477	539	100%
Percentage	12%	88%	100%	

Table 2:
SOURCE OF REFERRAL AND CASE INTAKE

Source	Total No. of Children
CWC	466
NGOs/Shelter Home	20
Shelter Home	18
Court/Court Staff	8
Family	5
Police	7
Suo-moto	6
Individuals	8
DCW	1
Total	539

Table 3:
CASES REFERRED BY CHILD WELFARE COMMITTEES

Name of CWCs	Total No. of Children
CWC VIII : Kalkaji	106
CWC III : Sewa Kutir	73
CWC VI: Rohini (Avantika)	73
CWC IV : Mayur Vihar	72
CWC II : Lajpat Nagar	42
CWC IX: Gole Market	26
CWC X: Alipur	24
CWC V: Dilshad Garden	20
CWC VII: Nirmal Chhaya (South West)	19
CWC I : Nirmal Chhaya (West)	11
Total	466

Profile of Child Survivors & Case Referral

Table 4:
CASE DISTRIBUTION AS PER POLICE DISTRICTS AND POLICE STATIONS

Police District	Police Station	No. of Cases
Central	Anand Parbat	7
	Patel Nagar	6
	Chandni Mahal	6
	Hauz Qazi	3
	Prasad Nagar	3
	I.P. Estate	2
	Nabi Karim	2
	Pahar Ganj	2
	D.B.G. Road	1
	Jama Masjid	1
	Kamla Market	1
	Ranjit Nagar	1
Central Total		35
Dwarka	Uttam Nagar	3
	Dwarka North	2
	Najafgarh	2
	Baba Hari Dass Nagar	1
	Chhawala	1
	Dwarka Sector-23	1
	Mohan Garden	1
Dwarka Total		11
East	Mayur Vihar PH-1	15
	Ghazipur	5
	New Ashok Nagar	5
	Madhu Vihar	4
	Pandav Nagar	4
	Kalyan Puri	3
	Preet Vihar	3
	Jagat Puri	2
	Mandawali	4
	Mandwali Fazalpur	2
	Patparganj Industrial Area	2
	Laxmi Nagar	1
	Shakar Pur	1
East Total		51
New Delhi	Chanakya Puri	8
	South Avenue	2
	South Campus	2
	Mandir Marg	1
	North Avenue	1
	Tughlak Road	1
	Tilak Nagar	2
New Delhi Total		15

Police District	Police Station	No. of Cases
North	Subzi Mandi	7
	Wazirabad	5
	Civil Lines	4
	Kotwali	4
	Sarai Rohilla	4
	Kashmere Gate	3
	Burari	4
	Maurice Nagar	2
	Gulabi Bagh	1
	Roop Nagar	1
	Sadar Bazar	1
	Timar pur	1
	North Total	
North East	Gokul Puri	2
	Jafrabad	2
	Karawal Nagar	2
	Nand Nagari	2
	New Usman Pur	2
	Bhajan Pura	1
	Harsh Vihar	1
	Jyoti Nagar	1
	Khajuri Khas	1
	Seelam Pur	1
Welcome	1	
North East Total		16
North West	Keshav Puram	8
	Adarsh Nagar	7
	Ashok Vihar	7
	Jahangir Puri	7
	Subhash Place	5
	Bharat Nagar	4
	Mahendra Park	4
	Shalimar Bagh	4
	Model Town	3
	Maurya Enclave	1
	Mukherjee Nagar	1
Rani Bagh	1	
North West Total		52

Profile of Child Survivors & Case Referral

Table 4 Continues CASE DISTRIBUTION AS PER POLICE DISTRICTS AND POLICE STATIONS

Police District	Police Station	No. of Cases	Police District	Police Station	No. of Cases
Outer	Aman Vihar	10	South	Sangam Vihar	12
	Nihal Vihar	5		Mehrauli	11
	Paschim Vihar West	5		Fatehpur Beri	9
	Kanjhawala	5		Ambedkar Nagar	7
	Mangol Puri	3		Neb Sarai	7
	Nangloi	3		Malviya Nagar	7
	Sultan Puri	3		Hauz Khas	4
	Mundka	2		Saket	4
	Raj Park	2		Sarojini Nagar	4
	Ranhola	2		Tigri	4
Outer Total	40	Kotla Mubarkpur		3	
Outer North	Narela industrial Area	6		Lodhi Colony	2
	Swaroop Nagar	6		Maidan Garhi	2
	Alipur	3	Safdarjung Enclave	2	
	Bhalswa Dairy	3	South Campus	2	
	Bawana	3	South Total	80	
	Shahbad Dairy	2	South East	Govind Puri	22
Outer North Total	23	Sarita Vihar		13	
Railways	Anand Vihar Railway Station	1		Jamia Nagar	10
	New Delhi Railway Station	1		Okhla Industrial Estate	10
	Old Delhi Railway Station	1		Badarpur	8
Railways Total	3	Hazrat Nizamuddin		7	
Rohini	Narela	7		Sunlight Colony	6
	Prem Nagar	8		Amar Colony	5
	Vijay Vihar	5		Jait Pur	5
	Prashant Vihar	4		Pul Prahalad Pur	4
	Budh Vihar	4	Kalindi Kunj	2	
	Begum Pur	3	Lajpat Nagar	2	
	North Rohini	2	Shaheen Bagh	1	
	Samai Pur Badli	3	South East Total	95	
	K.N. Katju Marg	1	South West	Kapashera	6
	South Rohini	1		Vasant Kunj South	4
Rohini Total	38	Palam Village		2	
Shahdara	GTB Enclave	3		Vasant Kunj North	2
	Gandhi Nagar	2		Vasant Vihar	2
	Geeta Colony	2		R.K. Puram	1
	Anand Vihar	1	Sagar Pur	1	
	Farsh Bazar	1	Delhi Cantt.	1	
	Krishna Nagar	1	South West Total	19	
	Seema Puri	1	West	Khyala	3
	Vivek Vihar	1		Punjabi Bagh	3
Shahdara Total	12	Inder Puri		2	
		Kirti Nagar		1	
		Rajouri Garden	1		
		West Total	10		
		Grand Total	539		

Profile of Child Survivors & Case Referral

⇒ POLICE DISTRICT & POLICE STATION WISE CASES (Table 4)

- Cases fall under 16 Police Districts, 152 Police Stations
- South-East, South, East and North West Districts have most cases - **52%** (278/539)



⇒ CASES AS PER COURTS (Table 5)

- Saket, Rohini, Tis Hazari, and Karkardooma courts have most cases - **78%** (422/539)

Table 5: CASE DISTRIBUTION AS PER COURTS

<i>Court Complex</i>	<i>Special Court</i>	<i>No. of Cases</i>
Dwarka (17 Cases)	Court of ASJ/FTSC/POCSO-01 (South West)	2
	Court of ASJ/FTSC/POCSO-02 (South West)	3
	Court of ASJ/FTSC/POCSO-03 (South West)	6
	Court of ASJ-1 (South West)	5
	Court of ASJ-4 (South West)	1
Karkardooma (73 Cases)	Court of ASJ – SC(POCSO) (East)	2
	Court of ASJ-1 (East)	16
	Court of ASJ-6 (East)	27
	Court of ASJ-1 (North East)	8
	Court of ASJ-1 (Shahdara)	14
	Court of ASJ-6 (Shahdara)	6
Patiala House (31 Cases)	Court of ASJ-1 (New Delhi)	31
Rohini (120 Cases)	Court of ASJ-1 (North)	21
	Court of ASJ-05 (North)	18
	Court of ASJ/FTSC/ POSCO (North)	13
	Court of ASJ-1 (North west)	25
	Court of ASJ-4 (North west)	22
	Court of ASJ-5 (North west)	2
	Court of ASJ/FTSC/ POSCO (North West)	19
Saket (147 Cases)	Court of ASJ-1 (South)	25
	Court of ASJ-4 (South)	22
	Court of ASJ-FTCS-POCSO (South)	16
	Court of ASJ-1 (South East)	28
	Court of ASJ-4 (South)	1
	Court of ASJ-6 (South East)	22
	Court of ASJ-FTCS-POCSO (South East)	33
	Court of ASJ-1 (Central)	26
Tis Hazari (82 Cases)	Court of ASJ-5 (Central)	2
	Court of ASJ/FTSC/ POSCO-02 (Central)	19
	Court of ASJ-1 (West)	13
	Court of ASJ-6 (West)	10
	Court of ASJ-7 (West)	9
	Court of ASJ/FTSC/ POSCO-02 (West)	3
	JJBs (65 Cases)	JJB I
JJB II		30
JJB III		16
JJB IV		5
Total		539

Profile of Child Survivors & Case Referral

⇒ KEEPING CHILDREN SECURE

- Between 2012-15, the child's identity was disclosed in 9% cases
- However, a sharp downward trend has been observed 2016 onwards
- Between 2019-24, the identity of children has not been disclosed in any case

Table 6:

CASES OF CHILD'S IDENTITY DISCLOSED

Year	Total No. of Cases	No. of Cases where Child's Identity is Disclosed	Percentage of Cases Disclosing Child's Identity
2012	5	2	40%
2013	15	4	27%
2014	14	5	36%
2015	75	29	39%
2016	51	5	10%
2017	40	1	3%
2018	57	3	5%
2019	57	0	0%
2020	93	0	0%
2021	79	0	0%
2022	28	0	0%
2023	25	0	0%
2024	0	0	0%
Total	539	49	9%

Table 7:

TYPE OF IDENTITY DISCLOSED

Type of Identity disclosed	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	No. of Violations
Child's Name	0	1	20	19	3	0	0	0	0	0	0	0	0	43
Father's Name	0	2	4	8	15	4	1	0	0	0	0	0	0	34
Mother's Name	1	3	13	24	38	7	1	0	0	0	0	0	0	87
Brother's Name	1	0	3	5	0	0	1	0	0	0	0	0	0	10
Sister's Name	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Grandparent's Name	0	0	3	6	1	0	0	0	0	0	0	0	0	10
Relative's Name	0	0	0	1	0	1	0	0	0	0	0	0	0	2
School	0	0	1	2	1	3	0	0	0	0	0	0	0	7
Total	2	6	44	65	60	15	3	0	0	0	0	0	0	195

⇒ VIOLATIONS IN KEEPING THE IDENTITY CONFIDENTIAL

- In 10% (19/195) cases, the child's identity has been disclosed through identifying a relative or school (mainly between 2014-2017)
- In most cases (45%), the mother's name has been disclosed
- In nearly 22% (43/195) cases the child's name has been disclosed
- However, as indicated in table 6, 2019 to 2024 have recorded zero disclosures in any form

Profile of the Accused and Proximity with the Child

Details of the accused, their proximity with the child, relationship, mapped to the gender and age-group are the focus of this factsheet - with data provided under tables 8-15.

Table 8:
DETAILS OF THE ACCUSED

Nature of Offence	Total No. of Cases	Total No. of Accused	Known Accused		Stranger	
			No. of Cases	No. of Accused	No. of Cases	No. of Accused
PSA	89	114	82	105	7	9
APSA	323	438	282	372	41	66
SA	53	65	45	54	8	11
ASA	48	57	44	53	4	4
SH	22	28	22	28	0	0
Unnatural Offence u/s 377 IPC	2	2	2	2	0	0
Kidnapping u/s 363 IPC	2	4	2	4	0	0
Total	539	708	479	618	60	90

87% (618/708)
of the accused are known to the child

Table 9:
PROXIMITY OF ACCUSED WITH THE VICTIM

Proximity	No. of Cases	No. of Known Accused
Incest (related by blood, adoption or marriage)	63	72
Close Relatives	29	38
Relatives/Family Friends	24	32
Neighbours	276	341
Friends	44	79
School Staff / Tutor	16	17
Staff of Children's Home	1	1
Employer / Employment Agent	11	18
Co-worker	2	5
Others (Driver, Tantrik, Friend's Father-in-Law)	13	15
Total	479	618

55% of known accused are neighbours (341/618)

24% comprise of close and distant relatives, family friends & other friends (149/618)

12% are related to the child by blood, adoption or marriage (72/618)

Profile of the Accused and Proximity with the Child

Table 10:
AGE-GROUP & CLOSE PROXIMITY BETWEEN CHILD AND THE ACCUSED

Age-Group (in years)	Incest		Close Relative		Relative / Family Friend		Total	
	No. of Cases	No. of Accused	No. of Cases	No. of Accused	No. of Cases	No. of Accused	No. of Cases	No. of Accused
0 to 3	0	0	1	1	0	0	1	1
3 to 6	0	0	2	3	0	0	2	3
6 to 10	4	4	6	7	4	4	14	15
10 to 12	9	10	4	4	3	3	16	17
12 to 15	25	27	5	11	7	9	37	47
15 to 18	25	31	11	12	10	16	46	59
Total	63	72	29	38	24	32	116	142

of those in close proximity...

51% (72/142)

of the accused are related to the child by blood, adoption or marriage

relationship by blood, adoption or marriage between child and accused is found in ...

59% (10/17) cases of children aged 10-12 years; followed by **57% (27/47)** in 12-15 years; **53% (31/59)** in 15-18 years; and, **27% (4/15)** in 6-10 years age group

Table 11:
INCEST
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Biological Father	37	41
Step Father	19	21
Adoptive Father	1	1
Brother	6	9
Total	63	72

57% (41/72)

cases referred under incest abuse accuse the biological father

29% (21/72)

have the step father as the accused

among the close relatives...

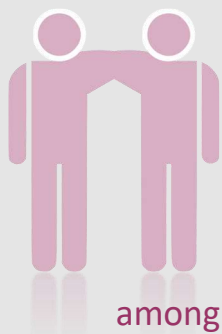
82% (31/38)

accused are Uncles/Aunts (paternal or maternal)

Table 12:
CLOSE RELATIVES
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Cousin (Paternal)	5	5
Paternal Uncle / Aunt	12	19
Maternal Uncle / Aunt	10	12
Grandfather	2	2
Total	29	38

Profile of the Accused and Proximity with the Child



among distant relatives & family friends...

23% (5/22) cases indict friends of either parent or sibling

another **23%** (5/22) implicate friends of relatives or family

and yet another **23%** (5/22) indict

Table 13:
RELATIVE / FAMILY FRIEND
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Bua's Son	1	1
Cousin	1	2
Bua's daughter's son	1	3
Brother-in-Law	5	9
Father's Friend	2	2
Mother's Friend	2	2
Brother's Friend	1	1
Chachi's Friend	1	2
Bua's Friend	2	2
Mama's Friend	1	1
Family Friend	1	1
Tai's sister's son	1	1
Bua's brother-in-law's son	3	3
Mother's Sister's daughter	2	2
Total	24	32

Table 14:
NEIGHBOUR
(NUMBER OF CASES, ACCUSED AND TYPE OF NEIGHBOUR)

Type of Neighbour	No. of Cases	No. of Accused
Landlord	7	10
Shopkeeper/Service Provider/Vendor	19	21
Other Neighbours	250	310
Total	276	341

91% (310/341)

of the neighbours accused are persons other than local shopkeepers, vendors and landlords

6% (21/341)

are local shopkeepers & vendors

Table 15:
GENDER AND AGE PROFILE OF THE ACCUSED

Age Group (in years)	Male	Female	Total	Percentage of Accused in Different Age Groups
Below 18	99	3	102	14%
18 to 25	187	10	197	28%
26 to 35	181	16	197	28%
36 to 45	117	13	130	18%
46 to 55	50	2	52	7%
56 to 65	14	1	15	2%
66 to 75	8	0	8	1%
76 to 85	4	1	5	1%
Total	660	46	706	100%

Note: 2 Accused are still absconding

94% (662/708) of the accused are **MALE**

73% (485/662) of these men are in the age group of 18-45 years

63% FEMALE accused are in the age group of 26-45 years

Disclosure, Information to the Police & Formal Complaint

Tables 16-18 categorise the information under who the incident is disclosed to and the type of persons who inform and complain about the incident to the police. The tables also cover reporting in incidents of incest by fathers and brothers.

Table 16:
RELATIONSHIP-WISE DETAILS OF DISCLOSURE, INFORMANT & COMPLAINANT (ALL CASES)

Person/Agency	Disclosure	Informant	Complainant
Mother	298	248	182
Father	46	59	64
Friend	20	7	4
Police	38	16	3
Stranger	20	11	9
Aunt	11	5	2
Sister	22	10	8
School Teacher	8	3	0
Principal	0	1	1
Grandparent	9	8	8
Other Relatives	6	4	2
Both Parents	8	5	2
Neighbour	12	15	3
Childline Staff	2	5	0
Employer	3	3	1
NGO	5	7	0
Brother	3	2	1
Uncle	2	4	2
Tuition Teacher	1	0	0
Self	1	103	237
Suo moto Cognizance by Court	0	2	2
Doctor	15	12	1
CWC	1	1	1
Co-Victim	3	0	3
Shelter Home staff	4	5	3
Child did not disclose to any one (witnessed or reported by others or disclosure after child's death)	1	2	0
Colleagues	0	1	0
Total	539	539	539



- Mothers are the key recipients of disclosures made by children about sexual abuse
- As a close relative, fathers are the second key recipients of disclosures and source of information or complaint to the police
- 44% (237/539) of the times, children file the police complaint themselves
- Only in 3% (17/539) cases the information to police is given by NGOs, including Childline and Shelter Home Staff

Disclosure, Information to the Police & Formal Complaint

Table 17:
INCEST ABUSE BY FATHER

Person/Agency	Disclosure	Informant	Complainant
Father	0	0	1
Mother	37	26	15
Brother	1	1	0
Sister	2	1	2
Aunt	2	1	1
Police	2	0	1
School Teacher	2	3	0
Stranger	1	1	0
Self	0	13	34
NGO	2	5	0
Suo Moto Cognizance by court	0	2	2
Co-victim	2	0	0
Friend	2	0	0
Friend's Father	0	0	1
Doctor	4	2	0
Childline	0	1	0
Neighbour	0	1	0
Total	57	57	57

- Incest abuse by father comprises 11% of all cases (57/539) or 12% of cases where the accused is a person known to the child (57/479)
- In cases of incest abuse by father, the mother has been the informant in 46% (26/57) cases & complainant in 26%

Table 18:
INCEST ABUSE BY BROTHER

Person/Agency	Disclosure	Informant	Complainant
Self	0	4	6
Mother	2	1	0
Friend	1	0	0
Employer	0	1	0
Brother-in-Law	1	0	0
Police	1	0	0
School Teacher	1	0	0
Total	6	6	6

- Incest abuse by brother comprises only 1% of all cases (6/539) or cases where accused is a known person



- In cases of incest abuse by brother, the child has been the informant in 67% (4/6) cases & complainant in all

Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

The factsheet looks at the time taken for filing of charge sheet by the police. Filing of charge sheet implies completion of police investigation. Once the police complete their investigation and file their report (which is commonly referred to as the charge sheet), the court discusses the charges based on the police investigation report and accordingly finalises the charges on which the trial will be conducted against the accused.

There are cases where the nature of offence changes from what is registered in the FIR to the sections applied in the charge sheet after the police completes its investigation and further at the time of framing of charges for trial by the court. Such change in the nature of offence between these stages indicates lapses on the part of the police in investigation as well as application of law and mind.

Context

A case of abuse of a child below the age of 12 years is treated in law as a case of aggravated form of abuse on account of the child's age - aggravated penetrative sexual assault or aggravated sexual assault. However, the police do not always book the case as such.

Similar situation is found in some cases where the accused is a person trusted by the child, or living in a shared household, or related to the child by blood/ marriage/ adoption, or a person in a position of authority over the child.

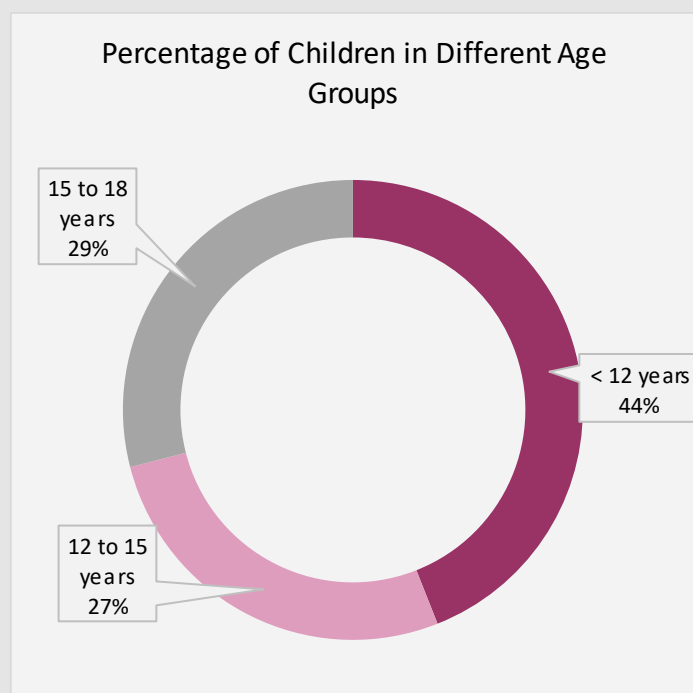
In many such cases, it is at the stage of framing of charges by the court that the appropriate provisions are applied.

Sometimes, even at that stage, the court may fail to take note of the discrepancy.

44% (236/539) of the children are under the age of 12 years

27% (144/539) are between the ages of 12-15 years

29% (159/539) are between the ages of 16-18 years



Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

Table 19:
TIME TAKEN TO FILE CHARGE SHEET FROM THE DATE OF FIRST ARREST MADE IN THE CASE

Number of days	Children < 12 years	Children aged 12 to 18 years	All Children
Within 30 days	22	24	46
30 to 60 days	100	108	208
60 to 90 days	80	121	201
90 to 120 days	13	20	33
120 to 150 days	1	8	9
150 to 180 days	0	3	3
180 to 210 days	2	4	6
Above 210 days	13	11	24
Total	231	299	530
Average time taken	80	78	79
Charge sheet filed within 90 days of First Arrest (in percent)	87%	85%	86%

Note - In 9 cases, though charge sheet has been filed, time taken for filing charge sheet cannot be calculated as the accused is yet to be arrested

- 86% of the charge sheets are filed within 90 days of the first arrest made in the case
- Charge sheet is filed within 90 days in 87% cases of children under 12 years and 85% cases of children between 12 to 18 years
- An average of 79 days is taken to file the charge sheet
- In 5% cases (24/530) filing of charge sheet has taken more than 210 days



Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

Table 20:
CHANGE IN RECORDING NATURE OF OFFENCE

<i>Nature of Offence</i>	<i>No. of Cases (as per FIR)</i>	<i>No. of Cases (at the stage of Framing of Charges)</i>	<i>Charges yet to be framed</i>	<i>Cases Discharged before framing of charges</i>	<i>Abated before framing of charges</i>	<i>Accused Pleaded guilty</i>	<i>Police Filed Closure Report before framing of charges</i>	<i>PO Consigned</i>
PSA	89	55	4	0	0	0	0	1
APSA	323	347	16	0	1	0	2	1
SA	53	27	2	0	1	2	0	0
ASA	48	55	5	1	0	0	0	1
SH	22	11	4	1	0	0	0	0
Unnatural Offence u/s 377 IPC	2	1	0	0	0	0	0	0
Kidnapping u/s 363 IPC	2	1	0	0	0	0	0	0
Total	539	497	31	2	2	2	2	3

Out of 539 cases, charges are framed in 497 cases. Out of these 497 cases, the **nature of offence** registered by the police in the FIR stands **changed in 19% (93/497) cases** at the time of framing of charges by the court

Table 20A:
FROM FIR TO FRAMING OF CHARGES BY COURT: CHANGE IN NATURE OF OFFENCE

<i>Nature of Offence</i>	<i>Total Cases where Charges have been Framed</i>	<i>No. of Cases where the Nature of Offence changed from the stage of FIR to Framing of Charges by the Court</i>
PSA	55	40
APSA	347	10
SA	27	24
ASA	55	10
SH	11	7
377 IPC	1	1
363 IPC	1	1
Total	497	93

Table 20A indicates how the number of cases for different types of offences changes in the criminal justice process from the time of registration of FIR to filing of charge sheet by police to framing of charges by the court

Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

TABLE 20B:
THE EXACT CHANGE IN NATURE OF OFFENCE FROM FIR TO FRAMING OF CHARGES

Offence as per FIR	PSA	APSA	SA	ASA	SH	377 IPC	363 IPC	Total
No. of Cases	89	323	53	48	22	2	2	539
	Change in Nature of Offence (changes are in dark pink colour)							
Offence as per Charges Framed	PSA	44	7	2	0	0	1	55
	APSA	39	292	7	9	0	0	347
	SA	0	0	23	1	3	0	27
	ASA	1	3	14	33	4	0	55
	SH	0	0	1	0	10	0	11
	377	0	0	0	0	0	1	1
	363 IPC	0	0	0	0	0	0	1
Charges not framed	4	16	2	5	4	0	0	31
Cases discharged before framing of charges	0	1	0	0	1	0	0	2
Abated before framing of charges	0	1	1	0	0	0	0	2
Police Filed Closure Report before framing of charges	0	2	0	0	0	0	0	2
PO Consigned	1	1	1	0	0	0	0	3

- Among cases registered for penetrative sexual assault, the nature of offence stands changed to aggravated penetrative sexual assault in 44% cases (39/89). In 18 out of these 39 cases (46%) the child was below the age of 12 years at the time of commission of offence.
- Of the 53 cases registered as sexual assault, in 13% (7/53) the nature of offence stands changed to aggravated penetrative sexual assault at the time of framing of charges by the court and in 26% (14/53) it has changed to aggravated sexual assault. In 5 out of 7 cases that have been converted to aggravated penetrative sexual assault, the child was below 12 years at the time of commission of offence. In 10 out of 14 cases that have been converted to aggravated sexual assault, the child was below 12 years at the time of commission of offence.
- Of the 22 FIRs of sexual harassment, in 18% (4/22) cases charges are framed by the court for aggravated sexual assault as the child was below 12 years of age at the time

Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

REASONS FOR CHANGE IN THE NATURE OF OFFENCE

Table 20B (i)

<i>Nature of offence changed from Penetrative Sexual Assault to Aggravated Penetrative Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	18
Incest case	4
Abuse by person in position of authority e.g. school teacher or staff of shelter home	0
Abuse by person trusted by child	2
Combination of any of the above	7
Repeated abuse	5
Others	3
Total	39

Table 20B (ii)

<i>Nature of offence changed from Sexual Assault to Aggravated Penetrative Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	5
Incest case	0
Abuse by person in position of authority e.g. school teacher or staff of shelter home	1
Abuse by person trusted by child	1
Combination of any of the above	0
Total	7

Table 20B (iii)

<i>Nature of offence changed from Sexual Assault to Aggravated Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	10
Incest case	0
Abuse by person in position of authority e.g. school teacher or staff of shelter home	1
Abuse by person trusted by child	0
Combination of any of the above	2
Repeated abuse	1
Total	14

Table 20B (iv)

<i>Nature of offence changed from Sexual Harassment to Aggravated Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	3
Combination of any of the above	1
Total	4

Bail

This factsheet records instances amongst the profiles about ‘when’ the bail is granted to the accused. Table 23 further records grounds for grant of bail.

Table 21:
BAIL GRANTED PRIOR TO CHILD'S TESTIMONY

Age Group (in years)	Before Filing Charge Sheet	Before Framing of Charges	Before Child's Testimony	Total
0 to 3	0	0	0	0
3 to 6	3	3	2	8
6 to 10	3	6	1	10
10 to 12	2	7	1	10
12 to 15	9	13	1	23
15 to 18	7	14	5	26
Total	24	43	10	77

- In 14% cases, bail is granted to the accused prior to the child's testimony in court (77/539)
- 36% (28/77) of these are cases of children under the age of 12 years
- 91% (70/77) of the accused bailed are known to the child and their family - 50% (35/70) of whom live in the child's neighbourhood
- 13% (9/70) are child's friend
- 10% (7/70) are school staff or teachers - creating potential for more incidents to occur in school or tuition classes with other children
- Others released on bail include step-fathers, close relatives, employers, landlords and doctors - persons in a position of trust or authority over the child

Table 22:
DETAILS OF ACCUSED IN CASES WHERE BAIL IS GRANTED

Proximity between Accused and the Child	No. of Cases
Known	70
Unknown/Stranger	7
Total	77
Break-up of Known Accused	No. of Cases
Neighbour	35
School Staff/Tutor (Teacher/Tutor)	7
Close relative (4 cousins and 2 paternal uncle)	6
Employer	3
Step Father	2
Friends	9
Tantrik	1
Brother	1
Landlord	4
Mother's Colleague	1
Doctor	1
Total	70

Bail

Table 23:

GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	From Framing of Charges to Child's Testimony
Anticipatory Bail				
1	Anticipatory Bail - Considering that the occurrence is alleged to have taken place on 26.11.2015 whereas the FIR was registered on 28.11.2015; accused is about 50 years of age also having grandchildren; has been falsely implicated in the present case; accused pleads his innocence; and nothing is to be recovered from him. Regular bail - Accused is present on anticipatory bail and has filed bail bond/ surety bond along with photocopy of certain documents.	1	1	
2	Both the accused persons were granted anticipatory bail by Ld. Predecessor of this court vide order dated 28.10.2016 and 23.12.2016. In view of same, both the accused are admitted to bail.		1	
Prolonged custody of the accused, illness or medical condition of the accused or a family member, and/or age of the accused				
3	Considering facts and circumstances of the case and period of his custody.	4	2	2
4	In view of the period of custody of the accused and also considering the fact that charge sheet has already been filed and no investigation is pending any further against the applicant/accused, he is admitted to bail.		1	
5	Considering the age/illness of the accused and the period of his custody.	2	3	2
6	Considering the period of his judicial custody, no involvement in any other criminal case, and his minor son requiring constant medication and care for Frazer's syndrome.		1	
7	Wife is due to deliver a child and is in critical condition.		1	1
8	Considering the fact that the accused's four-year-old daughter had suffered serious injuries and in view of photographs filed and treatment papers filed on record, the accused is admitted to interim bail for a period of 15 days.		1	
9	UTP "P" is eight months pregnant and there is difficulty faced while producing her in the court and during the transportation from Central Jail to Saket Court Lockup.		1	
10	Considering the facts and circumstances of the case where despite directions given by the court to investigate the matter further the police is not able to bring any corroborative evidence to the statement of the complainant recorded u/s-164 Cr.P.C, so without commenting upon the merits of the case at this stage.		1	

Bail

Table 23 continues

GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
Lapses on the part of the investigating agency / IO				
11	IO has failed to mention any ground for arrest of the accused.	1		
12	Considering the facts and circumstances of the case where there is no likelihood of filing of FSL result in near future accused cannot be detained in custody as pre-trial punishment for unlimited period.		3	
13	In the complaint offender was named as "V.D" whereas in the statement recorded under section 164 Cr.P.C offender is named as "T". No time and date have been given when the alleged incident was made by the offender with the prosecutrix. Matter requires further investigations to ascertain whether V.D and T is one person and what was the time and day of incident.		1	
14	In view of non-filing of chargesheet by the IO for more than 90 days in the present case, the accused is ordered to be released on bail, as per provision of section 167 (2) CrPC.	1		
Accused being falsely implicated / contradiction in child's statements				
15	Considering the totality of the facts and circumstances of the case and the submissions that the accused/ applicants have been falsely implicated by the mother of the prosecutrix cannot be ruled out and giving the benefit of doubt on the case of the complainant the applications are allowed.	3	1	1
Past Acquaintance and/or Romantic Relationship				
16	Though prosecutrix has given her statement u/s 164 CrPC against the accused but letters written by girl show that she is in love with accused. Accused has been in custody. Investigation complete and charge sheet been filed. Case is at the stage of argument on charge. No purpose would be served by keeping the accused in jail.		1	
17	Child was recovered and brought to Delhi; she was taken to AIIMS for medical examination wherein the sexual history in the MLC suggests that she was in a relationship with the accused. Judge asked the IO to file a detailed reply with respect to role of the main accused and his marital status.		1	

Bail

Table 23 continues

GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
Others				
18	Accused had to appear for Board Exams.	1		
19	The nature of allegations against the applicant/accused arise from the close proximity of residence between the accused and the child victim/prosecutrix. It is considered that the applicant/accused has undertaken to shift his address. Investigation is complete. Charge sheet has been filed and the accused has also been charge sheeted. The accused cannot be incarcerated indefinitely as trial is likely to take some more time.			1
20	Keeping in view the totality of facts and circumstances of the case and the fact that complainant and applicant/accused are neighbours and the fact that applicant/accused are in JC since 22.01.15 (one week).	2		
21	Considering the facts and circumstances of the case, role assigned to the applicant and the period of custody.	1		2
22	Considering that the accused has been in custody since almost a month, looking into nature of allegations and that the accused has shifted residence.	1		
23	Considering the facts and circumstances of the case.	3	4	1
24	Investigation is complete charge sheet has been filed. This application is stated to be the second bail application as first one was disposed off as dismissed prior to filling of charge sheet. Taking into consideration the facts and material on record, accused/ applicant is ordered to be released on bail.		1	
25	Considering totality of facts and circumstances, particularly in view of the fact that the accused was not arrested in the course of investigation.		1	
26	Challan was filed without arrest of accused. Ld. SPP for the State has not opposed this as a ground for bail. In the facts and circumstances of the case, accused is admitted on bail.		2	
27	There is no material on record to suggest that the CCL post-release would be exposed to moral, physical or psychological danger or would come in association with any known criminal. On the touchstone of section 12 JJ Act 2015 we see no reason for declining the bail application.	1	3	

Bail

Table 23 continues

GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
28	Investigation is complete; IO shall be filing the charge sheet during the day or latest by tomorrow; the accused is no longer required for any custodial interrogation. Accused is stated to be in JC since 30.10.2017.	1		
29	CCL has remained in protective custody in present case for almost 3 months. Considering the overall facts and circumstances and judging the bail applications on the touchstone of section 12 of JJ Act, CCL is admitted to bail.	2		
30	Considering the entirety of the facts and circumstances, without going into the merits of the case, the bail application is allowed and the applicant/accused is ordered to be released on bail.		3	
31	Regular bail granted - decongestion of prisons.		1	
32	Having considered the contents of the complaint and the statements of mother and the prosecutrix u/s 164 CrPC; charge sheet having been filed after conclusion of the investigation; restricted functioning of the court due to outbreak of Covid-19 due to which trial is going to take substantial time to conclude.		2	
33	Both accused belong to poor strata of the society. The prosecutrix is living in the shelter home under the orders of CWC. The accused persons cannot threaten or influence the witnesses including the prosecutrix. There is no apprehension of the course of justice being thwarted by grant of bail to them.		1	
34	Copy of the report of the Forensic Laboratory filed by the Investigating Officer, taken on record. Heard further. Record perused. In view of the opinion recorded in the MLC, ruling out the possibility of any insertion into the anal canal and absence of traces of semen in the swab taken, the application is allowed.		2	
35	In the reply of police official, it has further been mentioned that the accused is not involved in any guidelines of Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021; the accused is in JC for about 30 days; the offences are punishable up to 7 years, accordingly, the accused is admitted to interim bail for a period of 30 days (as sought in application).		2	
36	In view of over all facts and circumstances and that release of CCL is not likely to bring him in moral, physical and psychological danger, CCL hereby released on bail.		1	

Child's Right to be Heard during Bail Proceedings - The Law and its Implementation

Context

Criminal Law Amendment Act, 2018 and Right to be Heard in Bail Proceedings in cases of Sexual Violence against Children

- No anticipatory bail can be granted under Section 438 of the CrPC in the following cases:
 - rape - Section 376 of the IPC
 - rape of a minor below the age of twelve years - Section 376 AB of the IPC
 - gang rape of a minor below the age of twelve years - Section 375 DB of the IPC
 - gang rape of a minor below the age of sixteen years - Section 376 DA of the IPC
- High Court or Court of Sessions has to give 15 days' notice to the Public Prosecutor about a bail application filed by the accused in cases of rape and gang rape of children below the age of 12 years and 16 years
 - a second proviso is added to sub-section (1) of Section 439 of the CrPC
- No bail application can be heard in the absence of the informant or any person authorised by her/him in cases of rape and gang rape of children below the age of 12 years and 16 years
 - a new sub-section (1A) is added to Section 439 of the CrPC

Getting the Law Implemented

Practice directions issued by the Delhi High Court dated 24.09.2019

- These clearly specified how notice of the bail application was to be served on the informant/her representative by the investigating officer (IO), and such proof of service was directed to be annexed by the IO in their reply to a bail application in rape cases under section 376, 376AB, 376DA or 376DB of the IPC.
- These directions were not extended to cases under the POCSO Act.

Child's Right to be Heard during Bail Proceedings - The Law and its Implementation

Getting the Law Implemented

Reena Jha & Ors. vs. Govt. of NCT of Delhi [W P (C) No. 5011/2017] – A case filed on behalf of aggrieved mothers of minor survivors of sexual abuse, through HAQ: Centre for Child Rights and iProbono

Court held that:

- The Delhi High Court Practice Directions shall mutatis mutandis apply to offences under the POCSO Act
- Where offence is perpetrated by a close family member, notice be issued to CWC and a copy be sent to DSLSA
- A copy of the judgment as well as the "Delhi High Court Practice Directions" of September 2019 (in compliance with Section 439 of the Code of Criminal Procedure, 1973) be sent to all the District Judges, who will be responsible for bringing these to the notice of all the Criminal Courts in Delhi under their respective jurisdictions, and to all Bar Associations in Delhi

Miss G (Minor) through her mother vs. State of NCT & Anr. [CRLMC 1474/2020, CRLMA 6330/2020 & CRLMA 6705/2020] – A case filed through HAQ's panel lawyer Advocate Tara Narula on behalf of a minor victim aggrieved by the grant of interim bail

Court took cognizance of poor compliance of the practice directions as well as Delhi High Court's judgement in WP (C) 5011/2017 and held that:

- Notice be issued to the IO as well as counsel on record of the victim/complainant/informant whenever an accused charged under sections 376(3), 376AB, 376DA or 376DB of the IPC or the provisions of the POCSO Act, moves an application for regular bail or interim bail.
- Court to ascertain service of notice to the victim/complainant/informant by the IO
- Adequate representation be ensured for the victim/complainant/informant through their counsel on record or DSLSA lawyer
- Relevant documents be provided to the victim/complainant/informant to oppose bail
- Judgement be circulated to Commissioner of Police, Director - Prosecution and all District Judges

Child's Right to be Heard during Bail Proceedings - The Law and its Implementation

What has changed...

Three more states have directions laid down by courts for securing a child's right to be heard during bail proceedings in cases under sections 376(3), 376AB, 376DA or 376DB of the IPC or relevant provisions of the POCSO Act:

- **Maharashtra** - Arjun Kishanrao Malge vs. State of Maharashtra & Ors [CRPIL No.5 of 2021]
- **Uttar Pradesh** - State vs. Junaid [Crl Misc Bail App No. 46998 of 2020]
- **Karnataka** - Bibi Ayesha Khanum vs. Union of India [WP No. 2318/2022 (GM-Police)]

- **Delhi** - In Miss G (Minor) through her mother vs. State of NCT & Anr., information received by the Court from the Ld. Registrar General reflected that the complainant did not receive notice of bail application in 73% cases between 22.04.2020 and 23.05.2020.

HAQ's analysis shows improvement since the judgement dated 05.06.2020. Children have received the opportunity to be heard in 90% bail applications dismissed, allowed and pending in the 511 cases supported by HAQ since June 2020.

What remains...

HAQ's analysis also shows that -

- Courts have insisted on **presence of the child in 52% bail applications** dismissed, allowed or pending in 511 cases since June 2020
- Remaining **57% bail applications** were heard in the presence of child's representative

Notices are served to children and their families at the last minute. Children may have to forgo school and their parents may suffer unplanned loss of wages for the day, or may not be able to appear in the court at all.

Vulnerable witness deposition complex is not used for interactions with children during bail hearings. Children feel uncomfortable and intimidated by the court room environment, which defeats the goals of barrier free environment for vulnerable witnesses and witness protection that has been emphasized by the Supreme Court in Mahender Chawla & Ors. vs. Union of India & Ors. [Writ Petition (Criminal) No. 156 of 2016] and [Smruti Tukaram Badade vs. State of Maharashtra & Anr [Criminal Appeal No 1101 of 2019]. Besides, this can also lead to secondary victimisation.

Child's Right to be Heard during Bail Proceedings - The Law and its Implementation

When right to be heard goes wrong ...

Chandrika (name changed) was summoned to court for the bail hearing. She is a child with learning disability, who's had a hard time understanding the functioning of the court and justice system. The child was waiting outside of the courtroom with Safeena, her support person from HAQ: Centre for Child Rights, who could see fear run through her bones when she suddenly saw the accused walk through the courtroom.

Chandrika was abused by two men. First it was 75 year old Dheeraj (name changed), who lived in her neighbourhood and later his 23 year old relative Anil (name changed). She used to buy milk from Dheeraj's dairy every day and would also come across him when he would come to a shack next to Chandrika's house to buy alcohol. Dheeraj was very friendly with the child and would often give her chocolates to eat. One day, when Chandrika went to his shop to buy milk, Dheeraj sexually assaulted her and the saga continued multiple times thereafter. The family was not aware of these assaults as Dheeraj had threatened to kill Chandrika if she disclosed anything to anybody. Later she was sexually assaulted by Dheeraj's relative Anil, which was discovered by her mother when she went looking for her missing daughter. The child was found in Dheeraj's house, where her mother saw Anil putting on his clothes while Chandrika was lying on the bed without her trousers. Anil ran away on seeing her mother. Her parents informed the police. Chandrika disclosed about the sexual assault she had been subjected to earlier by Dheeraj when her medical examination revealed that she was pregnant. The family could not comprehend why Dheeraj had not been arrested for over a month after all this. They were terrified by the fact that they had to walk past him everyday even after filing a complaint against him. Chandrika had to drop out of school as the family was worried that Dheeraj Singh would cause further harm to her. She had faced constant threats from Dheeraj. Chandrika has been living in pain and distress ever since.

On the day of bail hearing, Chandrika accompanied by the support person from HAQ, was sitting in front of the courtroom waiting to be called out. When both the accused were presented in the court, Chandrika saw them and started shivering. The sight of the accused scared her and her eyes were teary. The support person took her to the Ahlmad's room and tried to calm her down. The experience was devastating and it took a while before Chandrika could muster courage to go inside the courtroom.

Towards course correction ...

Babulal vs. State [CRL.A. 198/2020], Delhi High Court, Judgement dt. 11.01.2023

Court Directions -

- Timely service of notice of bail application on the victim/prosecutrix by the IO
- Victim can be produced virtually



- If the victim authorizes her counsel/parent/guardian/support person to appear on her behalf and make submissions on the bail application, insistence on victim's physical or virtual presence shouldn't be made

Child's Testimony

This section highlights data indicating how long the process of recording the child's testimony takes.

Table 24:
STATUS OF CHILD'S TESTIMONY IN 511 CASES – AT A GLANCE

Status	No. of Cases	Percentage
No. of cases where child's testimony has been completed	389	76%
No. of cases where the child's testimony is partially recorded	5	1%
No. of cases listed for child's testimony but it is yet to commence	68	13%
No. of cases that have proceeded or have been concluded without child's testimony	46	9%
No. of cases yet to reach the stage of child's testimony	31	6%
Total No. of cases	539	100%

- In cases where the child's testimony was recorded, 208 are those where this was done within a single hearing
- A bulk of cases took 2-6 hearings, whereas 16 cases took between 10-20 hearings

Table 26:
TIME TAKEN FOR COMPLETION OF CHILD'S TESTIMONY FROM DATE OF COMMENCEMENT TO END DATE

Time Period	No. of Cases	Percentage
Within 1 Month	281	72%
1 to 3 Months	36	9%
3 to 6 Months	28	7%
6 to 9 Months	15	4%
9 to 12 Months	8	2%
12 to 15 Months	7	2%
15 to 18 Months	3	1%
18 to 21 Months	2	1%
21 to 27 Months	3	1%
27 to 30 Months	3	1%
Above 30 Months	3	1%
Total	389	100%

- In 14% cases, the child's testimony is yet to be completed
- 6% of the cases (31) are yet to reach that stage. There is a marked improvement since HAQ's last Factsheet produced in 2023, when 9% cases were yet to reach the stage of child's testimony.
- In 9% cases (46), the proceedings were completed without the child's testimony

Table 25:
NO. OF HEARINGS FOR CHILD'S TESTIMONY FROM DATE OF COMMENCEMENT TO END DATE

Period	No. of Cases	Percentage
Single Hearing	208	53%
2 Hearings	70	18%
3 Hearings	35	9%
4-6 Hearings	40	10%
7-10 Hearings	15	4%
10-20 Hearings	16	4%
>20 Hearings	5	1%
Total	389	100%

- 72% of the child testimonies were concluded within 1 month of commencement of the process
- Of all 389 cases where the child's testimony is recorded, 92% of the testimonies were concluded in less than 9 months from the date of commencement of the process

Child's Testimony

Table 27:
TIME TAKEN FROM COGNIZANCE TO COMPLETION OF CHILD'S TESTIMONY

<i>Time Period</i>	<i>No. of Cases</i>	<i>Percentage</i>
Within 1 Month	5	1%
1 to 3 Months	12	3%
3 to 6 Months	68	17%
6 to 9 Months	58	15%
9 to 12 Months	50	13%
12 to 15 Months	37	10%
15 to 18 Months	26	7%
18 to 21 Months	33	8%
21 to 27 Months	38	10%
27 to 30 Months	14	4%
Above 30 Months	48	12%
Total	389	100%

Table 28:
REASONS FOR NOT RECORDING CHILD'S TESTIMONY

<i>Reasons</i>	<i>No. of Cases</i>
Child not a competent witness	16
Child passed away	7
Accused passed away and matter was abated	8
Case discharged as no offence was made out under the POCSO Act	2
Child not traceable	1
Accused pleaded guilty	6
PO Consigned	4
Police Filed Closure Report	2
Total	46

- 36% cases complete the stages between cognizance to completion of child's testimony in 9 months
- 41% have taken above 15 months

- In 16 cases, the child has been indicated as 'not' being a competent witness
- In 7 cases, the child passed away

- The average time taken for completion of testimony from start to end date is 65 days (2.1 months); the maximum time taken goes up to 1275 days (42.5 months / 3.5 years). Minimum time is 1 day.
- The average time taken from date of cognizance to completion of testimony is 460 days (15.3 months); the maximum time taken goes up to 1690 days (56.3 months / 4.6 years). Minimum time is 6 days.
- **Time taken for recording child's testimony has increased since 2021 despite creation of more Special Courts. This is because creation of more courts is not matched with creation of more vulnerable witness deposition rooms to record child's testimony.**

Stories of Successes & Challenges

From Silence to Strength: A Transformative Testimony

Tanya (name changed) is a lively four-year-old girl who shares her home with her elder sister and mother. Her father is often absent, leaving her mother, once a caretaker at a local institute who could support her family, struggling to make ends meet. In light of a traumatic incident involving a juvenile neighbour, her mother has changed jobs to protect her daughters from further harm.

At just three years old, Tanya endured a harrowing experience when she was sexually abused by a neighbour while her mother was at work and her sister at school. This betrayal shattered the trust that Tanya had in her environment, leaving deep emotional scars on both her and her family. The trauma rendered Tanya mute about the incident, as the stress of their situation weighed heavily on her.

As time passed and the date for her court testimony approached, Tanya's reluctance to discuss the incident grew. When representatives from HAQ visited to prepare her for court, Tanya appeared overwhelmed and struggled to speak about what had happened. Recognising her distress, the lawyer encouraged Tanya to play in her home while they spoke with her family.

After some time, the lawyer took out their diary and asked Tanya to sit next to them. He drew a shape and asked her what it was.

"It's a circle," she replied.

Then the lawyer drew eyes inside the circle and asked her again.

"It's a face," she said.

The lawyer proceeded to ask her if she would like the face to be happy or sad.

"Happy! Make a smile... with an open mouth. Big smile," she exclaimed, naming that face "Bholu."

As the lawyer started drawing more faces, Tanya became more enthusiastic and at ease, beginning to draw things herself. She created a bird, a parrot, a doll, a teddy bear, and many more until the entire page was full.

Giggling from their doodling session, Tanya agreed to play a game wherein she would answer one question for every cartoon they drew. This activity made her feel comfortable talking about the incident—one question at a time—with relief emanating from her voice where previously there had been hesitation. Gradually, she opened up enough to speak about the entire incident all at once. She was able to overcome her fear and now felt comfortable about testifying in court; her mother was happy to see her daughter opening up without fear.

Stories of Successes & Challenges

From Silence to Strength: A Transformative Testimony

The testimony was first scheduled on her birthday, which she did not want to spend in court talking about the worst day of her life—nevertheless, she was confident about it. However, the juvenile was not present in court that day, and S had to go back home without being examined.

On the next day, Tanya came to court hoping to finally get her testimony recorded after such a long delay. Although she appeared strong, her lawyer noticed some hesitation in her voice. They asked her if she was ready to testify. “Yes,” she replied softly.

Yet it seemed as if something was holding her back. The lawyer asked her mother to speak with Tanya alone and took them both to the vulnerable witness waiting room. They gently asked S what had happened and if she was scared or nervous.

“I remember everything,” Tanya said quietly. “But when I talk about it... it makes my mother sad.”

The lawyer informed Tanya that her mother would not be inside the court when she testified and that she could speak freely. They encouraged Tanya to tell them what she remembered; however, she remained silent, mirroring the hesitation she initially had during their interaction at home.

Her lawyer then asked if she wanted to play with some toys in the room, which Tanya agreed to do. They started playing a game of passing the ball for a bit until Tanya began to feel more at ease. The lawyer decided to play a game similar to their previous one and asked Tanya to answer one question each time she passed the ball.

Tanya readily agreed and once again began to gradually open up about the incident. After playing for a while, the lawyer asked Tanya if she now felt prepared to testify in court.

“Yes,” she smiled brightly.

Although the public prosecutor believed the child, they were doubtful as to whether she would be able to testify since they had not seen a child as young as Tanya recount such a traumatic incident after two years. However, all doubts were dispelled when Tanya spoke confidently and without fear, providing as much detail as possible. She remained steadfast in her testimony even when faced with cross-examination from the opposing lawyer.

The court was impressed with her bravery and composure throughout the day's ordeal; they rewarded her with chocolates and snacks for how courageous she had been. Tanya went home with her mother, happy knowing that she had accomplished something extraordinary—transforming from a frightened child into a resilient voice for justice.

Stories of Successes & Challenges

From Silence to Strength: A Transformative Testimony



Adjournments

Reasons and details of adjournments are spelt out in this factsheet.

Table 29:
DETAILS OF ADJOURNMENT

Stage as per Criminal Justice Procedure	Total Hearings	Effective	Adjournment	Effective: Adjournment Ratio	
				Effective	Adjournment
Cognizance	720	579	141	80	20
Preliminary Assessment (JJB)	76	28	48	37	63
Age Enquiry (JJB)	86	38	48	44	56
Framing of Charges	3394	1690	1704	50	50
PE(VT)	1410	793	617	56	44
PE(Post VT)	8478	3404	5074	40	60
Statement of Accused	538	219	319	41	59
Defence Evidence	269	107	162	40	60
Final Argument	967	386	581	40	60
Final Order/Judgement	406	155	251	38	62
Argument/order on sentencing	234	108	126	46	54
Total	16578	7507	9071	45	55

- **1:** 60% cases at the stage of prosecution evidence other than evidence of the child end up in adjournments. This is the stage when other witnesses such as doctors, police officers, school authorities, witnesses having first hand account of the incident are required to give evidence. While some such witnesses can be dropped, some are critical, holding offices of importance and therefore seldom find time to give to court cases.
- **2:** The rate of adjournments tip to the higher side with proceedings involving the defence. While steps prior to that are effective, multiple adjournments owed to delays in statement from the accused and defence evidence would delay the process. It is important to note that post this, final argument and final order stages are quite ineffective with 60% dates ending in further adjournments

Table 30 indicates reasons for adjournment (key data points indicated in dark pink)

- In over 687 hearings, the accused was either not present or not produced
- In 947 hearings, the defence counsel was not available or sought adjournment
- 729 hearings were adjourned due court's paucity of time
- 1007 adjournments were owed to the absence of the Prosecution Witness (PW)
- COVID restrictions impacted 21% of the hearings, rendering them ineffective

Adjournments

Table 30:
REASONS FOR ADJOURNMENT

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Accused has no legal representation	47	0.5%
Accused was absent	316	3.5%
Accused could not be produced due to shortage of police personnel	73	0.8%
Accused was not produced	298	3.3%
Case property was not produced	11	0.1%
Documents not complete	41	0.5%
Report was not filed by IO/SHO	92	1.0%
Report was not received from Commissioner of Police	1	0.0%
Report was not received from jail	4	0.0%
FSL report not received	164	1.8%
No Report received from DLSA	32	0.4%
Victim Assessment report not received	23	0.3%
No PW was summoned	192	2.1%
Summon issued to wrong witness	13	0.1%
Summon received back unserved	4	0.0%
Summon served at wrong address	1	0.0%
Summon was not served	120	1.3%
Copy of order has not been sent to the Secretary, DLSA to appoint counsel for accused	1	0.0%
IO sought Adjournment	96	1.1%
IO was absent	278	3.1%
ACP/DCP was not present	2	0.0%
Police officials were busy in election duty	5	0.1%
APP sought an adjournment	76	0.8%
APP was not prepared	1	0.0%
APP was not present	58	0.6%
APP was on leave	162	1.8%
Both defence counsel and APP not present	7	0.1%
Both defence counsel and APP seek adjournment jointly	18	0.2%
Defence could not bring sureties	8	0.1%
Defence counsel has not filed Vakalatnama	8	0.1%
Defence counsel sought adjournment	546	6.0%
Defence counsel was not present	401	4.4%
Defence Evidence/Witnesses not present	21	0.2%

Adjournments

Table 30 continues

REASONS FOR ADJOURNMENT

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Complainant's lawyer sought adjournment	1	0.0%
PW was not in the position to depose	43	0.5%
PW was not present	1007	11.1%
Expert was not present	5	0.1%
Support person not present	1	0.0%
Victim was absent	71	0.8%
Victim was not in position to depose	44	0.5%
Victim was unwell	5	0.1%
No witnesses left for testimony	1	0.0%
PE not completed in connected matter	16	0.2%
All Material Witnesses in connected cases could not be examined the same day	15	0.2%
Lawyer's Strike	164	1.8%
Case transferred to another court	34	0.4%
Awaiting the HC decision on amendment of charges	1	0.0%
Trial has been Stayed by High Court	3	0.0%
As per the directions of the Supreme Court, matters older than 5 years are being heard on priority basis	5	0.1%
Court Computer not working	1	0.0%
Court had paucity of time	729	8.0%
Audio Video system of the court was not working	6	0.1%
Court Holiday	33	0.4%
Elections in Court	3	0.0%
Matter was listed on a VC date (when proceedings are to take place through video conferencing instead of a physical hearing)	179	2.0%
Stenographer was busy	1	0.0%
Stenographer was on leave	28	0.3%
Translator was not available	4	0.0%
Interpreter was not present	6	0.1%
Witness could not be examined due to absence of Special Educator	1	0.0%
Vulnerable Witness Deposition Room (VWDR) was occupied by another court	17	0.2%
Vakalatnama got misplaced from judicial file	1	0.0%
The court took urgent matters over VC due to the floods	2	0.0%
Judge did not go through the file	1	0.0%

Adjournments

Table 30 continues

REASONS FOR ADJOURNMENT

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Judge did not have the file	4	0.0%
Judge gone for meeting	14	0.2%
Judge gone for training	137	1.5%
Judge on leave	1373	15.1%
No Judge appointed as yet	81	0.9%
Proceedings not held due to Covid-19	262	2.9%
Evidence not being conducted due to COVID restrictions	582	6.4%
Link was not working	6	0.1%
Internet connectivity issue at the reader / steno and judge's end	6	0.1%
Child's lawyer could not enter the VC hearing	1	0.0%
Nationwide lockdown announced by Central government due to COVID-19 outbreak	612	6.7%
Cases adjourned en bloc	439	4.8%
PA report not submitted	4	0.0%
Report of psychologist not submitted to the court	2	0.0%
Total Hearings Adjourned	9071	100.0%



Challenges relating to FSL Reports

This factsheet records the delay in FSL examination and submission of FSL reports in the court. It also delves into cases that explain the kind of challenges faced with respect to FSL examination and its impact on the cases.

Table 31:
STATUS OF FSL SAMPLE COLLECTION

Status	No. of Cases
Sample(s) collected	271
Sample(s) not collected	268
Total	539

Table 32:
PROGRESS IN 258 CASES WHERE FSL SAMPLES ARE COLLECTED

Progress	No. of Cases
FSL Sample(s) submitted for testing	271
FSL Examination conducted and report prepared	234
FSL Examination report submitted in court	234
Abatement before FSL report could be submitted	2
FSL Examination <i>Result Awaited</i>	32
Pleaded Guilty	3

“The Commission identified that given that forensic reports are a very critical and a time-sensitive part of any POCSO investigation, any delay in this part of the investigation significantly postpones the process of filing a chargesheet, thereby delaying justice to children who have faced this intense trauma.

... In its quest to ensure the investigations in POCSO cases are completed within the stipulated time, the Commission sought quarterly reports from the Forensic Science Laboratory (FSL), Government of Delhi to monitor if the forensic examinations are completed on time.

On examining, the Commission observed that while almost 50% of these cases’ investigation was completed within 3 months time, the delay occurred on part of the police in collecting these reports and filing chargesheets.”

Analysis of court orders and FSL reports in 539 cases shows:

- On an average, **486 days** are taken from the date of collection of sample for FSL examination to its submission in court
- Average time taken by the police from sample collection to depositing it with the FSL Laboratory for testing is **34 days**
- Average time taken by the FSL Laboratory from date of receipt of sample to date of preparation of FSL report is **285 days**
- Average time taken by police from date of preparation of FSL report to date of filing the report in court is **168 days**
- In 37 cases where FSL result is awaited, average waiting time has been **919 days**

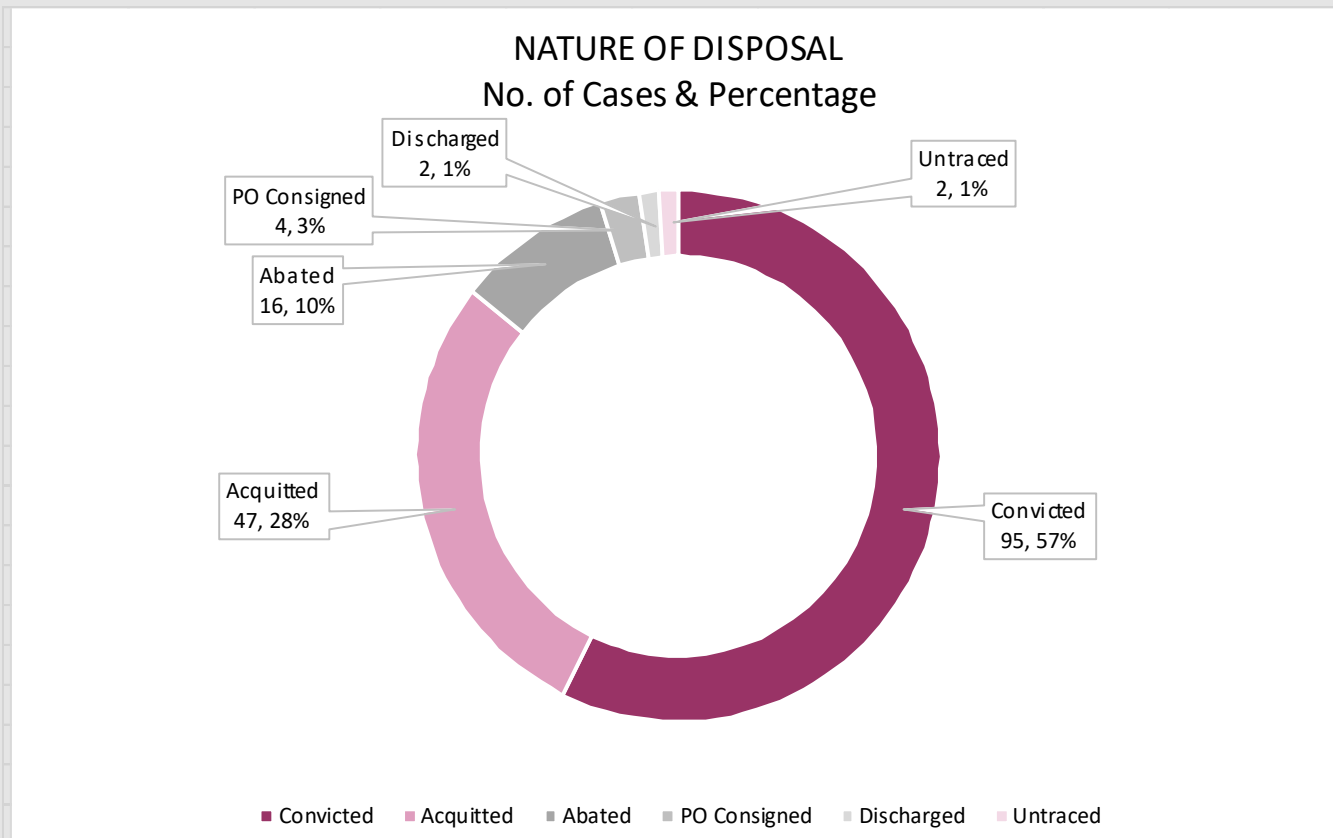
Disposal

This factsheet highlights the time taken & nature of disposal of the cases. It also details the reasons for acquittal in each of the cases and gives an overall picture of how long the system takes to bring cases to this stage.

Table 33:
NATURE OF DISPOSAL

Status of Disposed Cases	No. of Cases
Convicted	95
Acquitted	47
Abated	16
PO Consigned	4
Discharged	2
Police Filed Untraced Report Closure	2
Total	166

Conviction Rate: 57%
Acquittal Rate: 28%



Disposal

Table 34:
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
1. There was delay in FIR. 2. Victim refused for her internal medical examination. 3. Nothing incriminating against the accused found in the FSL report. 4. Victim in her deposition before Court stated that the Accused did not commit any wrong act with her and that she implicated the accused at the instance of her mother. 5. Material inconsistencies observed by Hon'ble Court in the testimonies of the Victim and her family members.	12	23	Neighbour
1. Delay in FIR. 2. Inconsistency in Statement of Prosecution Witnesses. 3. False Implication by the Victim at behest of her mother.	12	42	Father
The version of the Prosecutrix does not inspire confidence and there is apparent conflict in her versions given till 24.12.2014 and subsequently after 31.12.2014 and the said contradictions are material in nature.	14	22	Paternal Aunt's Daughter's Son
1. The victim did not disclose the incidents to anyone, however as per statement on the contrary to that she had chances/opportunity to disclose. 2. The statement of the victim and the school teacher regarding the date of the incident does not corroborate. Material contradiction as regards the genesis of the FIR. 3. The veracity of the victim has been controverted on material aspects. 4. Due to lack of witness, the testimony of the lone child victim cannot be the sole basis of the conviction without corroboration. 5. The prosecution was unable to prove the criminality beyond reasonable doubts. And the Defence has been able to rebut the presumption under section 29 of the POCSO Act and stood the test of preponderance of probabilities. 6. The child was caught with a boy to which the victim and the accused agrees which led the victim to be upset. The victim could have had motive to falsely implicate the accused. She had admitted that she was angry with him because he used to scold her and not approve of her friendship with boys. 7. There was no material to show how she continued to be a student of class - V to come in contact with the teacher who set the law in motion. 8. The victim's name had been struck off from the school in 2013. The victim had shifted to a different school with her <i>maasi</i> in 2015, 26 October, where she was a student of class-VI. The discrepancy in the dates when the matter was first reported to Teacher and what transpired thereafter till recording of complaint before CWC, is not explained by the prosecution.	12	85	Employer

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<p>1. The letters written by the victim, the messages sent by the victim and the photographs of the victim with the accused falsify her version. Considering the entire material on record, PW1 (the victim) cannot be classified as a sterling witness.</p> <p>2. There is no specific forensic/DNA evidence which connects the accused with the alleged rape.</p> <p>3. There is no other corroborative evidence or independent witness.</p> <p>4. The delay in making the complaint to the police with respect to the alleged incident of rape is also fatal to the case.</p> <p>5. Allegations that the accused had kidnapped the victim and had taken her to Manali, Himachal Pradesh and to a village in Haryana is considered, there is neither any proper investigation in this respect nor any supporting evidence. The defence of the accused appears to be probable.</p> <p>6. The prosecution has failed to bring home the charges against the accused for the alleged offences punishable under sections 363/376/354D/506 of IPC and section 4 read with section 3, and section 12 read with section 11 of the POCSO Act, 2012 as the accused is found to be entitled to the benefit of reasonable doubt.</p>	16	23	Acquaintance
<p>1. Material witnesses turned hostile.</p> <p>2. Discrepancy in victim testimony regarding identification of clothes.</p> <p>3. Discrepancy in timing of incidents.</p>	15	32	Friend
<p>1. The victim and her father's and mother's statements about the identification of the accused are different.</p> <p>2. There is a delay in registering the FIR and the delay is not explained.</p> <p>3. The victim at the time of her medical examination had refused for her internal medical examination and the victim had not levelled any allegation of physical assault at the time of medical examination.</p> <p>4. Clothes of the victim and the accused were not taken into possession.</p> <p>5. The van/car which the victim alleges to be kidnapped in is not traced nor the driver of the vehicle was traced. There was no clue for both of them.</p> <p>6. Variation in the victim's statement before the parents at Police Station and the statement recorded under u/s 164 of Cr.P.C.</p> <p>7. Lack of witness, Police has not examined any witness who would have corroborated the kidnapping incident.</p> <p>8. Variation in the statement of father of the victim and arrest memo regarding the arrest of the accused.</p> <p>9. Lack of sterling witness.</p>	15	28	Neighbour
<p>1. No specific allegation made by the victim or any other prosecution witnesses.</p> <p>2. Allegation were vague and date, time and place were not specified.</p> <p>3. Prosecution could not prove the case beyond reasonable doubt.</p>	14	21	Neighbour
<p>1. Inconsistency in the testimony statement of child victim.</p> <p>2. Material contradiction in statement given by key witnesses.</p>	10	56	Neighbour
<p>1. Improbability in commission of offence in the given circumstances.</p> <p>2. Scientific evidence do not corroborate allegation.</p>	15	18	Friend

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

Reasons	Age of the Child	Age of the Accused	Relationship between Child & Accused
<p>1. Delay of two days in reporting the case had not been explained.</p> <p>2. The cousin of the child victim who was eyewitness to the incident had not supported the case and turned hostile.</p> <p>3. There were certain contradictions and improvements in the statements of child victim before the police, in section 164 statement and before the trial.</p> <p>4. The MLC and the FSL report did not support the version of child victim.</p>	15	43	Adoptive Father
<p>1. There were many contradictions and improvements in the statement of child victim and her grandmother who was the eyewitness to the incident in their statements recorded before the police, before learned MM and before the trial court.</p> <p>2. The child victim failed to identify the accused during trial in the court, she identified accused after leading by APP.</p> <p>3. The MLC and the FSL report did not support the version of prosecution.</p> <p>4. The accused has successfully proved his defence through defence witnesses.</p>	6	32	Neighbour
The court disbelieved the child victim's version as allegation of the child contradicted by the MLC and further DNA of the foetus did not match.	15	30	Maternal Uncle
The court discarded the statement of child victim as the same was not credible and reliable.	14	29	Brother
<p>The accused was acquitted on following grounds mainly:</p> <p>1. The child disclosed the incident on next day of the incident, hence the court doubted his version.</p> <p>2. As per child version, the accused had inserted a stick (<i>danda</i>) in his anus, but the police had failed to recover the said <i>danda</i>.</p> <p>3. The police had not investigated the case properly hence there were many lacunas in the prosecution story.</p>	5	28	Helper in School
At the time of testimony of the child victim, she did not appear in the court and the court was informed about the disappearance of the victim and her family. The court issued many directions to all concerned police officials to find them out, but the police failed. After waiting for 2 years and more than 15 court hearings, the court closed the evidence and acquitted the accused.	7	25	Step Father
<p>Prosecution could not prove its case and accused persons got acquitted due to following reasons:</p> <p>1. There was no allegation of penetrative sexual assault on 28.06.2016 in the first complaint which was added by the prosecutrix in her statement under 164 Cr.P.C.</p> <p>2. Complaint is highly belated and it was observed that victim was not consistent on date and time of first assault.</p> <p>3. Defence through statement under section 313 Cr.P.C and through cross-examination of PW-1 (Prosecutrix) duly established that there were multiple reason for his false implication.</p> <p>4. MLC and FSL report were not in corroboration with prosecution version.</p>	17	42	Biological Father

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
Child turned hostile during her testimony. There was no other incriminating evidence against the accused except the testimony of child victim, who had not supported her allegation at all. Hence the accused was acquitted and the case was disposed at stage of PE(VT).	15	26	Cousin
<ol style="list-style-type: none"> 1. The version of the child victim has not been corroborated by the MLC and FSL report. 2. The mother of child victim refused for internal examination of the child on the ground that no sexual offence was committed with the child. 3. Prosecution failed to prove the case beyond reasonable doubt and hence benefit of doubt is given to the accused. 	3	40	Play School Owner's Husband
<ol style="list-style-type: none"> 1. Uncorroborated testimony of victim who has improved her case does not inspire confidence and cannot be reliable and trustworthy and so is not sufficient to believe that the accused committed penetrative sexual assault. 2. Considering the testimonies of prosecution witnesses having inconsistencies and contradictions which go to the root of matter it can be said that the accused is able to discharge his onus and have raised a doubt on the case of prosecution. 3. The inconsistencies and contradictions raised doubt that no such offence has occurred as deposed by the witnesses. 	7	21	Neighbour
The JCL, got acquitted in this case. The Ld. P.M. mentioned in the order that there was no case made out against the juvenile.	7	16	Neighbour
<ol style="list-style-type: none"> 1. There are material contradictions in the oral evidence of the witnesses of prosecution. 2. Previous animosity between the family of prosecutrix and JCL. 3. No medical history of injuries despite the allegations of digital penetration. 4. On account of refusal of mother of prosecutrix, medical samples were not taken. And as such, there is no forensic evidence whatsoever which could possibly connect JCL with the alleged offence. 5. Juvenile stands acquitted of the offences punishable under section 6, POCSO Act. 	5	17	Neighbour
There is inexplicable silence of the victim on all 5 occasions when sexual assault was committed upon her, there are discrepancies in the statements of victim and her mother, evidence of the prosecutrix is not of sterling quality, there is no evidence on record to corroborate prosecutrix's deposition, the incidents as narrated by the prosecutrix appear doubtful, hence juvenile is acquitted of the offence's punishable u/s 376/506 IPC and Section 4 POCSO Act.	16	17	Neighbour
The child victim was unable to recall the incident and did not depose anything against the accused. The child victim was also unable to recognize the accused and to identify the accused. Neither MLC nor the FSL report support the allegation against the accused. The accused acquitted u/s 377 IPC.	3	43	School Cab Driver

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<p>The version of prosecutrix was not relied upon by the court on the ground that:</p> <ol style="list-style-type: none"> the circumstances and sequence of the alleged incident were very unnatural; the testimony of the child victim, her mother and two of her relatives contradicts the version of each other; the conduct of child victim, her mother and two relatives after the incident are not natural; neither the forensic evidence nor the MLC support the allegation of child victim. <p>Accused acquitted from offence u/s 376, 506 IPC and 4 POCSO Act.</p>	13	17	Neighbour
<p>The allegation against JCL was entirely vague as regards the date and time. There was delay of five-months in registration of FIR. The FSL report does not connect the JCL with the alleged offence. There was also no blood or semen found on any of the exhibits. The version of the child victim was contradicted by her grandmother during the testimony before the court. The court observed that the version of victim boy is not of sterling quality and there was no corroboration whatsoever from any quarter. On the contrary, circumstances on record create a big doubt in the prosecution version. The accused acquitted from the offence u/s 6 of POCSO Act.</p>	12	16	Neighbour
<p>The Magistrate said that there was no direct evidence against both juveniles. He insinuated that the child victim was either confused or was lying. He further stated that he finds it hard to understand why the child victim hadn't testified against these two juveniles earlier.</p>	14	17	Senior Student
<ol style="list-style-type: none"> Victim was not consistent with name and role of each accused. (4 accused) Victim was not consistent with the time and circumstances of the incident. Victim was declared an adult on the basis of age assessment report as it was border line case. The POCSO charges were removed. The court declared the victim as unreliable and gave benefit of doubt to the accused. There was unexplained delay of 3 months in reporting the matter. 	16	46	Employer and his friends
<ol style="list-style-type: none"> The victim had disclosed to the Ld. Magistrate that the incident occurred a few days before making the complaint. However according to the complainant, the incident had occurred about 8 months ago from the date of making the complaint. During cross examination, the victim, at the first instance deposed that her mother (complainant) had told her what was to be said in the Court but immediately thereafter retracted the said statement. PW2 deposed that one of the sexual assault incidents (licking of penis) occurred at night in her presence, however PW1 deposed that it occurred during the day time when her mother (PW2) had gone to work. Complainant failed to disclose the dates of her absence (as she had alleged that the acts were committed by the accused against PW1 whenever she used to be out for medical check-up). Complainant and the accused did not share a healthy relationship. 	6	23	Step Father

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<ol style="list-style-type: none"> 1. Prosecution has failed to establish the foundational facts to prove the charges against the accused. 2. Prosecution could not prove that the accused was either the creator of this obscene video or that he had published or distributed it to others. 3. Evidence led on record and sequence of the events deposed by the victim and her parents does not inspire confidence. 4. There are no eye witnesses to support the case. 5. Testimony of the victim is marred by her contradictory statements to the police and doctors at different stages of investigation. Sole testimony of the victim is not of “sterling” nature. 	12	23	Neighbour
<ol style="list-style-type: none"> 1. IO did not carry out proper investigation. No photographs of the place from where recovery was affected have been brought on record, eye witness appears to be a planted witness, crime team officials were not arrayed as witnesses, site plan of the place of recovery is not prepared. 2. The only eye witness brought on record turned hostile and did not support the prosecution story on material counts. 3. Failure to examine victim on account of her disability proved fatal for the prosecution as the prosecution could not bring on record any other worthy material against the accused. 4. Evidence is not sufficient to hold the accused guilty. Neither there is any eye witness account nor any substantive ocular testimony pointing towards the involvement of the accused in the crime nor is there any forensic evidence connecting the accused with the allegations. 5. Prosecution has failed to discharge its onus. 	11	20	Stranger
<ol style="list-style-type: none"> 1. Prosecution has failed to establish the foundational facts of the case by leading evidence, hence presumption under section 29 of the POCSO Act would not operate against the accused in this case. 2. When material on record examined on the touchstone of the principle of proof beyond reasonable doubt, the prosecution has failed to bring home the charges against the accused. 3. The victim cannot be called a ‘sterling witness’. 4. It can be safely held that the testimony of the victim i.e. star witness of the prosecution is absolutely unreliable and unworthy of any credence. 5. Discrepancy in the statement of the prosecutrix and other witnesses. 	16	25	Family Friend
<ol style="list-style-type: none"> 1. Contradiction in statement of both prosecutrix. 2. Discrepancy in the statement of the child. 3. Delay in disclosing the event of incident. 	17	45	Step Father
<ol style="list-style-type: none"> 1. Contradiction in the statement of both prosecutrix. 2. Discrepancy in the statement of the child. 3. Delay in disclosing the event of incident. 	14	45	Step Father

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<ol style="list-style-type: none"> 1. Delay in FIR has not been explained by the prosecution. 2. Testimony of material witnesses cannot be said to be sterling quality. 3. If two views are possible, the view favourable to the accused must be accepted. 4. Prosecution failed to prove the case against accused beyond reasonable doubt. 	7	60	Neighbour
<ol style="list-style-type: none"> 1. Delay in registration of FIR has not been explained and in the totality of facts and circumstances of the case, the delay, which is more than a year, is detrimental to the case of prosecution. 2. There is enough material on record to show that there was acrimony in family. 3. Father of the child victim or her brother have never been made witnesses. 4. The chances of the victim, who is of innocent age, playing into the hands of her grandparents (who are inimically disposed towards the accused persons) cannot be ruled out. 5. The MLC does not record the symptoms that the victim was reportedly suffering. 6. IO has not identified the place where the sexual assault was committed upon the victim by her maternal uncle. 	6	40 & 37	Maternal Uncle & Mother
<ol style="list-style-type: none"> 1. Contradictions in the testimony of the victim and the same is not trustworthy. 2. Improvement in FIR, 164 Cr.PC with respect to penetration. 3. PW6, the key witness for the prosecution, denied all the averments and stated that she neither knows the victim nor was playing with her. 4. Prosecution has not been able to prove that the victim was under the age of 18 years at the time of the alleged incident. 5. Victim failed to identify the clothes which were sent to FSL for examination and categorically stated that the clothes seized by the doctor were not the same as produced in court. 6. FSL result is of no help to the prosecution because it is doubtful whether the clothes which were worn by the victim at the time of alleged incident were sent for examination or not. It is also not clear whether the clothes were seized by the police or by the doctor and whether clothes seized by the doctor were the same as those worn by the victim at the time of incident. 7. The chain of circumstances is doubtful, coupled with other contradictions. 8. If two views are possible, the view favourable to the accused must be accepted. If there is a reasonable doubt with regard to the guilt of the accused, the accused is entitled to benefit of doubt. 	12	25	Neighbour

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<ol style="list-style-type: none"> 1. Prosecution failed to prove the case beyond reasonable doubt. 2. Victim is not examined as PW (as she was of tender age). 3. The complainant 'T' (mother of victim) turned hostile. 4. Testimony of complainant 'T' is not clear, cogent, credible and trustworthy and same has not been corroborated by any independent eye witness and medical evidence. 5. If two views are possible, the view favourable to the accused must be accepted. 	3	25	Neighbour
<ol style="list-style-type: none"> 1. Inconsistencies in the statement of the victim. And Uncorroborated testimony of the victim. 2. There is no evidence to substantiate the prosecution's story that accused is the same person who molested the victim. 3. Investigating Officer failed to carry out investigation on various material aspects. 4. One main witness who could identify the accused could not be traced. 5. Identity of the accused could not be established as per the version of the victim. 6. FSL result could not establish that it was the accused who committed assault. 7. IO did not procure the opinion of the doctor who examined the victim after submission of FSL result and therefore sexual assault as explained by the victim cannot be established on the basis of medical evidence. 	6	26	Neighbour
<ol style="list-style-type: none"> 1. Contradictions in the testimony of the victim and the same is not trustworthy. 2. Improvement in FIR, 164 Cr.PC with respect to penetration. 3. PW6, the key witness for the prosecution, denied all the averments and stated that she neither knows the victim nor was playing with her. 4. Prosecution has not been able to prove that the victim was under the age of 18 years at the time of the alleged incident. 5. Victim failed to identify the clothes which were sent to FSL for examination and categorically stated that the clothes seized by the doctor were not the same as produced in court. 6. FSL result is of no help to the prosecution because it is doubtful whether the clothes which were worn by the victim at the time of alleged incident were sent for examination or not. It is also not clear whether the clothes were seized by the police or by the doctor and whether clothes seized by the doctor were the same as those worn by the victim at the time of incident. 7. The chain of circumstances is doubtful, coupled with other contradictions. 8. If two views are possible, the view favourable to the accused must be accepted. If there is a reasonable doubt with regard to the guilt of the accused, the accused is entitled to benefit of doubt. 	12	25	Neighbour

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
<p>1. The prosecution has failed to secure the star witnesses i.e the complainant PW-1 Ms."AD" and Victim Ms. "L" That the cross-examination of PW-1 Ms. "AD" could not be completed as the prosecution has failed to secure the presence the said witness and the accused has been prejudice by the same. That even considering the cross-examination of PW-1 Ms."AD", she stated in the court that her victim daughter had told that her injuries on her person were caused by one james.</p> <p>2.The FSL is of no help to prosecution in either establishing the identity of accused as culprit or in establishing a chain of circumstances which would point to guilt of the accused.</p> <p>3. Prosecution must established its case by cogent and viable evidence before the presumption can be drawn and even when this has been done the accused can rebut the presumption either by leading defence evidence or by discrediting prosecution witness through effective cross-examination or by exposing the patent absurdities or inherent infirmities in their version or by analysis of the special feature of the case i.e. patent absurdities or inherent infirmities in the prosecution version or existence of entrenched enmity between the accused and victim giving rise to an irresistible inference of falsehood in the prosecution case.</p> <p>4.The Prosecution has not been able to prove its case beyond reasonable doubt for reasons discussed in foregoing paras and accused is entitled to benefit of doubt.</p>	5	28	Neighbour
<p>1. Contradiction in the fact of receipt of information as to the alleged offence.</p> <p>2. Contradiction in the manner of reaching the spot by the victim on the date of the incident.</p> <p>3. Delay in reporting the case of prosecution the incident occurred about one month from the date of reporting it to the police.</p> <p>4.Lack of medical evidence MLC the anal area of victim was found normal on local examination and no apparent injury or bleeding was seen. As per FSL report Ex.P1, no male DNA of accused could be detected from the body of the victim.</p> <p>3. Prosecution has failed to prove its case against the accused beyond reasonable doubt.</p> <p>.</p>	8	48	Neighbour

Disposal

Table 34 continues
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child & Accused</i>
Child Victim/PW1 as well as her family members are neither of sterling quality nor inspires confidence. Moreover, there is no cogent evidence, for the corroboration of allegation made by the complainant and the victim upon the accused in any manner. The testimonies of other PWs is pertaining to the aspects of investigation of the case after the registration of case, hence same is formal in nature & need not to be discussed further. Moreso, the version of witnesses is hearsay only.	5	23	Neighbour
<ol style="list-style-type: none"> 1. The version of victim is not corroborated by any other witnesses. 2. The evidence of the victim is suffering from serious infirmity and inconsistency with other material. There are contradictions in testimony of the victim on material points. 3. Prosecution has not been able to establish charge invoked under section 354/509/506/376 of IPC and Section 10/12/6 of POCSO Act against accused. Presumption under section 29 of POCSO Act stands successfully demolished by the accused. 	13	40	Step-Father
<ol style="list-style-type: none"> 1. The narration of the commission of sexual offence appears as a brief description right in the middle of this doubtful version. 2. The FSL report has not reported any match between the samples from the victim and those of the accused. 3. None of the signs that may appear in the event of anal sex have been reported in the medical evidence. 3. The prosecution has not been able to prove its case beyond reasonable doubt and the quality of deposition of PW-1. 	13	35	Stranger
<ol style="list-style-type: none"> 1. Prosecution has failed to establish the foundational facts of the case by leading evidence, hence presumption under section 29 of the POCSO Act would not operate against the accused in this case. 2. Contradictions in the testimony of the victim and the same is not trustworthy. 3. Material contradiction in statement given by key witnesses. 4. Prosecution has failed to prove its case against the accused beyond the reasonable doubt. 	6	49	Service Provider (Tailor)
<ol style="list-style-type: none"> 1. Material facts that raise a strong doubt not only on the testimony of PW3/ Prosecutrix and PW8 but also raise a strong doubt on the entire case of the prosecution. While reading the testimony PW3/Prosecutrix, PW8, and mobile phone checking memo Ex. PW8/B together, it is evident that the document Ex. PW8/B does not substantiate the testimony of PW3 and PW 8 in that regard and as such their testimony becomes unreliable and unworthy of any credence. 2. Prosecution has failed to prove its case beyond reasonable doubts. Benefit of doubt is given to the accused. 	14	40	Employer

Disposal

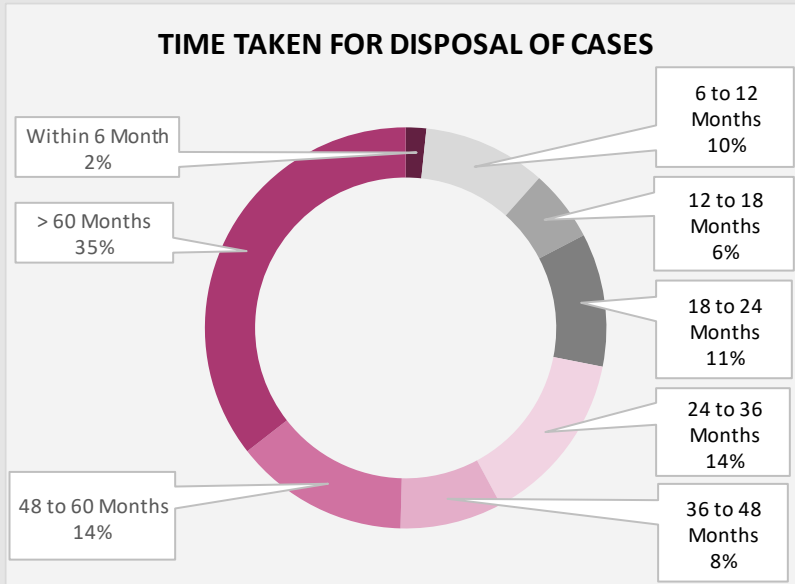


Table 35:
TIME TAKEN FOR DISPOSAL OF CASES

Period	No. of Cases
Within 6 Month	2
6 to 12 Months	12
12 to 18 Months	9
18 to 24 Months	16
24 to 36 Months	22
36 to 48 Months	20
48 to 60 Months	26
> 60 Months	59
Total	166

- Cases that ended in acquittal took nearly 48 months or 4 years to reach that stage
- Cases that ended in conviction took nearly 51 months (or 4 years)
- On an average, the cases took 1454 days (4 years) until disposal; cases that took most time reached 3480 days (10 years). This indicates the time it takes for the child to receive justice, a closure and an opportunity to feel that he/she is safe

Table 36:
AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL (in days)

Average Time Taken for Disposal	1454
Minimum Time Taken	49
Maximum Time Taken	3480

Table 37:
AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL in CASES THAT ENDED IN ACQUITTAL

<i>Acquittal Cases</i>	<i>Days</i>	<i>Months</i>	<i>Years</i>
Average Time Taken for Disposal	1462	48.73	4
Minimum Time Taken	195	6.50	1
Maximum Time Taken	2934	97.80	8

Table 38:
AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL in CASES THAT ENDED IN CONVICTION

<i>Conviction Cases</i>	<i>Days</i>	<i>Months</i>	<i>Years</i>
Average Time Taken for Disposal	1588	52.95	4
Minimum Time Taken	236	7.87	1
Maximum Time Taken	3480	116.00	10

Victim Compensation

This section highlights the time taken for compensation to be granted and documents the reasons for delay. The information is bifurcated to indicate interim compensation and the final compensation.

Table 39:
INTERIM COMPENSATION

Year of FIR	No. of Cases	Year of Grant												Total
		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
2012	5	1	1	0	0	0	0	0	0	0	1	0	0	3
2013	15	1	3	3	1	1	0	0	0	0	0	0	0	9
2014	14	0	2	1	3	0	0	0	0	0	0	0	0	6
2015	75	0	0	8	4	7	4	0	0	0	3	0	0	26
2016	51	0	0	0	10	6	1	0	1	0	1	1	0	20
2017	40	0	0	0	0	3	5	2	1	1	4	1	0	17
2018	57	0	0	0	0	0	9	19	2	2	1	0	0	33
2019	57	0	0	0	0	0	0	13	15	5	0	0	0	33
2020	93	0	0	0	0	0	0	0	14	24	6	4	0	48
2021	79	0	0	0	0	0	0	0	0	27	12	3	0	42
2022	28	0	0	0	0	0	0	0	0	0	13	0	0	13
2023	25	0	0	0	0	0	0	0	0	0	0	8	2	10
2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	539	2	6	10	19	17	16	34	28	48	34	4	2	260

Table 40:
TIME TAKEN FOR GRANT OF INTERIM COMPENSATION FROM DATE OF FIR

Time Taken (in months)	No. of Cases
Within 1 Month	30
1 to 3 Months	37
3 to 6 Months	53
6 to 9 Months	31
9 to 12 Months	19
12 to 15 Months	19
15 to 18 Months	8
18 to 21 Months	17
21 to 24 Months	9
24 to 36 Months	16
> 36 Months	21
Total	260

- Interim Compensation is granted in 260 out of 539 cases, i.e. 48% cases
- Only in 12% of these, it is granted within 1 month of FIR
- About 54% cases have taken anywhere between 1 to 12 month(s)
- 20% cases have taken between 12 to 24 months
- It took more than 2 years in 5% cases and more than 3 years in another 9% cases

Victim Compensation

Table 41:
GRANTING INTERIM COMPENSATION: THE LAW AND THE PROCESS

<i>Interim Compensation</i>	<i>Filed before the Special Court + Granted by the Special Court + Amount of compensation also decided by the Special Court</i>	<i>Filed before the Special Court + Special Court forwarded to DLSA for further action (to decide on whether to grant or not as well the amount)</i>	<i>Filed before DLSA + Awarded by DLSA</i>
u/s 357A CrPC	5	7	7
Rule 7 POCSO Rules	121	6	4
u/s 33(8) POCSO Act	11	0	0
u/s 33(8) POCSO Act r/w Rule 7 POCSO Rules	42	1	0
Rule 9 (3) POCSO Rules, 2020 r/w section 33 (8) POCSO Act	56	0	0

Table 42:
TIME TAKEN FROM DATE OF GRANT OF INTERIM COMPENSATION TO DISBURSEMENT / RECEIPT OF INTERIM COMPENSATION IN THE CHILD'S BANK ACCOUNT

<i>Time Taken (in months)</i>	<i>No. of Cases</i>
Within 1 Month	6
1 to 3 Months	40
3 to 6 Months	53
6 to 9 Months	64
9 to 12 Months	21
12 to 15 Months	26
15 to 18 Months	14
18 to 21 Months	7
21 to 24 Months	1
24 to 36 Months	4
> 36 Months	4
Total	240

Table 43:
NO. OF DAYS LAPSED SINCE GRANT OF INTERIM COMPENSATION (DISBURSEMENT PENDING AS ON 29 FEBRUARY 2024)

<i>Time Taken (in months)</i>	<i>No. of Children</i>
Within 1 Month	2
1 to 3 Months	2
3 to 6 Months	8
6 to 9 Months	2
9 to 12 Months	1
12 to 18 Months	3
> 18 Months	2
Total	20

Victim Compensation

Table 44:
INTERIM COMPENSATION DISBURSEMENT PENDING AS ON 28 FEBRUARY, 2023 - REASONS FOR DELAY

<i>Case ID</i>	<i>Reasons</i>
20DEL149/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
20DEL221/PSY-SO/LEGAL	Biometric process is pending
20DEL398/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
21DEL017/PSY-SO/LEGAL	Family has shifted to Nepal
21DEL351/PSY-SO/LEGAL	Biometric process is pending
15DEL046/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
21DEL562/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
22DEL157/PSY-SO/LEGAL	Bank Account has not been opening due to different address in mother and child Aadhar card
22DEL760/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
22DEL870/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL019/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL203/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL274/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL396J/PSY-SO/LEGAL	Biometric process is pending
23DEL400/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL424/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL445/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL505/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
23DEL396/PSY-SO/LEGAL	Biometric process is pending
23DEL569/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.

Victim Compensation

Table 45:
FINAL COMPENSATION

Year of FIR	No. of Cases	Year of Grant												Total
		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	
2012	5	0	0	0	0	0	1	1	0	0	0	0	0	2
2013	15	0	0	0	0	1	0	1	3	0	1	4	0	10
2014	14	0	0	0	0	2	0	2	2	0	0	0	0	6
2015	75	0	0	0	1	2	1	2	3	5	7	0	0	21
2016	51	0	0	0	0	0	1	2	3	1	4	2	0	13
2017	40	0	0	0	0	0	0	1	1	1	3	3	1	10
2018	57	0	0	0	0	0	0	2	0	0	3	5	0	10
2019	57	0	0	0	0	0	0	0	0	0	2	6	0	8
2020	93	0	0	0	0	0	0	0	0	0	2	3	1	6
2021	79	0	0	0	0	0	0	0	0	0	0	1	1	2
2022	28	0	0	0	0	0	0	0	0	0	0	2	0	2
2023	25	0	0	0	0	0	0	0	0	0	0	0	0	0
2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	539	0	0	0	1	5	3	11	12	7	22	26	3	90

- Final Compensation is granted in 90 out of 166 disposed cases
- 81 (90%) of these are cases that have ended in conviction, 3 ended in acquittal, 5 were abated and 1 was Police filed Closure.
- In one of the cases that ended in acquittal at the trial court level, the matter was appealed in the High Court, where acquittal was turned into a conviction and compensation has been granted.

Table 47:
GRANTING FINAL COMPENSATION: THE LAW AND THE PROCESS

<i>Final Compensation</i>	<i>Filed before the Special Court + Granted by the Special Court + Amount of compensation also decided by the Special Court</i>	<i>Filed before the Special Court + Special Court forwarded to DLSA for further action (to decide on whether to grant or not as well the amount)</i>	<i>Filed before DLSA + Awarded by DLSA</i>
u/s 357A CrPC	25	3	1
Rule 7 POCSO Rules	1	0	0
u/s 33(8) POCSO Act	3	0	0
u/s 33(8) POCSO Act r/w Rule 7 POCSO Rules	24	0	0
Rule 9 (3) POCSO Rules, 2020 r/w section 33 (8) POCSO Act	26	0	0
9 (2) POCSO Rules, 2020 r/w section 357 CrPC	6	1	0

Table 46:
TIME TAKEN FROM DATE OF GRANT OF FINAL COMPENSATION TO DISBURSEMENT / RECEIPT OF FINAL COMPENSATION IN THE CHILD'S BANK ACCOUNT

Time Taken (in months)	No. of Cases
Within 1 Month	0
1 to 3 Months	13
3 to 6 Months	11
6 to 9 Months	11
9 to 12 Months	7
12 to 15 Months	5
15 to 18 Months	4
18 to 21 Months	2
21 to 24 Months	1
24 to 36 Months	1
> 36 Months	1
Total	56

Table 48:
NO. OF DAYS LAPSED SINCE GRANT OF FINAL COMPENSATION (DISBURSEMENT PENDING AS ON 28 FEBRUARY 2023)

Time Taken (in months)	No. of Children
< 1 Month	2
1 to 3 Months	4
3 to 6 Months	12
6 to 9 Months	1
9 to 12 Months	5
12 to 18 Months	3
> 18 Months	7
Total	34

- In cases where final compensation has been received by the child, disbursement took anywhere
 - between 1 to 6 month(s) since grant of compensation in 43% cases
 - between 6 to 12 months in 32% cases
 - between 1 to 2 year(s) in 21% cases
 - More than 2 years in 4% cases
- In 38% (34) cases disbursement of compensation is pending as on 28 February,



Table 49:
FINAL COMPENSATION DISBURSEMENT PENDING AS ON 28 FEBRUARY, 2024 - REASONS FOR DELAY

<i>Case ID</i>	<i>Reasons</i>
15DEL016/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
15DEL069/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
16DEL004/PSY-SO/LEGAL	All documents have been prepared to be submitted to DLSA.
16DEL030/PSY-SO/LEGAL	Bank and PAN Card are to be prepared, Child had not been traceable for long, Now Child has traced, Court will summon to Child.
16DEL056/PSY-SO/LEGAL	Bank and PAN Card are to be prepared
16DEL062/PSY-SO/LEGAL	Court Order for compensation yet to be received
16DEL098/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
17DEL053/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
17DEL138/PSY-SO/Legal	All formalities including biometric has been done money yet to be disbursed.
18DEL024/PSY-SO/Legal	All formalities including biometric has been done money yet to be disbursed.
13DEL003/PSY-SO/LEGAL	All documents have been prepared to be submitted to DLSA.
13DEL019/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
17DEL089/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
18DEL026/PSY-SO/Legal	All formalities including biometric has been done money yet to be disbursed.
18DEL033/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
18DEL046/PSY-SO/LEGAL	All documents have been prepared to be submitted to DLSA.
19DEL324/PSY-SO/LEGAL	All formalities completed. DLSA is yet to pass the order for disbursement.
19DEL325/PSY-SO/LEGAL	All formalities completed. DLSA is yet to pass the order for disbursement.
19DEL138/PSY-SO/LEGAL	All documents have been submitted; police verification has been completed
20DEL013/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
20DEL371/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
21DEL017/PSY-SO/LEGAL	Final Compensation order is awaited
21DEL079/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
16DEL007/PSY-SO/LEGAL	Report Awaited from DLSA
17DEL020/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.

Victim Compensation

Table 49:
FINAL COMPENSATION DISBURSEMENT PENDING AS ON 28 FEBRUARY, 2024 - REASONS FOR DELAY

<i>Case ID</i>	<i>Reasons</i>
18DEL002/PSY-SO/Legal	All formalities including biometric has been done money yet to be disbursed.
14DEL011/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
14DEL012/PSY-SO/LEGAL	Biometric process is pending
16DEL131/PSY-SO/LEGAL	Application is rejected
19DEL068/PSY-SO/LEGAL	Biometric process is pending
19DEL323/PSY-SO/LEGAL	All formalities completed. DLSA is yet to pass the order for disbursement.
21DEL021/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
21DEL722/PSY-SO/LEGAL	All formalities including biometric has been done money yet to be disbursed.
22DEL177/PSY-SO/LEGAL	Biometric process is pending

Psychosocial Impact and Support

This factsheet concludes the document with information on aspects of psychosocial impact, support and how families make an effort to move forward. Tables 50-59 provide details of shelter and witness protection support, medical support, education and financial support, support for family needs, and so forth. Three case stories have been included to share some experiences of the HAQ team while addressing the cases.

Table 50:
SHELTER & WITNESS PROTECTION SUPPORT

<i>Shelter and Protection Need</i>	<i>No. of Children</i>
Assistance provided to family to apply for witness protection	8
Incest case - child placed in a shelter home	6
IO/ Police/ Court informed about the threats faced by the child	52
Family members counselled due to their hostility towards the child	4
Family had to be relocated for safety reasons	14
Home study carried out before restoration of child from shelter home to family	23
Child and sibling placed in a shelter home for various reasons such as safety	6
Child placed with maternal family	1
Regular follow up carried out to ensure safety of the child and family	9
Total	123

Table 51:
MEDICAL SUPPORT

<i>Medical Need</i>	<i>No. of Children</i>
Assistance throughout pregnancy and safe delivery	12
Assisted child for Psychological assessment (IQ)	25
Assisted child for Thyroid and other related tests	1
Assisted for skin infection treatment	1
Assisted for the treatment of kidney stone	1
Assisted with physiotherapy for back pain	3
Colostomy related surgery and post operative care and follow up	7
Complaints about pains, rashes, scabies, acne, blisters, menstrual disturbance, irritation etc.	3
Emotional support and assistance for MTP	8
Help in procuring the hearing aid for the child	1
Infection on shoulder	1
Pain and rashes in private parts	3
Psychiatric Treatment	7
Right Eye Operation	1
Surgery due to injuries in private part	2
Treatment for burns caused due to spilling of hot tea on knees	1
Treatment for continuous stomach pain, body aches and headaches	17
Treatment for drugs de-addiction and rehabilitation + Screening for HIV/AIDS	4
Treatment for epilepsy	4
Treatment for pain in private parts	26
Treatment for Ranula Cyst	1
Treatment of physical injury	8
Total	137

Psychosocial Impact and Support

Table 52:

EDUCATIONAL SUPPORT FOR CHILDREN WHO DROPPED OUT OF SCHOOL DUE TO THE INCIDENT

Current Status	88 Children
Resumed studies	44 are back to regular school
	17 enrolled in NIOS
	14 enrolled in vocational training
	4 are back to regular school and have also joined a vocational course
	1 admitted in special school after identifying cognitive difficulties
Did not resume studies	5 have not resumed their studies despite efforts
	3 girls were married off as soon as they turned 18

Table 53:

EDUCATIONAL SUPPORT FOR CHILDREN WHO DROPPED OUT OF SCHOOL OR HAD NEVER BEEN TO SCHOOL BEFORE THE INCIDENT

Current Status for children who dropped out of school before the incident	53 children
Resumed studies	6 enrolled in NIOS instead of regular schooling
	1 enrolled in NIOS and vocational training.
	9 enrolled in vocational training
	13 are back to regular school
	2 have been admitted in special school after identifying cognitive difficulties
	3 attending tuition classes for basic learning
Did not resume studies	15 have not resumed their studies (2 - due to psychiatric illness, 2 child is no more, 7 are not interested, 1 got married as soon as she turned 18, 3 Child has gone to home town)
Efforts Ongoing	In 4 cases efforts are still ongoing
Current Status for children who had never been to school before the incident	25 children
Resumed studies	16 admitted in school
	1 enrolled in vocational course
Did not resume studies	2 are not interested, 2 are not traceable
Efforts Ongoing	In 4 cases efforts are ongoing

Psychosocial Impact and Support

Table 54:
CHANGE OF SCHOOL DUE TO THE INCIDENT

Current Status	12 children
Changed school due to incident	All 12 children are attending regular school

Table 55:
OTHER EDUCATIONAL SUPPORT FOR CHILDREN WHO CONTINUED WITH THEIR EDUCATION

Current Status	15 children
Support beyond school	One child was helped in completing assignments while pursuing Graduation A child in a CCI was escorted to school during exam time as the CCI did not have staff to accompany the child
Home Tuition	Home tuition was arranged for one child with the help of TFI as child was weak in studies
Special Educator	One Special Educator arranged for the child to help the child cope with school curriculum
Motivation to continue school	10 children were regularly motivated to continue with their school education as they had a tendency to avoid school or drop out
Text Book Support	Arranged 11th standard and 9th standard text books for two children

Table 56:
EMOTIONAL / PSYCHOLOGICAL SUPPORT

Emotional / Psychological Need	No. of Children
Primary Care - Emotional concerns and anxieties identified and handled by HAQ's social worker	57
Secondary Care - Counselling need identified and met through HAQ's in-house counsellor	263
Tertiary Care - Assistance provided for psychiatric treatment/psychotherapy and follow-up	26
Total	346



Psychosocial Impact and Support

Table 57:

PARALEGAL SUPPORT

<i>Paralegal Needs</i>	<i>No. of Cases</i>
Sensitization of police where family was not getting adequate support from the police	12
HAQ's Social worker assisted the child for testimony preparation (Pre-trial court visits of the child were arranged in 48 cases)	326
Helped the family procure basic case related documents such as copy of FIR, MLC	26
Total	364

Table 58:

FINANCIAL SUPPORT

<i>Financial Needs</i>	<i>No. of Cases</i>
Follow-up on application for interim compensation filed by IO/ DLSA/DCW	170
Filing application for interim compensation and follow-up by HAQ's social worker	90
Filing application for final compensation and follow-up by HAQ's social worker	90
Total	350

Table 59:

SUPPORT FOR FAMILY NEEDS

<i>Family Needs</i>	<i>No. of Cases</i>
Counselling for family member(s) undergoing trauma after the incident	26
Counselling / care and safety of the child ensured where violence is reported in the family towards the child	13
Assistance to the mother of the child for action on a domestic violence complaint	8
Counselling for mothers of children who have faced incest abuse to encourage them to take up a job	13
Counselling and sharing information about de-addiction centres in cases where the child has an alcoholic parent/sibling in the family	7
Total	67

Stories of Successes & Challenges

Unspoken Courage

Dev (name changed) is 16 and is the eldest among 5 brothers and one sister. Between both the parents doing manual labour to make a living, the siblings take care of each other in their absence.

Dev has a mental and physical disability, as a result it's difficult for him to communicate with people, and he has a mental age of a 5 year old, which makes it even more difficult for him.

One evening in 2020 when he went out to play he was taken to an abandoned construction site and sexually assaulted. He was beaten every time he tried to make a noise or cry for help.

Even after two years after the incident, Dev could not testify in court due to the unavailability of a special educator that could understand and help him speak in court

The lawyer from HAQ informed the court about his condition and about the requirement for a special educator in his case requesting the court to appoint a special educator for the child victim. The judge interacted with the child and attempted to talk to him but failed to understand him and appointed a special educator ordering that she takes a few sessions with the child to make him comfortable with her and also to help the special educator understand him better.

Even after repeated efforts by the assigned social worker in the case, the special educator could not take the sessions with the child victim, she also failed to come to court on the date of the hearing. This was great news for the accused and his lawyer, he claimed to have known the special educator from other cases and tried to mislead the court into believing that

the special educator does not want to associate herself with the case and that the child victim should be dropped as a witness.

HAQ's lawyer opposed the comment and submitted that if the claims of the defence about knowing the special educator are true, there is a possibility of her being influenced by the defence in the future and therefore, a new special educator must be appointed. The court agreed to do the same and asked the HAQ lawyer to assist the family and the newly appointed special educator in coordinating the sessions.

After four sessions, the child and the special educator could communicate quite well but since it was the first time for the special educator to be a part of a testimony in court, she had a lot of questions and doubts about the procedure for testimony in courts and also, the child felt a little nervous about it. To remedy this, HAQ lawyer suggested taking the last session by creating a mock testimony for both of them. The lawyer asked the special educator to sit in her office with the child and make a video call to him with earphones in her ears to recreate the Vulnerable witness deposition centre in courts. The lawyer sat outside her office and played the roles of a public prosecutor and a defence lawyer both. He asked them questions and spoke with them just like they do in the deposition centres. Dev was smiling and felt strong enough to tell everything that happened to him in court by the end of the session, and the special educator was fully prepared for everything that she was supposed to do as all her doubts were clear now.

Section 164 (5A) (b) CrPC allows the statement of a victim who is physically or mentally disabled, given in the presence of a Metropolitan Magistrate to be considered in place of examination in chief during the testimony of the victim in cases of sexual abuse.

Stories of Success & Challenges

This means Dev did not have to tell everything that happened to him all over again, he just needed to answer the questions put by the accused's lawyer which the defence lawyer was not happy about and he challenged the same in court with an application stating that the investigating officer of the case never put anything on record that confirms the disability of the child victim and disability cannot become a fact in a case merely on the basis of a court observation without any expert opinion.

The HAQ lawyer opposed this and mentioned that he had placed the medical documents as well as the disability certificate of the child victim along with the interim compensation application that he filed about three weeks ago and that makes the disability certificate a part of the record. The court dismissed the application of the defence lawyer.

Dev answered every question well and was able to do so very comfortably. His testimony was finally done after two years of uncertainty. He was happy to know that he can focus on his health and well-being and not think about the case anymore.



Abbreviations & Acronyms

ACP	Assistant Commissioner of Police	MM	Metropolitan Magistrate
AIIMS	All India Institute of Medical Sciences	MTP	Medical Termination of Pregnancy
APP	Assistant Public Prosecutor	NCPCR	National Commission for Protection of Child Rights
APSA	Aggravated Penetrative Sexual Assault	NGO	Non-Governmental Organisation
ASA	Aggravated Sexual Assault	NIOS	National Institute of Open Schooling
ASJ	Additional Sessions Judge	No.	Number
CCI	Child Care Institution	Ors	Others
CCL	Child in Conflict with the Law	P.M.	Principal Magistrate
COVID	Corona Virus Disease	PAN	Permanent Account Number
Cr.P.C./Cr.PC/CrPC	Code of Criminal Procedure	PCR	Police Control Room
CWC	Child Welfare Committee	PE	Prosecution Evidence
DCP	Deputy Commissioner of Police	PIL	Public Interest Litigation
DCW	Delhi Commission for Women	PO	Proclaimed Offender
DHJS	Delhi Higher Judicial Services	POCSO	Protection of Children from Sexual Offences
DLSA	District Legal Services Authority	PSA	Penetrative Sexual Assault
DNA	Deoxyribo Nucleic Acid	PSY-SO	Psycho-social
DSLSA	Delhi State Legal Services Authority	PW	Prosecution Witness
FIR	First Information Report	SA	Sexual Assault
FSL	Forensic Science Laboratory	SCPCR	State Commission for Protection of Child Rights
FTSC	Fast Track Special Court	SH	Sexual Harassment
HC	High Court	SHO	Station House Officer
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno-Deficiency Syndrome	SPP	Special Public Prosecutor
IO	Investigating Officer	TFI	Teach For India
IPC	Indian Penal Code	u/s	Under Section
IQ	Intelligence Quotient	UTP	Under-Trial Prisoner
JC	Judicial Custody	VC	Video Conferencing
JCL	Juvenile in Conflict with the Law	Vs	Versus
JJ Act	Juvenile Justice (Care and Protection of Children) Act	VT	Victim Testimony
JJB	Juvenile Justice Board	VWDR	Vulnerable Witness Deposition Room
Ld.	Learned	yrs	years
MLC	Medico-Legal Case		

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Prior edition of the Factsheets can be [accessed here](#)

Case stories of successes & challenges: first hand instances experienced by HAQ team members

Read more about HAQ: Centre for Child Rights' work on www.haqcrc.org

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