

ALARMING RISE IN THE NUMBER OF REPORTED
CHILD RAPE INCIDENTS, IN RE

87

(2020) 7 Supreme Court Cases 87

3-Judge

Bench

2019

July 25

a

(Record of Proceedings)

(BEFORE RANJAN GOGOI, C.J. AND DEEPAK GUPTA AND ANIRUDDHA BOSE, JJ.)

ALARMING RISE IN THE NUMBER OF REPORTED
CHILD RAPE INCIDENTS, IN RE

Suo Motu Writ Petition (Crl.) No. 1 of 2019, Order dated July 25, 2019

b

Constitution of India — Arts. 21 and 32 — Cases under the Protection of Children from Sexual Offences Act, 2012 (the POCSO Act) — Speedy investigation and trial — Detailed directions issued therefor, including for setting up of Special POCSO Courts and their functioning

c

— Expeditious setting up of Special Courts under POCSO Act based on need — Special Courts should be set up in each judicial district and should start functioning within 60 days of present order where there are more than 100 cases under POCSO Act

— Central Government should fund all appointments to Special Courts under POCSO Act

d

— Number of posts as per need — Support staff of Special Courts should not exceed a reasonable number based on total case load of district

— Interest of children as basis to select appointees in Special Courts — Care should be taken to appoint persons who are dedicated to the cause and apart from academic qualifications are oriented towards child rights, are sensitive to the needs of a child and are otherwise child-friendly — The same standards would also apply in the matter of appointment of Special Public Prosecutors

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— Short movie clip about child abuse and prosecution of crime against children should be screened in every cinema hall and various television channels — Child helpline numbers should be displayed in said movie clips and other prominent places

f

— Smooth and effective functioning of forensic science laboratories — Issue of dedicated forensic science laboratories for each district can wait for now — Authorities concerned directed to ensure smooth and effective functioning of such laboratories and prompt collection of samples and reporting of analysis under POCSO Act

g

— Matter adjourned for four weeks for reporting progress in respect of implementation of present directions — Crimes Against Women and Children — Protection of Children from Sexual Offences Act, 2012, Chs. V to IX

Alarming Rise in the Number of Reported Child Rape Incidents, In re, (2020) 7 SCC 90, referred to

SS-D/64491/CR

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Advocates who appeared in this case :

By Court's Motion;

Tushar Mehta, Solicitor General, V. Giri, Senior Advocate (Amicus Curiae) [Ms Svadha Shankar, Amith Krishna, Ms S. Bhagat, Muthuchran Sundaresh, Surinder S. Rathi, Nishant R. Katneshwarkar (Advocate-on-Record) and Anoop Kandari, Advocates], for the appearing parties.

Chronological list of cases cited

on page(s)

1. (2020) 7 SCC 90, *Alarming Rise in the Number of Reported Child Rape Incidents, In re*

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ORDER

1. We have heard Mr V. Giri, learned Amicus Curiae and Mr Surinder S. Rathi, learned Registrar of this Court, who has been entrusted with the work of collating and collecting data in association with the office of the learned Amicus Curiae. We have also heard Mr Tushar Mehta, learned Solicitor General. Reports by the learned Amicus Curiae, as well as, Mr Rathi, learned Registrar have been duly perused. Both the reports contain several suggestions in respect of the core of the issue, namely, to ensure timely completion of investigations and consequential trials in the offences under the Protection of Children from Sexual Offences Act, 2012 ("the POCSO Act"). While, both the learned Amicus Curiae and Mr Rathi, in their reports, have suggested that further time should be granted for collection of data in terms of the earlier order¹ of this Court, we are inclined to take a different view of the matter at this stage. Instead of adjourning the case for receipt of further/additional data, we are inclined to proceed to issue certain directions hereinafter contained.

2. Having considered the matter, we have deemed it proper to issue the following directions, which will be implemented by the Union of India and the State Governments forthwith:

2.1. In each district of the country, if there are more than 100 cases under the POCSO Act, an exclusive/Designated Special Court will be set up, which will try no other offence except those under the POCSO Act.

2.2. Such Courts will be set up under a Central scheme and will be funded by the Central Government, which fund will not only take care of the appointment of the Presiding Officer, but also the appointments of support persons, Special Public Prosecutors, Court staff and infrastructure including creation of child-friendly environment and vulnerable witness, courtrooms, etc.

2.3. While drawing up the panel(s) of support persons in each district which should not exceed a reasonable number keeping in mind the total number of cases to be tried by the Special Court to be set up in each district, care should be taken to appoint persons who are dedicated to the cause and apart from academic qualifications are oriented towards child rights; are sensitive to the needs of a child and are otherwise child-friendly. The same standards would also apply in the matter of appointment of Special Public Prosecutors.

¹ *Alarming Rise in the Number of Reported Child Rape Incidents, In re*, (2020) 7 SCC 90

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a **2.4.** The following suggestions of the learned Amicus Curiae shall also be implemented by the Ministry of Women and Child Development through such agency as may be considered appropriate:

b “(e) A short clip intended to spread an awareness of the subject in general, namely, prevention of child abuse and prosecution of crimes against children, should necessarily be screened in every movie hall and could also be transmitted by various television channels at regular intervals. A child helpline number should also be displayed not only in such clip but also at various other prominent places, in schools and other public places.”

c **3.** From the reports of the learned Amicus Curiae, it appears to us that one of the major causes of delay in winding up the investigations and in cases where charge-sheets have been filed, in winding up the trial, is delay in receipt of the reports from the forensic science laboratory. The learned Amicus Curiae’s suggestion is that there should be designated forensic science laboratories in every district of the country for the purposes of the POCSO Act. We are of the view that the said suggestion could await orders of the Court at a later stage.

d **4.** For the present, we direct the Directors of the State Forensic Science Laboratories and the authority concerned in the State Government to ensure that the existing and available forensic science laboratories in each State will function in an effective manner insofar as analysis, etc. of the samples collected under the POCSO Act are concerned and reports of such analysis be sent promptly and without any delay. The Chief Secretaries of all the States and Union Territories are directed to ensure that the above direction of the Court is complied with forthwith.

e **5.** We would expect our abovestated directions to be implemented and exclusively Designated Courts to try offences under the POCSO Act, in terms of the above directions, to start functioning within 60 days from the date of the present order.

f **6.** List the matter again on 26-9-2019.

7. Mr Tushar Mehta, learned Solicitor General is requested to be present and he is also requested to inform the Court the progress made in respect of the implementation of the present directions at the end of four weeks from today.

Court Masters

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