

R E V I S E D

ITEM NO.305

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SUO MOTO WRIT (CRIMINAL) NO.1/2019

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

WITH W.P.(C) No.819/2019 (PIL-W)  
(With appln.(s) for intervention)

Date : 13-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE DEEPAK GUPTA  
HON'BLE MR. JUSTICE SANJIV KHANNA

Mr. Surinder S. Rathi, Registrar, SCI  
Mr. Rakesh Kumar Singh, DJS

For Petitioner(s)

By Courts Motion

WP(C) 819/2019

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Ms. Gagan Deep Kaur, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have gone through the report of Shri Surinder S. Rathi, Registrar of the Supreme Court. In paragraphs 7.1 to 7.9 of the said Report, the relevant figures are mentioned, which are being extracted below:-

"7.1 Percentage share of different types of offences under POCSO (National Analysis):

POCSO Offence	Rounded Percentage
Penetrative Sexual Assault {S.4}	32.1
Aggravated Penetrative Sexual	24

Assault {S.6}	
Sexual Assault {S.8}	31
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Use of Children for Pornography {S.14 & 15}	1
Abetment {S.17}	2

#### 7.2 Gender-wise percentage of victimisation under POCSO FIRs:

Girl	- 80%
Boy	- 6%
Other	- 14%

#### 7.3 Age profile of Victims under POCSO:

0-6 yrs	- 4%
6-12 yrs	- 13%
13-16 yrs	- 60%
16-18 yrs	- 22%

#### 7.4 Whether accused is Known/Stranger or Relative of victim:

Friends & Neighbours	- 27%
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#### 7.5 Time taken in completion of investigation:

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Within 30 days	- 51%
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More than one year	- 7%

#### 7.7 Percentage of cases in which support person is provided:

Support Person not provided	-	96%
Support Person provided	-	4%

7.8 Percentage of cases in which interim compensation/final compensation provided:

Interim Compensation NOT provided	-	99%
Interim Compensation provided	-	1%
Final Compensation NOT provided	-	99%
Final Compensation provided	-	1%

7.9 Pendency of POCSO Cases in percentage (Sec.35(2) mandates trial to be completed within one year):

Pending for more than 4 years	-	8%
Pending for 3-4 years	-	10%
Pending for 2-3 years	-	17%
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This report shows a shocking state of affairs. What to talk of trials, in 20% of the cases even investigation is not completed within one year. Virtually, no support persons are provided and no compensation is paid to the victims. Almost two-third of the cases are pending trial for more than one year.

It appears that at all stages of dealing with POCSO cases commencing with the investigation up to the stage of trial, the time lines stipulated under the Act have not been complied with. From the report of Shri Rathi, it appears that one major reason for the inability of the stake holders to meet the deadline stipulated under the Act, is lack of awareness and lack of dedication in completing investigation, etc. within the time frame stipulated and also inadequacy of the number of courts which has resulted in cases remaining pending beyond the period mandated for completion of trial under the Act.

We hope and expect that the Central Government will



play a much more proactive role to ensure that trials of cases arising out of the POCSO Act are completed in the time frame laid down in the Act.

We direct all the State Governments as well as the Union of India to do what is required to be done to ensure that all stages of investigation as well as trial, as contemplated under the Act, are completed within the time frame by creation of additional force for investigation. We further direct the Union of India and the State Governments to take steps for sensitization of officials associated with the investigation and also for creation or assignment of dedicated courts to try POCSO cases on top priority so that charge-sheets are filed within the mandatory period and trials are completed within the time frame contemplated under the Act.

Report of the action taken will be placed before this Court and will be considered by a Bench headed by Hon'ble Mr. Justice Deepak Gupta.

List the matter on 12<sup>th</sup> December, 2019.

The response of the Union of India on the draft scheme of compensation filed before this Court by Shri Surinder S. Rathi, Registrar of the Supreme Court be also submitted in the course of the aforesaid period.

We have also perused the report submitted by Shri Dharmesh Sharma, District & Sessions Judge (West), Tis Hazari Courts, Delhi and accede to his request for extending the time to complete the trial by 30<sup>th</sup> November, 2019.

(Chetan Kumar)  
A.R. -cum-P.S.

(Anand Prakash)  
Court Master

ITEM NO.305

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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Report of the action taken will be placed before this Court and will be considered by a Bench headed by Hon'ble Mr. Justice Deepak Gupta.

List the matter on 12<sup>th</sup> December, 2019.

The response of the Union of India on the draft scheme of compensation filed before this Court by Shri Surinder S. Rathi, Registrar of the Supreme Court be also submitted in the course of the aforesaid period.

We have also perused the report submitted by Shri Dharmesh Sharma, District & Sessions Judge (West), Tis Hazari Courts, Delhi and accede to his request for extending the time to complete the investigation by 30<sup>th</sup> November, 2019.

(Chetan Kumar)  
A.R. -cum-P.S.

(Anand Prakash)  
Court Master