

SMW (CrI.) 1/2019

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ITEM NO.1

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 PETITION (CRIMINAL) NO. 1/2019

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

Date : 25-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

By Courts Motion

Mr. V. Giri, Sr. Adv./A.C.
Ms. Svadha Shankar, Adv.
Mr. Amith Krishna, Adv.
Ms. S. Bhagat, Adv.
Mr. Muthuchran Sundaresh, Adv.

Mr. Surinder S. Rathi, Registrar, SC

For Petitioner(s)

For Respondent(s)

Mr. Nishant R. Katneshwarkar, Adv. (AOR)
Mr. Anoop Kandari, Adv.

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

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 Protection of Children from Sexual Offences Act (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 order 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.

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:-

(i) 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.

(ii) 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 Court rooms, etc.

(iii) 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.

(iv) 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:-

“(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.

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.

For the present, we direct the Directors of the State Forensic Science Laboratories and the concerned authority 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.

We would expect our above stated 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.

List the matter again on 26.9.2019.

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.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master