

#DATA4JUSTICE
Unpacking Judicial Data to Track
Implementation of the POCSO Act (2012 to
April 2020)

FACTSHEET - DELHI

HAQ: Centre for Child Rights & CivicDataLab

Distribution of Cases Analysed

- Total No. of Cases Analysed – 19, 783
 - Assam – 5786
 - Delhi – 9366
 - Haryana – 4631
- Of total cases analysed, National Capital Territory of Delhi has a share of 47.34% of cases whereas Haryana has 23.41% and Assam 29.24%
- From the total number of 19,783 cases that were analysed, Delhi contributes the maximum number of cases registered under the POCSO Act each year, followed by Assam and Haryana.

Data Challenges

- While perusing a sample of cases from Delhi, trials under the POCSO Act were found under the case type “Cr. Case” and “Cr Case” before judges designated as Additional Sessions Judge and Special Judge. A total of 8 such cases have been taken into account for this research, while cases under the case type “Cr. Case” and “Cr Case” wherein the designation of the judge is Metropolitan Magistrate (MM) have been dropped as the MM is not a sessions judge and a trial under the POCSO Act can only be conducted before a sessions Courts designated as the Special Court.
- In the data sheet that emerged from compilation of all case-wise information downloaded from the e-Courts portal, 153 cases (from Assam and Delhi) had to be tagged as NA under the “Designation of Judge” field as the requisite information is not available.
- In 36 from Delhi the year of registration of the First Information Report (FIR) was found missing under the “FIR Details” on the e-Courts.

Judgements not Uploaded

- Of a total of 3045 cases disposed in Haryana, judgments are available on the e-Courts portal for only 2110 cases i.e. 69% of the disposed cases. In comparison, **Delhi has 14% judgements (328 of 3246 cases) in disposed cases uploaded** and Assam has 42% judgements uploaded.
- Compared to Assam and Delhi, Haryana appears to be ahead in uploading judgments.
- A cross-country comparison of policies and practices studied in a report available at <https://www.haqcrc.org/wp-content/uploads/2020/06/balancing-childrens-confidentiality-and-judicial-accountability.pdf> makes it clear that children's confidentiality and judicial transparency are not mutually exclusive.
- Non-availability of judgements hampers rights of children to have access to their own case record and makes them dependant on lawyers and the system. They end up paying huge amounts as bribes or fee to private lawyers to get their own case record.
- It also affects valuable research.

Rise in Number of Cases in Delhi & Data Mismatch

No. of Cases Registered under the POCSO Act		
Year of Registration	Delhi (e-Courts Portal)	Delhi (NCRB Portal)
2012*	2	415
2013	331	757
2014	482	109
2015	768	86
2016	1300	1620
2017	1700	1623
2018**	2281	1842
2019**	2158	1722
23 April, 2020	344	NA
Total	9366	415

*For the years 2012 and 2013, NCRB data for Child Rape (cases registered under section 376 IPC) have been considered primarily for two reasons:

- a) The POCSO Act came into effect from 14 November, 2012; and
- b) NCRB has not tabulated data for cases registered under the POCSO for 2012 and 2013.

**For the years 2018 and 2019, incidences of "Murder with Rape/POCSO" have also been taken into account since it was added as a distinct category of crimes

**District-wise Details of Cases
Delhi**

District	Share of District in Total Cases in the State	Police Station with Highest Share in the District	No. of Cases in Police Station with Highest Share in the District
New Delhi	415	Sagarpur	71
North East	428	Khajuri Khas	119
East	616	Kalyan Puri	79
South East	634	Jaitpur	99
Shahdara	641	Nand Nagari	78
South	754	Mehrauli	135
Central	952	Burari	91
South West	995	Binda Pur	158
North	1111	Narela	138
North West	1140	Aman Vihar	202
West	1680	Nihal Vihar	197

Police Stations contributing to high number of cases

**Police Stations with Maximum Cases in each of the Top 5 Districts
Delhi
2012 to 07 March, 2020**

District	Police Station	No. of Cases
North West	Aman Vihar	202
West	Nihal Vihar	197
South West	Binda Pur	158
North	Narela	138
Central	Burari	91

**District-wise Court Caseload, Pendency and Disposal in Delhi
(as on 07 March, 2020)**

District	Court Caseload	Number of Courts Adjudicating POCSO Cases	Caseload per court
	Col. A	Col. B	Col. C = (Col. A / Col. B)
South East	571	3	190
South	661	3	220
South West	719	3	240
North	866	3	289
Shahdara	582	2	291
North West	879	3	293
East	592	2	296
Central	614	2	307
North East	355	1	355
West	1079	3	360
New Delhi	365	1	365
Total Cases for Trial as on 07 March, 2020	7283	26	280
Source: e-Courts Web Portal			

Pendency and Disposal

No. of Pending Cases

- Assam – 3080 (53% of all cases from Assam)
- **Delhi – 7020 (75% of all cases from Delhi)**
- Haryana – 1586 (34% of all cases from Haryana)

No. of Disposed Cases

- Assam – 2706 (47% of all cases from Assam)
- **Delhi – 2346 (25% of all cases from Delhi)**
- Haryana – 3045 (65.7% of all cases from Haryana)

Pendency at the end of 2019

- Assam - 74%
- **Delhi - 88%**
- Haryana - 60%

Pendency

- Delhi is a case in point with highest court caseload and pendency despite 26 courts spread over 11 districts hearing cases under the POCSO Act as on 07 March, 2020.
- Pendency percentage starts at 82% in the West district, going up to 96% in East district.
- Disposal of cases of aggravated penetrative sexual assault in Delhi is the poorest.

**Pendency under Category I
Share of Different Types of Offences
2012 to 23 April, 2020
(in per cent)**

Offences	Delhi
PSA	14.48
APSA (highest pendency)	41.09
SA	16.98
ASA	11.82
SH	15.26
CP	0.08
PSA + CP	0.03
APSA + CP	0.06
APSA + Storage of CP	0.05
SA + CP	0.03
ASA + CP	0.03
SH + CP	0.09

**Pendency for Abetment of Different Types of
Offences
Share in Total Pending cases of Abetment
2012 to 23 April, 2020
(in per cent)**

Different Types of Cases of Abetment	Delhi
Abetment of PSA	3.62
Abetment of APSA (highest pendency)	68.12
Abetment of SA	2.90
Abetment of ASA	4.35
Abetment of SH	1.45
Abetment of CP	18.12
Abetment of APSA + CP	0.00
Abetment to SH + CP	0.72
Abetment of SA + Storage of CP	0.00
Abetment of PSA + CP + Storage of CP	0.72

**Pendency for Attempt to
Commit Different Types of
Offences
Share in Total Pending
cases of Attempt
2012 to 23 April, 2020
(in per cent)**

Different Types of Cases of Attempt	Delhi
Attempt to PSA	10.34
Attempt to APSA (highest pendency)	41.38
Attempt to SA	20.69
Attempt to ASA	17.24
Attempt to SH	10.34

There are 9 cases are of non-reporting or failure to report an offence, of which 6 are pending.

Poor Disposal

- The All-India rate of disposal for cases under the POCSO Act has increased between 2014 and 2019, ranging from 5% in 2014 to 11% in 2019.
- Delhi witnessed the worst decline in disposal rate in 2015, falling from 12% in 2014 to 2% in 2015.
- Increase in disposal in the subsequent years has been slow and it has taken five years for the rate of disposal in Delhi to get closer to the 2014 mark.

**District-wise Nature of Disposal
Delhi
(2012 to 07 March, 2020)**

District	Abated	Acquitted	Convicted	Discharged	Transferred	Quashed	Untraced	PO Consigned	Other Disposal	Acquittal (%)	Conviction (%)	PO Consigned (%)
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J = (Col. B / Total of Col. A to I) x 100	Col. K = (Col. C / Total of Col. A to I) x 100	Col. L = (Col. H / Total of Col. A to I) x 100
Central	13	185	119	2	2	5	10	8	16	51.39	33.06	2.22
East	1	26	10	0	0	2	1	0	2	61.90	23.81	0.00
New Delhi	4	13	2	10	2	14	4	1	5	23.64	3.64	1.82
North	10	173	32	2	7	6	11	17	11	64.31	11.90	6.32
North East	4	35	6	1	0	0	0	3	31	43.75	7.50	3.75
North West	11	111	38	52	14	5	6	24	19	39.64	13.57	8.57
Shahdara	2	34	8	2	1	3	1	7	19	44.16	10.39	9.09
South	4	68	26	1	2	1	3	5	14	54.84	20.97	4.03
South East	5	48	13	0	2	3	2	1	15	53.93	14.61	1.12
South West	8	190	34	11	7	2	3	7	46	61.69	11.04	2.27
West	19	419	101	8	12	28	13	33	29	63.29	15.26	4.98
Total	81	1302	389	89	49	69	54	106	207	55.50	16.58	4.52

Poor Recording of Type of Disposal

e-Courts shows case ended as “compromised” but actually is should be “quashed”

- In a case from Delhi, registered under section 12 of the POCSO Act and sections 377, 323, 498A and 506 of the IPC, the Court notes that there is a settlement deed between the parties. Two orders of the Special Court suggest that the complainant and accused were granted divorce with mutual consent and the parties had gone to the High Court for quashing of the case.

Questions that need to be asked ...

- Can a case under the POCSO Act end in a compromise?
- Are the judges not familiar with the law or those who enter such data or manage the e-Courts portal?

Poor Recording of Type of Disposal

There are 73 cases disposed as “quashed” of which 69 are from Delhi.

- In 2 cases of sexual Assault under Section 8 of the POCSO Act, the disposal is recorded as “quashed” although one ended in acquittal and the other was disposed as “discharged”.

Release on Probation

12 from Delhi, the courts have released the offender on probation or ordered acquittal under the POCSO Act but conviction under IPC

- These are largely cases of sexual harassment under section 12 of the POCSO Act.
- In such cases, it is also found that the courts have acquitted the accused of charges under the POCSO Act while convicting under the IPC for offences such as wrongful restraint or causing hurt, as may be applicable on the basis of facts and circumstances of the case.
- The NCRB does not provide any data on disposal by way of a probation sentence.

Offender Absconding

Out of 2346 disposed cases in Delhi ...

- The offender is absconding and cannot be found in 160 cases.
 - In 106 cases the offender is declared as “Proclaimed Offender” and the file is consigned to the record room – these are cases disposed as “PO Consigned”
 - In 54 cases the disposal is recorded as “Untraced” indicating that the accused cannot be found
- Shahdara district has the highest percentage of 9.09% cases disposed as “PO Consigned” out of a total disposal of 77 cases in the district, followed by the North West district with 8.57% disposed as “PO Consigned”, although the number of disposed cases in the North West district is much higher at 280 cases.
- The highest percentage of cases disposed as “Untraced” is 7.27% from New Delhi district, with 4 out of 55 cases disposed in this category.
- Districts accounting for more than 10% of disposal by way of “PO Consigned” and “Untraced” taken together are North West district (10.71%) followed by North district (10.41%) and Shahdara district (10.39%).

Convictions and Acquittals

- In Delhi, the share of acquittals in all disposed cases is the lowest (1302 out of 2346) compared to Assam (1596 out of 2706) and Haryana (1933 out of 3045).
- However, acquittals that took more than two years for disposal from the date of registration in the CIS are the highest in Delhi (42.09%) compared to Assam (18.92%) and Haryana (3.52%).

Convictions and Acquittals

- Highest rate of acquittal - 64.31% in the North district, followed by 63.29% - West district. The number of disposed cases however, is far lower in the North district (269 cases) compared to the West district (662 cases).
- West district has a high caseload, lowest pendency and highest rate of disposal. However, it also has the second highest rate of cases ending in acquittal. If a good disposal rate means more acquittals, it is certainly worth asking – DISPOSAL AT WHAT COST?
- The highest rate of conviction is 33.06% in the Central district, with 119 convictions out of 360 cases disposed between 2012 and 07 March, 2020. The total number of cases registered in the CIS for Central district is 3287.
- The lowest rate of conviction on the other hand is 3.64% in New Delhi district, which has only 55 cases disposed out of a total of 1263 cases registered in the district over the period of seven and a half years considered for the study.
- There are cases from the East, North East, Shahdara, South and South East districts of Delhi where the first conviction is recorded in 2019.

Delhi - District-wise Rate of Conviction (2012 to 07.03.2020)

District	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Up to 07.03.2020)	Total (14.11.2012 to 07.03.2020)
New Delhi	0.00	0.00	0.00	0.00	0.00	8.33	0.00	5.00	0.00	3.64
North East	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.62	42.86	7.50
Shahdara	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.73	5.56	10.39
South West	0.00	0.00	0.00	0.00	0.00	0.00	10.62	10.26	31.25	11.04
North	0.00	0.00	0.00	0.00	0.00	9.62	8.24	16.00	16.67	11.90
North West	0.00	0.00	0.00	0.00	0.00	4.17	9.76	17.61	21.05	13.57
South East	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.29	26.92	14.61
West	0.00	0.00	10.91	0.00	2.38	3.45	17.65	20.55	21.31	15.26
South	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31.91	35.48	20.97
East	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.17	16.67	23.81
Central	0.00	33.33	26.09	16.00	17.24	26.83	34.34	38.95	68.18	33.06

**Rate of Conviction by Type of Offence in Category I - Delhi
(2012 to 07.03.2020)**

Type of Offence	No. of Cases Disposed	No. of Cases that ended in Conviction	Rate of Conviction	Percentage Share of Type of Offence in Total Convictions under Category I
APSA	669	114	17.04	41.76
ASA	203	45	22.17	16.48
SA	307	42	13.68	15.38
SH	273	37	13.55	13.55
PSA	300	34	11.33	12.45
CP	2	1	50.00	0.37
PSA + CP	1	0	0.00	0.00
Total Category I Offences	1755	273	15.56	100.00

**Rate of Conviction by Type of Offence in Category II - Delhi
(2012 to 07.03.2020)**

Type of Offence	No. of Cases Disposed	No. of Cases that ended in Conviction	Rate of Conviction	Percentage Share of Type of Offence in Total Convictions under Category II
Abetment of CP	8	2	25.00	28.57
Abetment of APSA	15	1	6.67	14.29
Attempt to PSA	4	1	25.00	14.29
Attempt to APSA	8	1	12.50	14.29
Attempt to ASA	3	1	33.33	14.29
Attempt to SH	1	1	100.00	14.29
Abetment of PSA	1	0	0.00	0.00
Abetment of SA	4	0	0.00	0.00
Abetment of ASA	3	0	0.00	0.00
Abetment of SA + Attempt to SA	1	0	0.00	0.00
Total Category II Offences	48	7	14.58	100.00

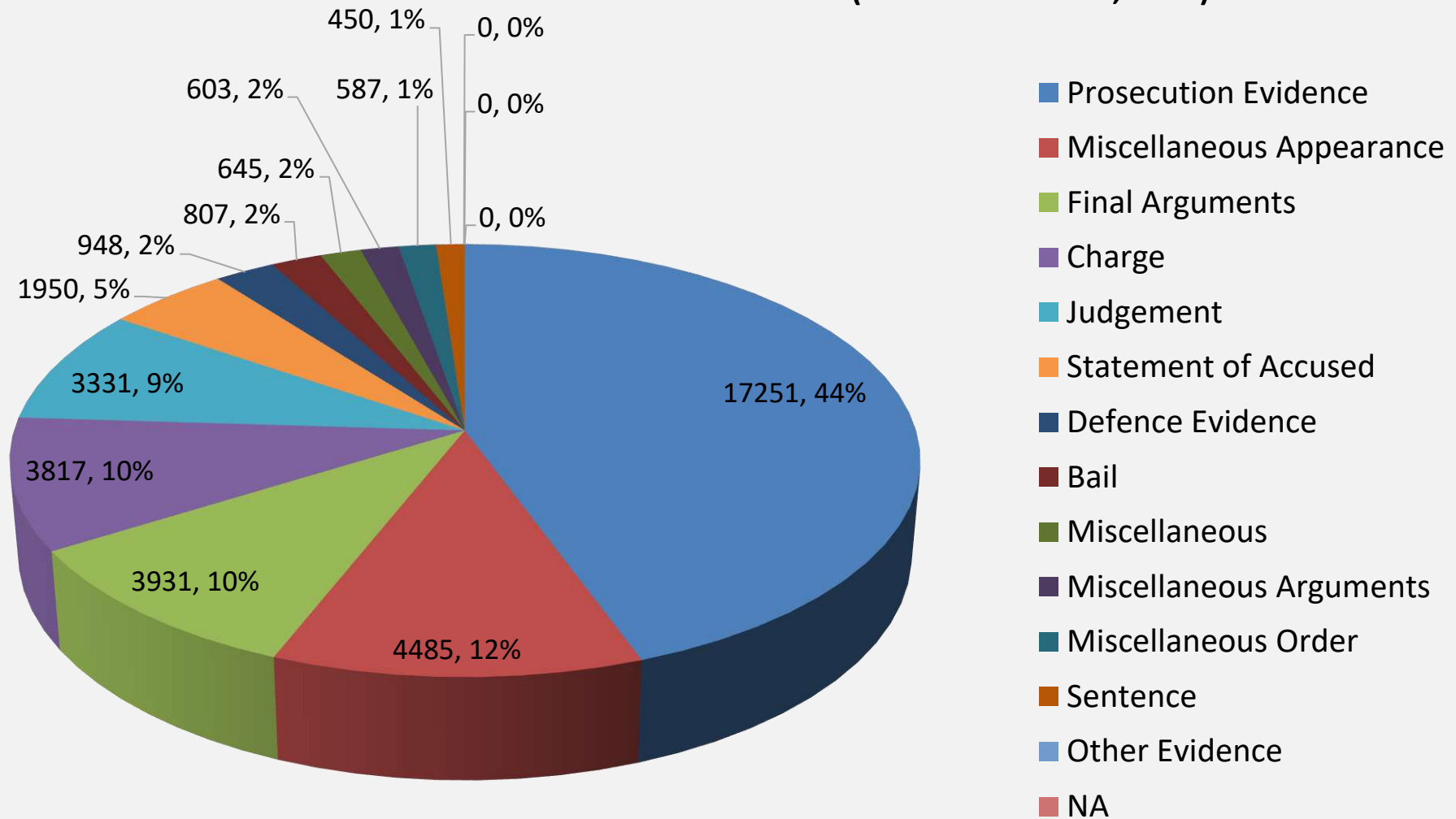
**Rate of Conviction by Type of Offence in Category III - Delhi
(2012 to 07.03.2020)**

Type of Offence	No. of Cases Disposed	No. of Cases that ended in Conviction	Rate of Conviction
Failure to report	3	0	0.00
Total Category III Offences	3	0	0.00

Offence-wise Rate of Conviction

- Aggravated penetrative sexual assault has the highest number of cases and also the highest share in total convictions under Category I offences. However, the rate of conviction is the highest for use of children for pornographic purposes followed by aggravated sexual assault.
- Conviction for abetting use of children for pornographic purposes accounts for the highest share in all convictions under Category II offences and has the second highest rate of conviction in this category.
- Among the Category II offences that ended in conviction, abetment for sexual harassment has 100% conviction rate as there is only one such disposed case that ended in a conviction. Attempt to commit aggravated penetrative sexual assault on the other hand has the lowest rate of conviction.
- Among all attempt cases, the rate of conviction is 100% for attempt to commit sexual harassment with one disposed case that ended in conviction, followed by attempt to commit aggravated sexual assault and attempt to commit penetrative sexual assault.
- There are 3 disposed cases of failure to report in Category III. None ended in a conviction.
- Of the 540 disposed cases where the offence is not known, 109 ended in a conviction, bringing the rate of conviction to 20.19%.

**No. and Percentage of Hearings by Purpose of Hearing
Delhi
(2012 to 07 March, 2012)**



Type of Disposal	Number of Cases Disposed in Single Hearing and Type of Disposal
Convicted	0
Acquitted	1
Transferred	2
Discharged	3
Untraced	18
Abated	7
Quashed	5
PO Consigned	8
Other Disposal	44
Total	88

No. of Hearings

- The average number of hearings in disposed cases comes to 17 - **The Question is in how much time?**

The only exception has been the Muzaffur Trial ...

- Among the disposed cases, the maximum number of hearings held is 124, in a case of sexual abuse of girls in a child care institution in Muzaffarpur district of Bihar which drew a lot of media attention. The case was transferred in February 2019 from a local court in Muzaffarpur to the Special Court conducting trials under the POCSO Act in the South District in Delhi. The Supreme Court had directed the trial to be concluded within six months through day-to-day hearings. The case ended in conviction of 19 out of the 20 accused persons within 350 days from its registration in the CIS. To that extent, even though day-to-day hearings were not possible in this case, it is one of those rarest of rare cases where trial has been conducted in a time bound manner.
- While speedy trial should not be at the cost of fairness of trial and due process, this case does point to the fact that when effective hearings are held and unnecessary adjournments are disallowed, trials can be expedited and justice can be met without undesirable delays.

Case Age and Time Taken for Disposal

- **The average age for both disposed and pending cases from Delhi is 2.1 years.**
- **The oldest disposed case is 2482 days or 6.8 years old.**
- **The oldest pending case is 2679 days or 7.3 years old.**
- **Of all pending cases in the respective States/UT, Delhi has the largest percentage of cases pending for more than 2 years - 44.29% in Delhi, 22.76% cases in Assam and 5.80% in Haryana**
- **Maximum number of cases where disposal has taken more than five years are from Delhi.**
- **Of the three States/UT, Haryana fares better on the rate of disposal as well as the time taken for disposal, followed by Assam and at last Delhi. However, Haryana also records a high rate of cases ending in acquittal.**

Time Taken for Disposal		No. of Disposed cases	%
≤ 365 days	≤ 1 yr.	939	40.03
366 - 730 days	1 yr. - 2 yrs.	444	18.93
731 - 1095 days	2 yrs. - 3 yrs.	298	12.70
1096 - 1460 days	3 yrs. - 4 yrs.	203	8.65
1461 - 1825 days	4 yrs. - 5 yrs.	190	8.10
≥ 1826 days	> 5 yrs.	272	11.59
Total		2346	100%

Nature of Disposal and Time Taken for Disposal (in percent)

Delhi

(2012 to 07 March, 2020)

Nature of Disposal	≤ 1 yr.	1 - 2 yrs.	2 - 3 yrs.	3 - 4 yrs.	4 - 5 yrs.	> 5 yrs.	> 2 yrs.
	≤ 365 days	366 - 730 days	731 - 1095 days	1096 -1460 days	1461 - 1825 days	≥ 1826 days	≥ 731 days
Abated	43.21	23.46	18.52	8.64	3.70	2.47	33.33
Acquitted	35.56	22.35	13.29	8.53	7.37	12.90	42.09
Convicted	11.05	11.57	17.74	17.48	18.51	23.65	77.38
Discharged	77.53	17.98	3.37	1.12	0.00	0.00	4.49
Transferred	69.39	16.33	2.04	4.08	6.12	2.04	14.29
Quashed	40.58	24.64	18.84	5.80	7.25	2.90	34.78
Untraced	87.04	9.26	3.70	0.00	0.00	0.00	3.70
PO Consigned	40.57	25.47	11.32	8.49	8.49	5.66	33.96
Other Disposal	85.51	7.73	4.83	0.48	0.97	0.48	6.76
Total	40.03	18.93	12.70	8.65	8.10	11.59	41.05

*NA - Not Applicable as there is no such disposal

Time taken in Cases that ended in Conviction and Acquittal

Among cases that ended in acquittal –

- The share of acquittals in all disposed cases is the lowest in Delhi (1302 out of 2346) compared to Assam (1596 out of 2706) and Haryana (1933 out of 3045).
- However, acquittals that took more than two years for disposal from the date of registration in the CIS are the highest in Delhi (42.09%) compared to Assam (18.92%) and Haryana (3.52%).

Among cases that ended in conviction –

- A significant 77.38% of cases have taken two or more years for disposal.
- Another 23.65% have taken more than five years
- 18.51% have taken four to five years for disposal

This is a pressing concern, considering that only 389 of all 2346 disposed cases in Delhi have ended in a conviction.

The background of the slide is a blurred 3D bar chart. The chart features several bars of varying heights and colors, including shades of blue, green, and orange. Numerical values are printed on top of the bars, though they are out of focus. Visible numbers include 39.4, 1.4, 11.6, 9.5, and 37.8. The overall aesthetic is professional and data-oriented.

Overcoming Challenges and Way Forward

Addressing Pendency

Creation of new courts is often offered as a solution for pendency but the question is **How do we plan for more courts, where and how many?**

- **Scheme on Fast Track Special Courts (FTSCS)** – Launched by the Department of Justice in 2019 for Expeditious Disposal of Cases of Rape Cases under the POCSO Act
- The scheme envisages creation of 1023 FTSCs in 30 States and UTs (389 exclusively to handle POCSO Act cases and 634 to deal with either rape cases or both rape and POCSO Act cases, depending on the pendency and requirement)
- The goal envisaged under the scheme for disposal of cases by each court is “41-42 cases in each quarter and at least 165 cases in a year.”
- The scheme supports funds for 16 courts in Delhi (11 exclusively to handle POCSO Act cases and 5 to deal with either rape cases or both rape and POCSO Act cases). As on 07.03.2020, Delhi already had 26 courts to try cases under the POCSO Act.
- Of the three States/UT studied, Delhi has highest court caseload and pendency despite 26 courts spread over 11 districts hearing cases under the POCSO Act as on 07 March, 2020.
- Even the Special Courts in South East district in Delhi, which have the lowest caseload of 190 cases per court cannot achieve this goal.
- **Solution: Evidence based planning and programming**

Towards Data informed Planning & Intervention

- Number of districts in each State are divided into 5 quintiles or segments for each of the three variables - court caseload, pendency percentage and rate of disposal. They are colour coded.

Colour Code	Quintile	Court Caseload, Pendency percentage and Rate of Disposal	Status
	1st Quintile	Lowest	Good
	2nd Quintile	Low	Better
	3rd Quintile	Between low and high	Satisfactory
	4th Quintile	High	Bad
	5th Quintile	Highest	Worst

**Court Caseload, Pendency and Disposal
District Report Card
Delhi**

District	Total Caseload (2019)	Pendency Percentage at the end of 2019	Rate of Disposal at the end of 2019
New Delhi	365	95%	5%
North East	401	84%	16%
East	591	96%	4%
South East	591	93%	7%
Shahdara	612	91%	9%
Central	677	86%	14%
South	687	93%	7%
South West	809	86%	14%
North	932	89%	11%
North West	954	85%	15%
West	1246	82%	18%

Districts requiring attention

- New Delhi district in the 1st quintile, having lowest court caseload but very high pendency. Of 5% cases disposed, 44% have been quashed or discharged, which is the highest among all districts and calls for further investigation. 24% of the cases disposed have ended in acquittal.
- East district in the 2nd quintile has comparatively low caseload, but substantially high pendency and low disposal rate. The rate of acquittals too is as high as 62%.
- Shahdara district in the 3rd quintile, as caseload is comparatively low, but pendency is on the higher side. Even though 14% cases stand disposed (maximum being 18% disposal in West district), 51% of these end in acquittal.
- South district in the 4th quintile stands out with a fairly high caseload and significantly high pendency percentage of 93% and a disposal rate of only 7%. The rate of acquittal too is as high as 55%.
- North district in the 5th quintile has significantly high caseload. Pendency is also on the higher side at 89%. Even though 11% cases stand disposed, the rate of acquittals is highest among all districts at 64%.

Note: For type of disposal in the districts, refer to slide 13.

More from District Report Card - Delhi

Districts identified with maximum and minimum contribution to the total number of cases

- Highest contribution to court caseload of POCSO cases in Delhi is from the West District and lowest from New Delhi District
- The West district falls in the red zone with the highest caseload.
- While the management of caseload appears to be better with lowest pendency and highest rate of disposal, the second highest rate of acquittals is a cause for worry.

Way Forward

Non-negotiables for e-Courts portal and judgements

- Standardised and uniform practice in uploading data on the e-Courts portal
- Drop-down menus to reduce scope for error in data input
- Standardised framework for capturing essential case related information through judgments and orders

Harmonising the goals of privacy and confidentiality of victims with the goals of judicial data transparency and accountability

- A study by law students of Macquarie University, Sydney titled, *“Balancing Children’s Confidentiality and Judicial Accountability: A Cross-Country Comparison of Best Practices Regarding Children’s Privacy in the Criminal Justice System”* shows:
 - Use of Initials or Pseudonyms
 - Redacting names from the records
 - Clear guidance on access to court records - for litigants and for purposes of research are found in some countries to ensure judicial data transparency and accountability

Other Key Recommendations for Improving Data Management and Access

- Minimizing scope for data inconsistencies through effective data entry practices and interlinkages between the police and court data with the use of technology.
- NCRB must provide state and district level data with respect to police and court disposal of all crimes against children with clear indicators for disposal of cases without trial and disposal through trial.
- Training and Capacity Building of Judges and Court Staff.
- Currently, there is no scope in the e-Courts portal to capture child-friendliness of Special Courts in the justice delivery process. Since the law makes specific provisions in this regard, indicators that can measure child friendly court practices can fill the gap between theory and practice and identify areas for further improvement in law, policy and action.
- It will be equally important to have data on assignment of support persons in a case and availability of legal aid or legal representation to the child.

Full report is available at:

<https://www.haqcrc.org/wp-content/uploads/2021/11/unpacking-judicial-data-to-track-implementation-of-the-pocso-act-in-assam-delhi-and-haryana-full-report.pdf>

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