

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

FACTSHEET - HARYANA

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, Haryana has a share of 23.41% of cases whereas National Capital Territory of Delhi has 47.34% 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 then Haryana.

Data Challenges

- In 23 from Haryana the year of registration of the First Information Report (FIR) was found missing under the “FIR Details” on the e-Courts.
- On the e-Courts portal, the district of Narnaul is displayed as Mahendragarh whereas district Nuh is displayed as Mewat. There are no cases from Narnaul (Mahendragarh), Nuh (Mewat) and Karnal in the total count of cases considered for the research.
- At the time of data mining from the e-Courts portal, cases from the district of Nuh (Mewat) could not be downloaded due to technical hurdles. A total of 156 cases from the State of Haryana have been missed out because of poor network and poor functionality of the e-Courts server.
- 36 cases from the district of Karnal and 55 cases from Narnaul (Mahendragarh) district that are not part of the final count of cases because of invalid case type, i.e. case types such as REMP, CHI, CHA etc.

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 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 Haryana & Data Mismatch

No. of cases registered under the POCSO Act		
Year of Registration	Haryana (e-Courts Portal)	Haryana (NCRB Portal)
2012	0	276
2013	2	388
2014	111	3
2015	379	440
2016	587	1020
2017	868	1139
2018*	1172	1933
2019**	1259	2085
23 April, 2020	253	NA
Total	4631	7284

*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

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%**

**District-wise Details of Cases
Haryana**

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
Bhiwani	37	Bhiwani Sadar	9
Yamunanagar	92	Women Police Station	16
Panchkula	109	Women Police Station MDC Panchkula	42
Kaithal	172	Women Police Station Kaithal	43
Kurukshetra	174	Women Police Station	52
Palwal	186	Women Police Station Palwal	90
Rewari	192	Women Police Station Rewari	57
Panipat	214	Samalkha	34
Jind	228	Women Police Station Jind	64
Rohtak	241	Meham	30
Fatehabad	257	Women Police Station Fatehabad	100
Jhajjar	267	Jhajjar	64
Ambala	276	Women Police Station	64
Hisar	281	Hisar Sadar	43
Sirsa	297	Sirsa Women	55
Sonepat	351	Gannaur	50
Gurugram	492	Women Police Station Manesar	39
Faridabad	765	Women Police Station Old Faridabad	163

Police Stations contributing to high number of cases

Police Stations with Maximum Cases in each of the Top 5 Districts

Haryana

2012 to 21 March, 2020

District	Police Station	No. of Cases
Faridabad	Women Police Station Old Faridabad	163
Sirsa	Sirsa Women	55
Sonepat	Gannaur	50
Hisar	Hisar Sadar	43
Gurugram	Women Police Station Manesar	39

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

Offences	Haryana
PSA	27.58
APSA (highest pendency)	43.42
SA	12.95
ASA	7.52
SH	8.05
CP	0.00
PSA + CP	0.13
APSA + CP	0.27
APSA + Storage of CP	0.00
SA + CP	0.07
ASA + CP	0.00
SH + CP	0.00

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	Haryana
Abetment of PSA	0.00
Abetment of APSA (highest pendency)	58.00
Abetment of SA	6.00
Abetment of ASA	0.00
Abetment of SH	4.00
Abetment of CP	30.00
Abetment of APSA + CP	2.00
Abetment to SH + CP	0.00
Abetment of SA + Storage of CP	0.00
Abetment of PSA + CP + Storage of CP	0.00

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	Haryana
Attempt to PSA	18.18
Attempt to APSA (highest pendency)	51.52
Attempt to SA	21.21
Attempt to ASA	9.09
Attempt to SH	0.00

District-wise Nature of Disposal
Haryana
(2012 to 21 March, 2020)

District	Abated	Acquitted	Convicted	Discharged	Transferred	Quashed	PO Consigned	Other Disposal	Acquittal (%)	Conviction (%)
	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I = (Col. B/ Total of Col. A to H) x 100	Col. J = (Col. C/ Total of Col. A to H) x 100
Ambala	2	124	46	0	1	0	0	3	70.45	26.14
Bhiwani	0	3	2	0	0	0	0	0	60.00	40.00
Faridabad	0	293	176	1	3	4	3	20	58.60	35.20
Fatehabad	0	146	32	1	0	0	0	10	77.25	16.93
Gurugram	0	176	67	1	6	0	0	20	65.19	24.81
Hisar	2	122	59	0	4	0	1	7	62.56	30.26
Jhajjar	0	183	43	0	2	0	1	4	78.54	18.45
Jind	0	80	42	0	0	0	0	8	61.54	32.31
Kaithal	0	88	34	0	0	0	0	5	69.29	26.77
Kurukshetra	2	66	38	0	0	0	0	4	60.00	34.55
Palwal	1	40	23	0	2	0	0	8	54.05	31.08
Panchkula	1	24	26	1	0	0	0	6	41.38	44.83
Panipat	0	82	46	1	3	0	0	2	61.19	34.33
Rewari	3	62	48	0	1	0	0	7	51.24	39.67
Rohtak	0	117	53	0	1	0	0	3	67.24	30.46
Sirsa	2	139	42	0	0	0	0	13	70.92	21.43
Sonepat	0	131	123	0	3	0	0	11	48.88	45.90
Yamunanagar	2	57	25	0	0	0	0	1	67.06	29.41
Total	15	1933	925	5	26	4	5	132	63.48	30.38

Poor Recording of Type of Disposal

e-Courts shows a different nature of disposal than that in the order

- Some of the cases from Haryana falling under the heading of 'CONSIGNED', the nature of disposal mentioned on the e-Courts portal is different from what the order states.
- In one such case the accused had died and the nature of disposal should have been recorded as "Abated", instead it figures as 'CONSIGNED'.
- In another case where the nature disposal is mentioned as 'CONSIGNED', the Punjab & Haryana High Court has actually quashed the proceedings.

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 eCourts portal?

Poor Recording of Type of Disposal

eCourts shows case ended as “compromised” but actually is should be “acquittal”

- A case is registered under section 12 of the POCSO Act, sections 354A/D and 452 of the IPC, and section 3(1)(i) of the SC/ST (Prevention of Atrocities) Act. An order of the Sessions Court trying the case states, *“the complainant and other witnesses have today come present in the court and got recorded their statements with regard to compromise. The parties have been identified by their counsels. Report to this effect be sent to Hon’ble Punjab & Haryana High Court forthwith. Now the case is adjourned to 23.01.2019 for awaiting further order from Hon’ble Punjab & Haryana High Court.”*
- In its final order/judgment, the Sessions Court has taken note of the quashing of proceedings by the High Court and acquitted the accused.

Released on Probation

2 cases from Haryana, 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.

Consigned after Proceeding u/s 299 CrPC

- Of the 15 cases where disposal is recorded as “Consigned after proceedings under section 299 of CrPC”, a sample of 3 cases was taken up for further probe.
- It was found that - the court orders in these cases record the fact of the accused absconding and/or being declared a proclaimed offender and state that the file be consigned to the record room with a red ink note that it shall not be destroyed and will be taken up as and when the accused is arrested or surrenders.

Convictions and Acquittals

- Jhajjar has the highest acquittal rate of 78.54%, followed by Fatehabad at 77.25%, Sirsa at 70.92% and Ambala at 70.45%.
- Sonapat accounts for the third highest share of crimes under the POCSO Act in the State and has the highest rate of conviction at 45.9%. The second highest rate of conviction is found in Panchkula at 44.83%, whereas the number of cases under the POCSO Act in Panchkula is 109 as against 351 in Sonapat.
- Faridabad and Gurgaon have been in the news for recording the highest number of cases in the state under the POCSO Act. Between the two, Faridabad has a better rate of disposal and conviction. Faridabad has the highest share of 765 cases registered under the POCSO Act in the State between 2012 and 21 March, 2020, of which 500 stand disposed, and the rate of conviction in the district is 35.2%. Gurugram has the second highest share of 492 registered cases, of which 270 cases are disposed and the conviction rate is 24.81%.
- In many of the cases that figure in the category of “other disposal”, where the courts have mentioned that the cases are disposed with directions, the nature of directions cannot be ascertained from the information available on the e-Courts portal.

Haryana - District-wise Rate of Conviction (2012 to 21.03.2020)

District	2012	2013	2014	2015	2016	2017	2018	2019	2020 (Up to 21.03.2020)	Total (14.11.201 2 to 21.03.2020)
Fatehabad	0.00	0.00	0.00	20.00	0.00	13.16	17.24	20.75	100.00	16.93
Jhajjar	0.00	0.00	0.00	13.33	29.17	12.90	28.89	17.50	5.56	18.45
Sirsa	0.00	0.00	0.00	30.77	25.93	8.33	23.08	29.55	15.38	21.43
Gurugram	0.00	0.00	0.00	16.67	31.58	33.33	11.54	26.32	25.93	24.81
Ambala	0.00	0.00	0.00	16.67	13.79	28.57	45.45	25.40	28.57	26.14
Kaithal	0.00	0.00	0.00	0.00	20.00	19.05	30.56	29.31	14.29	26.77
Yamunanagar	0.00	0.00	0.00	54.17	12.82	23.53	33.33	100.00	0.00	29.41
Hisar	0.00	0.00	0.00	50.00	16.67	18.92	41.18	32.56	7.69	30.26
Rohtak	0.00	0.00	0.00	7.14	4.35	23.33	48.84	50.00	33.33	30.46
Palwal	0.00	0.00	0.00	0.00	0.00	0.00	16.67	35.48	53.85	31.08
Jind	0.00	0.00	0.00	33.33	33.33	35.29	37.50	22.81	60.00	32.31
Panipat	0.00	0.00	0.00	66.67	36.36	21.05	41.67	34.78	12.50	34.33
Kurukshetra	0.00	0.00	0.00	40.00	57.14	25.00	34.15	33.33	33.33	34.55
Faridabad	0.00	0.00	0.00	0.00	22.22	20.34	40.15	36.78	40.00	35.20
Rewari	0.00	0.00	0.00	0.00	50.00	34.62	51.28	42.42	15.38	39.67
Bhiwani	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00	40.00
Panchkula	0.00	0.00	0.00	40.00	40.00	20.00	41.67	57.14	40.00	44.83
Sonepat	0.00	0.00	20.00	27.50	30.61	55.00	60.78	46.77	66.67	45.90

**Rate of Conviction by Type of Offence in Category I - Haryana
(2012 to 21.03.2020)**

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	943	337	35.74	38.34
PSA	861	263	30.55	29.92
SA	550	131	23.82	14.90
SH	289	74	25.61	8.42
ASA	225	72	32.00	8.19
APSA + Storage of CP	1	1	100.00	0.11
PSA + CP	4	1	25.00	0.11
APSA + CP + Storage of CP	1	0	0.00	0.00
ASA + CP	1	0	0.00	0.00
SH + CP + Storage of CP	1	0	0.00	0.00
Total Category I Offences	2876	879	30.56	100.00

**Rate of Conviction by Type of Offence in Category II - Haryana
(2012 to 21.03.2020)**

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
Attempt to APSA	29	9	31.03	36.00
Abetment of APSA	23	7	30.43	28.00
Attempt to PSA	15	3	20.00	12.00
Attempt to ASA	5	2	40.00	8.00
Abetment of CP	12	2	16.67	8.00
Abetment of SA	9	1	11.11	4.00
Attempt to SA	13	1	7.69	4.00
Abetment of PSA	1	0	0.00	0.00
Abetment of ASA	1	0	0.00	0.00
Abetment of SH	2	0	0.00	0.00
Abetment of PSA + CP	1	0	0.00	0.00
Abetment of APSA + Attempt to APSA	1	0	0.00	0.00
Total Category II Offences	112	25	22.32	100.00

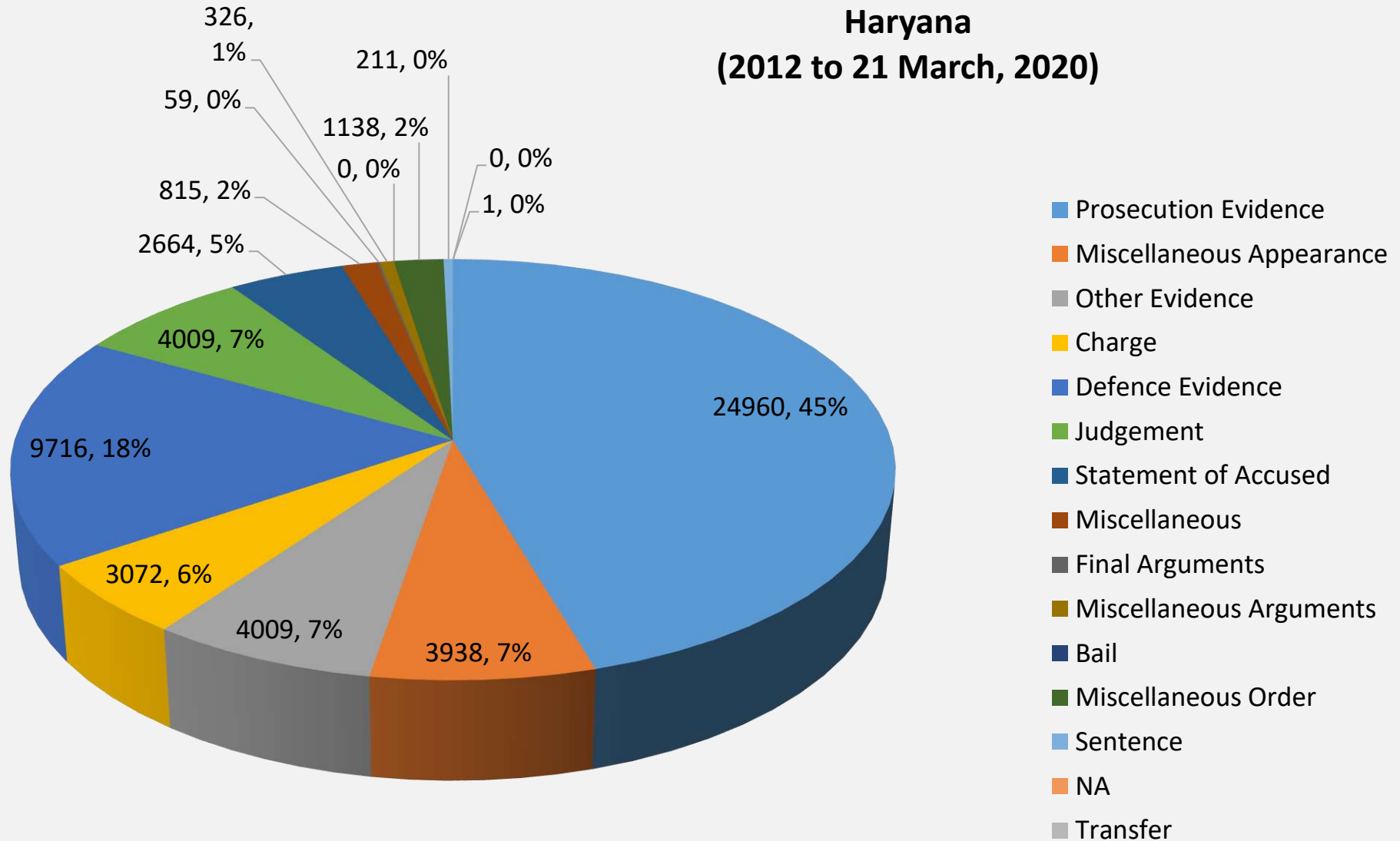
Rate of Conviction by Type of Offence in Category III - Haryana
(2012 to 21.03.2020)

Type of Offence	No. of Cases Disposed	No. of Cases that ended in Conviction	Rate of Conviction
False reporting	1	1	100.00
Total Category III Offences	1	1	100.00

Offence-wise Rate of Conviction

- The State of Haryana contributes significantly to the overall rate of conviction in cases analysed for this study and to higher convictions under certain types of offences.
- Aggravated penetrative sexual assault has the highest share in total Category I convictions. The rate of conviction for aggravated penetrative sexual assault is also the highest among all cases disposed under Category 1. Penetrative sexual assault has the second highest share in total Category I convictions and a comparatively higher rate of conviction too.
- Attempt to commit aggravated penetrative sexual assault and abetment of aggravated penetrative sexual assault together comprise 64% of all Category II convictions. The rate of conviction for these offences is greater than the State average of 22.32% for Category II convictions.
- While the share of aggravated sexual assault in total Category I convictions and share of attempt to commit aggravated sexual assault in total Category II convictions is as low as 8%, both have a higher-than-average rate of conviction for the respective category of offences.
- There is only one disposed case of false reporting in Category III that ended in a conviction.
- Rate of conviction for 56 disposed cases where the offence is not known is 35.71%.

No. and Percentage of Hearings by Purpose of Hearing Haryana (2012 to 21 March, 2020)



Number of Cases Disposed in Single Hearing and Type of Disposal

Type of Disposal	Haryana
Convicted	0
Acquitted	3
Transferred	2
Discharged	0
Untraced	0
Abated	0
Quashed	0
PO Consigned	0
Other Disposal	17
Total	22

No. of Hearings

- On the basis of available data, on an average 16 hearings in a disposed case.
- The stage of “Prosecution Evidence” has the largest share of 45% in total hearings followed by “Miscellaneous Appearance” (7%), “Other evidence” (7%) and the stage of “Charge” (6%).
- 22 cases are disposed in a single hearing, of which 17 cases are under the heading of ‘Other Disposal’.

Case Age and Time Taken for Disposal

- In Haryana, the average age is 0.9 years for disposed cases and 0.8 years for pending cases.
- The **oldest disposed case** is 1461 days or **4 years old**.
- The **oldest pending case** is 1688 days or **4.6 years old**.
- **Pending cases with an age of two years or less are 77.24% in Assam, 55.71% in Delhi and 94.20% in Haryana.**
- **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**
- 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 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.	1817	59.67
366 - 730 days	1 yr. - 2 yrs.	1074	35.27
731 - 1095 days	2 yrs. - 3 yrs.	145	4.76
1096 - 1460 days	3 yrs. - 4 yrs.	8	0.26
1461 - 1825 days	4 yrs. - 5 yrs.	1	0.03
≥ 1826 days	> 5 yrs.	0	0.00
Total		3045	100%

Nature of Disposal and Time Taken for Disposal (in percent)
Haryana
(2012 to 21 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	53.33	40.00	6.67	0.00	0.00	0.00	6.67
Acquitted	67.77	28.71	3.41	0.10	0.00	0.00	3.52
Convicted	39.35	51.68	8.22	0.65	0.11	0.00	8.97
Discharged	80.00	20.00	0.00	0.00	0.00	0.00	0.00
Transferred	100.00	0.00	0.00	0.00	0.00	0.00	0.00
Quashed	75.00	25.00	0.00	0.00	0.00	0.00	0.00
Untraced	NA	NA	NA	NA	NA	NA	NA
PO Consigned	40.00	40.00	20.00	0.00	0.00	0.00	20.00
Other Disposal	75.76	23.48	0.76	0.00	0.00	0.00	0.76
Total	59.67	35.27	4.76	0.26	0.03	0.00	5.06

*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 –

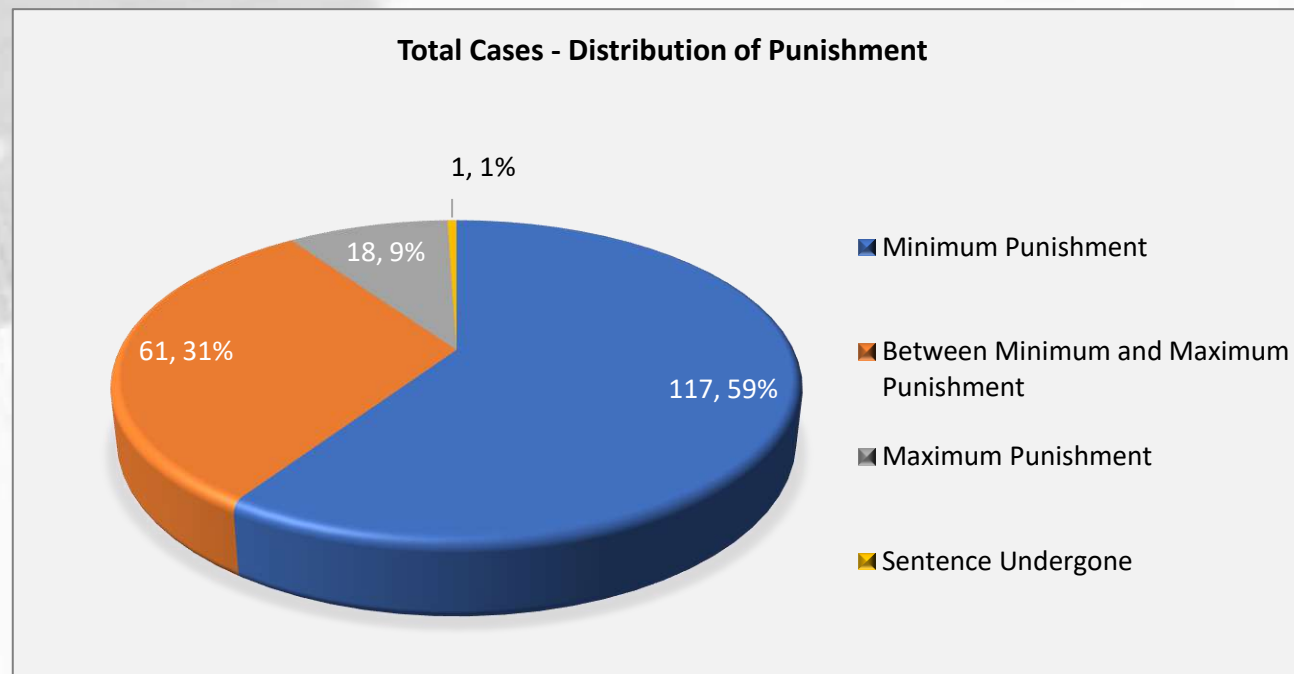
- A significant 91% of cases have taken two or less than two years for disposal.
- Remainder 9% have taken more than two years (8% in the 2-3 year bracket)

Sentencing

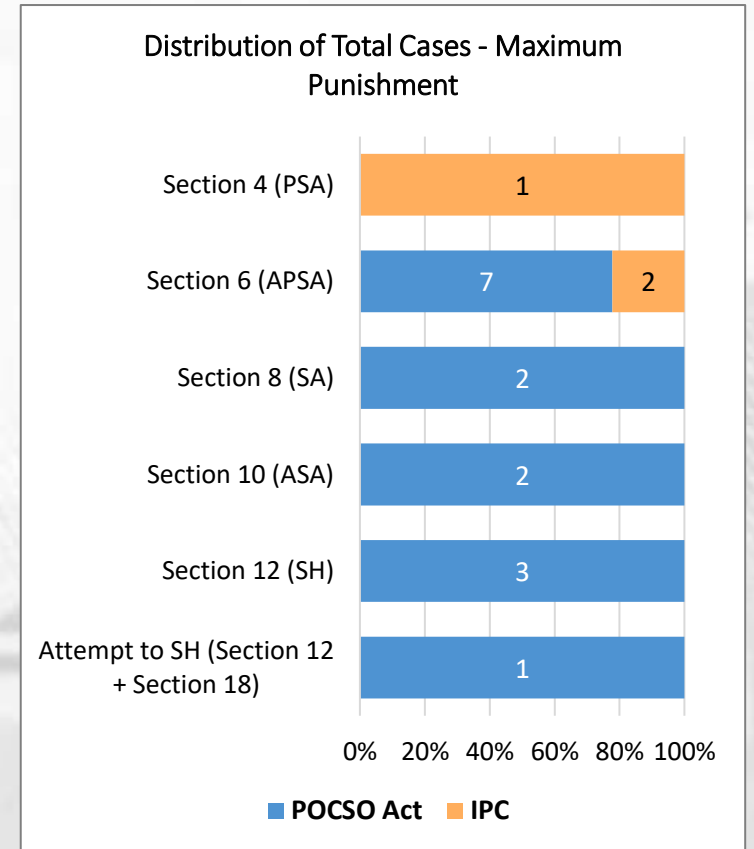
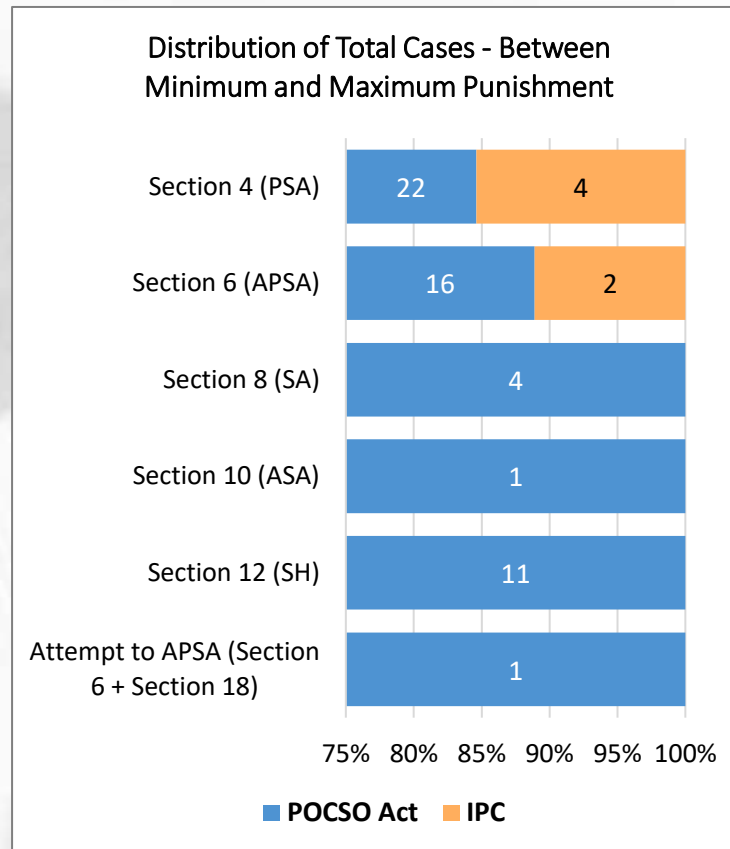
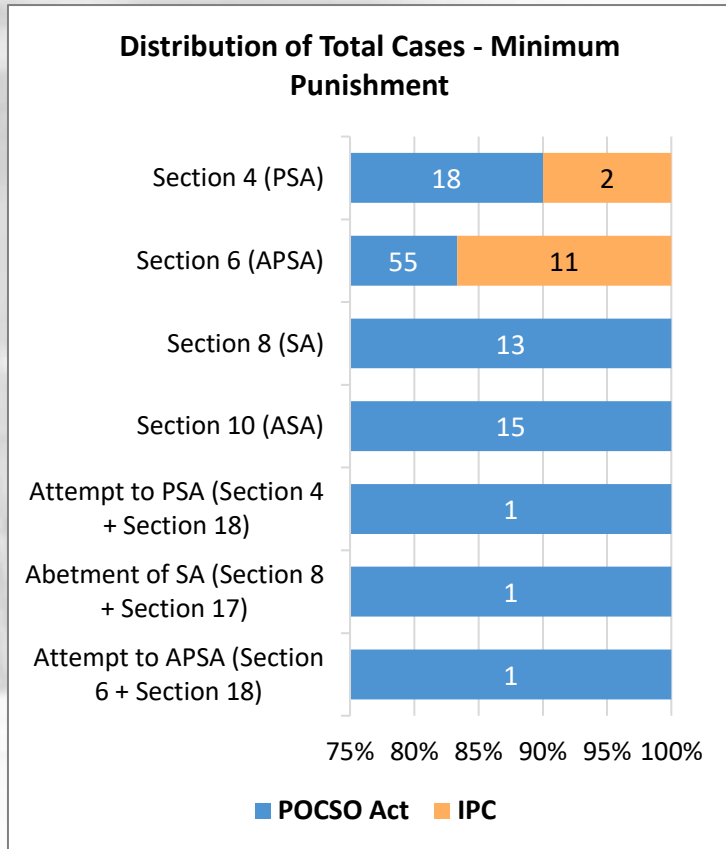
- The **scope** of analysis is limited to imprisonment and fine imposed in a sample set of 197 cases from the State of Haryana. This analysis is based on data fetched through annotation of judgments and scaling up and verifying the information thus generated.
- The said cases have been analysed basis the punishment given - **minimum, maximum or between minimum and maximum prescribed.**
- The analysis on quantum of sentence is presented under 2 categories based on the acts under which the sentence is awarded to the convict:
 - (i) Convicted and sentenced under the POCSO Act**
 - (ii) Convicted under the POCSO Act and sentenced under the IPC**

Sentencing – Imprisonment

- Of the 197 cases – 59% of the cases the minimum imprisonment sentence was given; 31% between minimum and maximum and in 9% of the cases the maximum sentence was given (1% the convicted had already undergone the sentence)



Overall Distribution of Sentencing



Sentencing – Unwarranted disparity

Doing away with discretionary power – feasible?

- Of the 197 cases, there are no cases where the courts have gone below the prescribed minimum sentence. The discretion of the courts in such cases to go below the minimum punishment prescribed was taken away with the enactment of the POCSO Act in 2012 and by the Amendment 2013, which together introduced the regime of ‘mandatory minimum sentences’ in cases of sexual crimes against women and children.
- The need of the hour is to have **clear guiding principles of sentencing policy** laid out in order to assist the courts in passing sentence orders in a manner that the **“unwarranted disparity” is reduced to a great extent.**

Sentencing – Fine Imposed

Amount	PSA (Section 4)	APSA (Section 6)	SA (Section 8)	ASA (Section 10)	SH (Section 12)
< 10,000	21%	8%	84%	33%	93%
10,000 to 20,000	53%	59%	16%	33%	7%
Between 20,000 and 25,000		2%			
25,000 to 50,000	11%	14%		22%	
= 50,000	11%	14%		11%	
1 Lakh	4%	2%			
> 5 Lakh		1%			

Fine Imposed – Issues

- Fines to the tune of INR 50,000 or INR 1,00,000 and more, without any reasonable justification seem out of proportion in cases where the convict has pleaded his poverty or incapacity to pay. If the intent of the courts is to send a message to the society by imposing such hefty fine amounts, the intent may be defeated as it is highly unlikely and impractical that the convicts would be able to pay such hefty fine amounts
- No data available in public domain on whether the said fine amount imposed has been recovered from the convict or if the convict undergoes imprisonment sentence for default of payment of fine

Victim Compensation – Scope & Key Findings

- **Lack of information on victim compensation in most judgements or orders on sentence** - While final compensation may still find a mention in the sentence order, interim compensation finds no mention in any orders of the Special Courts
 - Of the total 197 cases analyzed for imprisonment & fine imposed, a sample of 25 cases was chosen randomly for assessment on victim compensation through judgement annotation. Out of these 25 cases, victim compensation was granted in 23 cases.
 - The compensation granted by the courts is two-fold:
 - victim compensation out of the fine imposed on the convict + compensation granted to the victim out of the victim compensation scheme or fund established by the state government - 20 cases
 - victim compensation only out of the fine imposed on the convict - 3 cases
-
- Maximum amount of compensation granted is 5 lakh, out of the fine imposed.
 - Minimum amount of compensation granted is INR 30,000/-, also out of fine in a case of penetrative sexual assault.
 - Maximum amount of compensation under Section 357 A r/w Section 33(8) and Rule 7 of POCSO is 5 lakh
 - Minimum amount of compensation under Section 357A r/w Section 33(8) and Rule 7 of POCSO is 1 lakh

The background of the slide is a blurred 3D bar chart. The chart features several vertical 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 Haryana (12 exclusively to handle POCSO Act cases and 4 to deal with either rape cases or both rape and POCSO Act cases).
- Of the bottom 3 districts in Haryana with lowest share in court caseload in the State, all require attention as they also account for poor rates of pendency and disposal in the State.

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
Haryana**

District	Total Caseload (2019)	Pendency Percentage at the end of 2019	Rate of Disposal at the end of 2019
Yamunanagar	6	67%	33%
Bhiwani	19	100%	0%
Kurukshetra	64	86%	14%
Panchkula	77	73%	27%
Rohtak	90	69%	31%
Rewari	97	66%	34%
Kaithal	102	43%	57%
Fatehabad	115	54%	46%
Panipat	121	62%	38%
Jhajjar	125	36%	64%
Palwal	137	77%	23%
Sirsa	138	68%	32%
Sonepat	155	60%	40%
Jind	157	64%	36%
Hisar	162	47%	53%
Ambala	164	62%	38%
Gurugram	348	67%	33%
Faridabad	509	52%	48%

More from District Report Card - Haryana

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

Highest contribution to court caseload of POCSO cases in Haryana is from the Faridabad District and lowest from Yamunangar District

Although the Faridabad district falls in the red zone with the highest caseload, management of caseload appears to be better.

Jhajjar district has the lowest pendency percentage compared to other districts.

Pendency percentage starts at 36% in Jhajjar and goes upto 100% in the Bhiwani district.

Districts requiring attention

- Panchkula in the 2nd quintile, given that the caseload is on the lower side and yet the pendency percentage is relatively high and rate of disposal is relatively low;
- Panipat in the 3rd quintile, as the other 3 districts in this quintile are doing comparatively better on pendency and disposal;
- Palwal in the 4th quintile, which accounts for lowest court caseload among the 4 districts in this quintile but has a significantly high pendency percentage and low rate of disposal.
- Of the 18 districts in Haryana, Yamunanagar in the 1st quintile has the lowest court caseload with only 6 cases at the end of 2019. However, the district should not fall off the radar only because it has a low court caseload.

Note: For type of disposal in the districts, refer to slide 10.

The Haryana Example

- 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.
- Among the top 4 districts with highest court caseload, Gurugram and Ambala provide sufficient cause for concern as the pendency percentage in these 2 districts is more than the overall pendency percentage of 60% for cases under the POCSO Act in Haryana in 2019.
- Interestingly, Faridabad district in the 5th quintile has the highest court caseload in the State, but pendency percentage and rate of disposal are better than many of the other districts in the State. It will be worth studying how the courts in Faridabad manage their caseload better.

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.

Sentencing & Fine Imposed – Recommendations

- **Access to all the judgements and sentence orders** for a systematic and large-scale analysis of judgments in terms of the approach to sentencing and the sentencing principles followed by courts in cases under the POCSO Act
- **Need for policy guidelines on sentencing to minimize the unwarranted disparity and arbitrariness** in awarding of sentences.
 - It is not a question of restraining the discretion of courts, but of providing guidance that can promote objectivity in sentencing and lead to uniform practices based on an agreed approach to the criminal justice goals – Dr. Mrinal Satish
 - Judicial discretion framed within clear policy guidelines is likely to be more effective in increasing the rates of conviction and extending justice to a larger number of victims as well as meeting the deterrent objective of the POCSO Act – Shraddha Chaudhary [CCL-NLSIU]
- **Need to focus on thorough investigation, fairness of trial and certainty of conviction instead severity of punishment.**
- More research is required with respect to the fines imposed, the capacity of the convicts to pay the amount of fine and what happens if they are unable to pay - to help **evolve certain guidelines and a rational basis for the courts to follow while imposing fine.**

Victim Compensation – Recommendations

- There should be **separate order on victim compensation**
- There is need for **systematic compilation of data on victim compensation**
- **Victim compensation be included as a data field in CIS and uploaded on e-Courts portal**
- **Compensation orders, both interim and final, must be made available on the e-Courts portal for the benefit of the child and purposes of review and research**
- **POCSO Courts to determine the quantum of compensation as expected in law instead of DLSA.** Role of DLSA should be of disbursement of the amount decided by the court (in 8 cases, the amount is left to be determined by DLSA Amount of **fine imposed must be based on verification of the capacity of the accused to pay fine and this should not deter the courts from awarding compensation under Section 357A r/w Section 33(8) of the POCSO Act**
- Courts should conduct a **needs assessment in the case of each victim and determine the need for interim and final compensation as well as the quantum of compensation with the help of support persons assigned by CWC or DLSA**
- **Grant of final compensation must be regardless of the outcome of the case if the fact of abuse stands established.**

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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