



# The 2021 Factbook

The background of the cover is a blue-tinted photograph of two children standing on a grassy hill. The child on the left is smaller and is holding the hand of the taller child on the right. They are silhouetted against a bright, hazy sky with soft clouds, suggesting a sunset or sunrise. The overall mood is peaceful and hopeful.

Children's access to  
justice & restorative care



## Our Work

### HAQ believes:

There is a need for the realisation of human rights of children through policy, law and action. Our aim is to look at the CHILD in an integrated manner where every child's rights are recognised and promoted without discrimination.

The recognition, protection and promotion of three rights form the cornerstone of HAQ's work.

They are – **Right to Survival, Right to Childhood and Right to Equal Opportunity.**

These rights we feel form the basis of all other rights, and by ensuring them we can create the atmosphere for accessing and ensuring the other rights that every child must have.

**HAQ aims at:** Building a holistic understanding of child rights and exploring areas of concern that directly or indirectly affect children and their rights.

**HAQ's objective:** To mainstream child rights in all development planning & political agenda, locally, nationally and globally.

**HAQ's core value:** Place cause before the organisation and organisation before self.



## About this Factbook (2021)

**The following pages carry powerful insights drawn from profiles of 417 children between 2012 and 2021.**

The factbook is broken into 10 factsheets that look at the profiles of children who experienced abuse, the proximity of those accused, and the legal aspects of proceeding, acquittal, conviction, and bail.

Each factsheet includes relevant data-points to provide insights & analysis of the findings.

The document includes a callout in the bail section and stories in the final section that will provide the readers facts on what children experience, the significance of delivering legal rights to them, and how collaboration and partnership can make a difference.

**This Factbook is the latest edition of the factsheets that HAQ documents with a wide audience in mind that include those who work with children, rights activists, lawyers, students, researchers, the media, the world's citizens to whom the innocence of childhood is of utmost importance and who have made it their mission to invest in the wellbeing of children today for a safer tomorrow.**



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## Profile of Child Survivors & Case Referral

This factsheet outlines the profiles of 417 child survivors, providing insights on how the cases were referred to HAQ. This section includes 7 tables to provide insights on gender, age, sources of referrals & case intakes, those referred by Child Welfare Committees (CWCs), and case distribution across Delhi's Police Stations and Courts.

### ⇒ AGE GROUP

- While 88% of the cases are female children, 31% of them belong to the age-group of 12-15: the highest amidst cases received
- For boys, 45% of the cases are in the 6-10 year age group
- When compared within categories, incidents for females in the age group of 15-18 is 21%, and 8% for boys

### ⇒ HOW HAQ RECEIVES INFORMATION

- Child Welfare Committees (CWCs), NGOs, and Shelter Homes form the larger source from where cases are referred to HAQ - **92%**
- Other sources include the Court Staff, Family, Police, through court orders and individuals, and suo-moto

### ⇒ CASES FROM CWCs

- Kalkaji, Mayur Vihar, Sewa Kutir, and Rohini (Avantika) CWCs referred most of the cases
- CWCs referred 84% of the 417 cases

**Table 1:**  
GENDER & AGE DISTRIBUTION OF CHILDREN

Age Group (in years)	Male	Female	Total	Children in different Age Groups (%)
3 to 6	2	34	36	9%
6 to 10	22	69	91	22%
10 to 12	5	63	68	16%
12 to 15	15	115	130	31%
15 to 18	4	80	84	20%
<b>Total No. of Children</b>	<b>48</b>	<b>369</b>	<b>417</b>	<b>100%</b>
<b>Percentage</b>	<b>12%</b>	<b>88%</b>	<b>100%</b>	

**Table 2:**  
SOURCE OF REFERRAL AND CASE INTAKE

Source	Total No. of Children
CWC	352
NGOs/Shelter Home	20
Shelter Home	14
Court/Court Staff	7
Family	5
Police	7
Suo-moto	3
Individuals	9
<b>Total</b>	<b>417</b>

**Table 3:**  
CASES REFERRED BY CHILD WELFARE COMMITTEES

Name of CWCs	Total No. of Children
CWC I: Nirmal Chhaya (West)	7
CWC II: Lajpat Nagar	37
CWC III: Sewa Kutir	56
CWC IV: Mayur Vihar	62
CWC V: Dilshad Garden	17
CWC VI: Rohini (Avantika)	54
CWC VII: Nirmal Chhaya (South West)	11
CWC VIII: Kalkaji	82
CWC IX: Gole Market	19
CWC X: Alipur	7
<b>Total</b>	<b>352</b>

## Profile of Child Survivors & Case Referral

**Table 4:**  
**CASE DISTRIBUTION AS PER POLICE DISTRICTS AND  
POLICE STATIONS**

Police District	Police Station	No. of Cases
Central	Anand Parbat	6
	Chandni Mahal	4
	D.B.G. Road	1
	Hauz Qazi	2
	I.P. Estate	1
	Jama Masjid	1
	Kamla Market	1
	Nabi Karim	1
	Pahar Ganj	2
	Patel Nagar	5
	Prasad Nagar	2
	<b>Central Total</b>	
Dwarka	Chhawala	1
	Dwarka North	2
	Dwarka Sector-23	1
	Najafgarh	1
	Uttam Nagar	2
<b>Dwarka Total</b>		<b>7</b>
East	Ghazipur	3
	Jagat Puri	2
	Kalyan Puri	3
	Laxmi Nagar	1
	Madhu Vihar	4
	Mandawali	2
	Mandwali Fazalpur	2
	Mayur Vihar PH-1	13
	New Ashok Nagar	4
	Pandav Nagar	4
	Patparganj Industrial Area	2
	Preet Vihar	3
	Shakar Pur	1
<b>East Total</b>		<b>44</b>
New Delhi	Chanakya Puri	7
	Mandir Marg	1
	North Avenue	1
	South Avenue	2
	South Campus	3
	Tughlak Road	1
<b>New Delhi Total</b>		<b>15</b>

Police District	Police Station	No. of Cases
North	Burari	1
	Civil Lines	4
	Gulabi Bagh	1
	Kashmere Gate	2
	Kotwali	4
	Maurice Nagar	2
	Roop Nagar	1
	Sadar Bazar	1
	Sarai Rohilla	3
	Subzi Mandi	7
	Wazirabad	4
	<b>North Total</b>	
North East	Bhajan Pura	1
	Gokul Puri	1
	Harsh Vihar	1
	Jafrabad	2
	Jyoti Nagar	1
	Karawal Nagar	2
	Khajuri Khas	1
	Nand Nagari	1
	New Usman Pur	2
	Seelam Pur	1
Welcome	1	
<b>North East Total</b>		<b>14</b>
North West	Adarsh Nagar	4
	Ashok Vihar	4
	Bharat Nagar	4
	Jahangir Puri	6
	Keshav Puram	6
	Mahendra Park	1
	Maurya Enclave	1
	Model Town	3
	Mukherjee Nagar	1
	Rani Bagh	1
	Shalimar Bagh	3
	Subhash Place	4
<b>North West Total</b>		<b>38</b>

## Profile of Child Survivors & Case Referral

Table 4 Continues CASE DISTRIBUTION AS PER POLICE DISTRICTS AND POLICE STATIONS

Police District	Police Station	No. of Cases	Police District	Police Station	No. of Cases
Outer	Aman Vihar	7	South	Ambedkar Nagar	7
	Kanjhawala	3		Fatehpur Beri	8
	Mangol Puri	3		Hauz Khas	3
	Mundka	1		Kotla Mubarkpur	3
	Nangloi	2		Lodhi Colony	2
	Nihal Vihar	5		Maidan Garhi	2
	Paschim Vihar West	4		Malviya Nagar	4
	Raj Park	2		Mehrauli	9
	Ranhola	1		Neb Sarai	7
Sultan Puri	2	Safdarjung Enclave		2	
<b>Outer Total</b>	<b>30</b>	Saket		4	
Outer North	Alipur	2		Sangam Vihar	9
	Bawana	2		Sarojini Nagar	4
	Bhalswa Dairy	1		Tigri	4
	Narela industrial Area	2	<b>South Total</b>	<b>68</b>	
	Shahbad Dairy	1	South East	Amar Colony	3
	Swaroop Nagar	3		Badarpur	7
<b>Outer North Total</b>	<b>11</b>	Govind Puri		17	
Railways	Anand Vihar Railway Station	1		Hazrat Nizamuddin	6
	New Delhi Railway Station	1		Jait Pur	5
	Old Delhi Railway Station	1		Jamia Nagar	9
<b>Railways Total</b>	<b>3</b>	Kalindi Kunj		2	
Rohini	Budh Vihar	2		Lajpat Nagar	1
	K.N. Katju Marg	1		Okhla Industrial Estate	9
	Narela	5		Pul Prahalad Pur	3
	North Rohini	1	Shaheen Bagh	1	
	Prashant Vihar	4	Sarita Vihar	8	
	Prem Nagar	4	Sunlight Colony	5	
	Samai Pur Badli	2	<b>South East Total</b>	<b>76</b>	
	South Rohini	1	South West	Kapashera	4
Vijay Vihar	5	Palam Village		2	
<b>Rohini Total</b>	<b>15</b>	R.K. Puram		1	
Shahdara	Anand Vihar	1		Sagar Pur	1
	Farsh Bazar	1		Vasant Kunj North	2
	Gandhi Nagar	2		Vasant Kunj South	2
	Geeta Colony	1	Vasant Vihar	2	
	GTB Enclave	2	<b>South West Total</b>	<b>14</b>	
	Krishna Nagar	1	West	Inder Puri	2
	Seema Puri	1		Khyala	2
	Vivek Vihar	1		Kirti Nagar	1
<b>Shahdara Total</b>	<b>10</b>	Punjabi Bagh		1	
		<b>West Total</b>	<b>6</b>		
		<b>Grand Total</b>	<b>417</b>		

## Profile of Child Survivors & Case Referral

### ⇒ POLICE DISTRICT & POLICE STATION WISE CASES (Table 4)

- Cases fall under 16 Police Districts, 143 Police Stations
- East, South, South-East Districts have most cases - **45% (188/417)**



### ⇒ CASES AS PER COURTS (Table 5)

- Saket, Rohini, Tis Hazari, and Karkardooma courts have most cases - **78% (329/417)**

**Table 5:**  
**CASE DISTRIBUTION AS PER COURTS**

<i>Court Complex</i>	<i>Special Court</i>	<i>No. of Cases</i>
<b>Dwarka (11 Cases)</b>	Court of ASJ/FTSC/POCSO-02 (South West)	2
	Court of ASJ/FTSC/POCSO-01 (South West)	1
	Court of ASJ/FTSC/POCSO-03 (South West)	4
	Court of ASJ-1 (South West)	4
<b>Karkardooma (64 Cases)</b>	Court of ASJ-1 (Shahdara)	14
	Court of ASJ-6 (Shahdara)	5
	Court of ASJ-1 (East)	14
	Court of ASJ-6 (East)	25
	Court of ASJ-1 (North East)	6
<b>Patiala House (26 Cases)</b>	Court of ASJ-1 (New Delhi)	26
<b>Rohini (79 Cases)</b>	Court of ASJ-1 (North west)	17
	Court of ASJ-4 (North west)	13
	Court of ASJ-1 (North)	14
	Court of ASJ-5 (North)	11
	Court of ASJ/FTSC/POCSO (North)	8
	Court of ASJ-5 (North west)	11
	Court of ASJ/FTSC/POCSO (North West)	5
<b>Saket (121 Cases)</b>	Court of ASJ-1 (South)	21
	Court of ASJ-4 (South)	19
	Court of ASJ/FTSC/POCSO (South)	16
	Court of ASJ-1 (South East)	21
	Court of ASJ-6 (South East)	18
	Court of ASJ/FTSC/POCSO (South East)	26
<b>Tis Hazari (65 Cases)</b>	Court of ASJ-1 (West)	9
	Court of ASJ/FTSC/POCSO-02 (West)	3
	Court of ASJ-1 (Central)	21
	Court of ASJ-5 (Central)	2
	Court of ASJ-6 (West)	7
	Court of ASJ-7 (West)	7
	Court of ASJ/FTSC/POCSO-02 (Central)	16
<b>JJBs (51 Cases)</b>	JJB I	13
	JJB II	25
	JJB III	10
	JJB IV	3
<b>Total</b>		<b>417</b>

## Profile of Child Survivors & Case Referral

### ⇒ KEEPING CHILDREN SECURE

- Between 2012-15, the child's identity was disclosed in over 40% cases
- However, a sharp downward trend has been observed in referrals post 2016
- Between 2019-21, the identity of children has not been disclosed in any case

Table 6:  
CASES OF CHILD'S IDENTITY DISCLOSED

Year	Total No. of Cases	No. of Cases where Child's Identity is Disclosed	Percentage of Cases Disclosing Child's Identity
2012	4	2	50%
2013	13	4	31%
2014	11	5	45%
2015	63	29	46%
2016	43	5	12%
2017	35	1	3%
2018	52	3	6%
2019	52	0	0%
2020	93	0	0%
2021	51	0	0%
<b>Total</b>	<b>417</b>	<b>47</b>	<b>11%</b>

Table 7:  
TYPE OF IDENTITY DISCLOSED

Type of Identity disclosed	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	No. of Violations
Child's Name	0	1	20	19	3	0	0	0	0	0	43
Father's Name	1	2	4	8	15	4	1	0	0	0	35
Mother's Name	1	3	13	24	38	7	1	0	0	0	87
Brother's Name	0	0	3	5	0	0	1	0	0	0	9
Sister's Name	0	0	0	0	2	0	0	0	0	0	2
Grandparent's Name	0	0	3	6	1	0	0	0	0	0	10
Relative's Name	0	0	0	1	0	1	0	0	0	0	2
School	0	0	1	2	1	3	0	0	0	0	7
<b>Total</b>	<b>2</b>	<b>6</b>	<b>44</b>	<b>65</b>	<b>60</b>	<b>15</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>195</b>

### ⇒ VIOLATIONS IN KEEPING THE IDENTITY CONFIDENTIAL

- In 47% cases, the child's identity has been disclosed through identifying a relative or school (mainly between 2014-2017)
- In most cases, the mother's name has been disclosed
- In nearly 10% cases the child's name has been disclosed
- However, as indicated in table 6, 2019 to 2021 have recorded zero disclosures



## Profile of the Accused and Proximity with the Child

Details of the accused, their proximity with the child, relationship, mapped to the gender and age-group are the focus of this factsheet - with data provided under tables 8-15.

**Table 8:**  
**DETAILS OF THE ACCUSED**

Nature of Offence	Total No. of Cases	Total No. of Accused	Known Accused		Stranger	
			No. of Cases	No. of Accused	No. of Cases	No. of Accused
PSA	67	84	63	80	4	4
APSA	243	336	209	281	34	55
SA	44	55	37	45	7	10
ASA	42	43	39	40	3	3
SH	17	18	17	18	0	0
Unnatural Offence u/s 377 IPC	3	3	3	3	0	0
Kidnapping u/s 363 IPC	1	1	1	1	0	0
<b>Total</b>	<b>417</b>	<b>540</b>	<b>369</b>	<b>468</b>	<b>48</b>	<b>72</b>

**87%**  
of the accused are  
known to the child

**Table 9:**  
**PROXIMITY OF ACCUSED WITH THE VICTIM**

Proximity	No. of Cases	No. of Known Accused
Incest (related by blood, adoption or marriage)	49	56
Close Relatives	25	27
Relatives/Family Friends	17	23
Neighbours	209	256
Friends	34	63
School Staff / Tutor	13	13
Staff of Children's Home	1	1
Employer / Employment Agent	9	14
Co-worker	1	2
Others (Driver, Tantrik, Friend's Father-in-Law)	11	13
<b>Total</b>	<b>369</b>	<b>468</b>

**55%** of known  
accused are  
neighbours (253/468)

**24%** comprise of  
close and distant  
relatives, family  
friends & other  
friends (113/468)

**12%** are related to  
the child by blood,  
adoption or marriage  
(56/468)

## Profile of the Accused and Proximity with the Child

**Table 10:**  
AGE-GROUP & CLOSE PROXIMITY BETWEEN CHILD AND THE ACCUSED

Age-Group (in years)	Incest		Close Relative		Relative / Family Friend		Total	
	No. of Cases	No. of Accused	No. of Cases	No. of Accused	No. of Cases	No. of Accused	No. of Cases	No. of Accused
0 to 3	0	0	1	1	0	0	1	1
3 to 6	0	0	2	3	0	0	2	3
6 to 10	4	4	5	6	2	2	11	12
10 to 12	9	10	4	4	3	3	16	17
12 to 15	21	24	7	7	5	7	33	38
15 to 18	15	18	5	5	8	12	28	35
<b>Total</b>	<b>49</b>	<b>56</b>	<b>24</b>	<b>26</b>	<b>18</b>	<b>24</b>	<b>91</b>	<b>106</b>

of those in close proximity...

**63%**

of the accused in cases of children aged 12-15 years are related to the child by blood, adoption or marriage

among the close relatives...

**77%**

accused are Uncles/Aunts (paternal or maternal)

**Table 11:**  
CLOSE RELATIVES  
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Cousin (Paternal)	5	5
Paternal Uncle / Aunt	10	11
Maternal Uncle / Aunt	8	9
Grandfather	1	1
<b>Total</b>	<b>24</b>	<b>26</b>

**Table 12:**  
INCEST  
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Biological Father	29	33
Step Father	16	18
Adoptive Father	1	1
Brother	3	4
<b>Total</b>	<b>49</b>	<b>56</b>

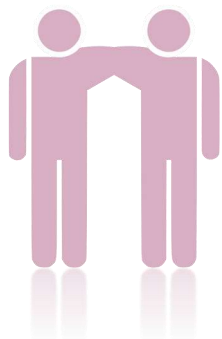
**59%**

cases referred under incest abuse accuse the biological father

**33%**

have the step father as the accused

## Profile of the Accused and Proximity with the Child



among distant relatives & family friends...

**28%** cases indict friends of either parent or sibling

**22%** cases implicate brother-in-law

**Table 13:**  
RELATIVE / FAMILY FRIEND  
(NUMBER OF CASES, ACCUSED AND RELATIONSHIP WITH THE CHILD)

Relationship	No. of Cases	No. of Accused
Bua's Son	1	1
Cousin (Proximity not known)	1	2
Bua's daughter's sons	1	3
Brother-in-Law	4	6
Father's Friend	2	2
Mother's Friend	2	2
Brother's Friend	1	1
Chachi's Friend	1	2
Bua's Friend	2	2
Family Friend	1	1
Tai's sister's son	1	1
Bua's brother-in-law's son	1	1
<b>Total</b>	<b>18</b>	<b>24</b>

**Table 14:**  
NEIGHBOUR  
(NUMBER OF CASES, ACCUSED AND TYPE OF NEIGHBOUR)

Type of Neighbour	No. of Cases	No. of Accused
Landlord	6	9
Shopkeeper/Service Provider/Vendor	18	21
Other Neighbours	185	226
<b>Total</b>	<b>209</b>	<b>256</b>

**88%** of the neighbours accused are persons other than local shopkeepers, vendors and landlords

**8%** are local shopkeepers & vendors

**93%** of the accused are **MALE**

73% of these men are in the age group of 18-45 years

68% FEMALE accused are in the age group of 26-45 years

**Table 15:**  
GENDER AND AGE PROFILE OF THE ACCUSED

Age Group (in years)	Male	Female	Total	Percentage of Accused in Different Age Groups
Below 18	74	0	74	14%
18 to 25	142	9	151	28%
26 to 35	142	14	156	29%
36 to 45	82	13	95	18%
46 to 55	38	2	40	7%
56 to 65	11	1	12	2%
66 to 75	7	0	7	1%
76 to 85	4	1	5	1%
<b>Total</b>	<b>500</b>	<b>40</b>	<b>540</b>	<b>100%</b>

## Disclosure, Information to the Police & Formal Complaint

Tables 16-18 categorise the information under who the incident is disclosed to and the type of persons who inform and complain about the incident to the police. The tables also cover reporting in incidents of incest by fathers and brothers.

**Table 16:**  
Relationship-wise Details of Disclosure, Informant & Complainant (All Cases)

<i>Disclosure</i>	<i>Disclosure</i>	<i>Informant</i>	<i>Complainant</i>
Mother	238	197	149
Father	34	41	47
Friend	17	5	5
Police	23	14	2
Stranger	17	8	10
Aunt	10	3	3
Sister	19	9	8
School Teacher	4	2	0
Principal	0	1	1
Grandparent	6	5	7
Other Relatives	4	4	2
Both Parents	7	3	2
Neighbour	8	13	3
Childline Staff	1	3	0
Employer	3	3	1
NGO	5	7	0
Brother	2	2	0
Uncle	1	3	2
Tuition Teacher	0	0	0
Self	0	74	165
Suo moto Cognizance by Court	0	2	2
Doctor	10	10	1
CWC	1	1	1
Co-Victim	3	0	3
Shelter Home staff	3	4	3
Child did not disclose to any one (witnessed or reported by others or disclosure after child's death)	1	2	0
Colleagues	0	1	0
<b>Total</b>	<b>417</b>	<b>417</b>	<b>417</b>



- Mothers are the key recipients of disclosures made by children about sexual abuse
- As a close relative, fathers are the second key recipients of disclosures and source of information/complaint to police
- 40% of the times, children file the police complaint themselves
- Only in 3% cases the information to police is given by NGOs, including Childline and Shelter Home Staff

## Disclosure, Information to the Police & Formal Complaint

**Table 17:**  
Incest Abuse by Father

<i>Disclosure</i>	<i>Disclosure</i>	<i>Informant</i>	<i>Complainant</i>
Mother	29	19	11
Brother	1	1	0
Sister	2	1	2
Aunt	2	0	2
Police	1	0	1
School Teacher	1	2	0
Stranger	1	1	0
Self	0	11	27
NGO	2	5	0
Suo Moto Cognizance by court	0	2	2
Co-victim	2	0	0
Friend	2	0	0
Friend's Father	0	0	1
Doctor	3	2	0
Childline	0	1	0
Neighbour	0	1	0
<b>Total</b>	<b>46</b>	<b>46</b>	<b>46</b>

- Incest abuse by father comprises 11% of all cases (46/417) or 12% of cases where the accused is a person known to the child (46/369).
- In cases of incest abuse by the father, the mother has been the informant in 41% cases and the complainant in 24% cases.

**Table 18:**  
Incest Abuse by Brother

<i>Disclosure</i>	<i>Disclosure</i>	<i>Informant</i>	<i>Complainant</i>
Self	0	1	3
Mother	2	1	0
Friend	1	0	0
Employer	0	1	0
<b>Total</b>	<b>3</b>	<b>3</b>	<b>3</b>



## Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

The factsheet looks at the time taken for filing of charge sheet by the police. Filing of charge sheet implies completion of police investigation. Once the police complete their investigation and file their report (which is commonly referred to as the charge sheet), the court discusses the charges based on the police investigation report and accordingly finalises the charges on which the trial will be conducted against the accused.

**There are cases where the nature of offence changes from what is registered in the FIR to the sections applied in the charge sheet after the police completes its investigation and further at the time of framing of charges for trial by the court. Such change in the nature of offence between these stages indicates lapses on the part of the police in investigation as well as application of law and mind.**

### Context

A case of abuse of a child below the age of 12 years is treated in law as a case of aggravated form of abuse on account of the child's age - aggravated penetrative sexual assault or aggravated sexual assault. However, the police do not always book the case as such.

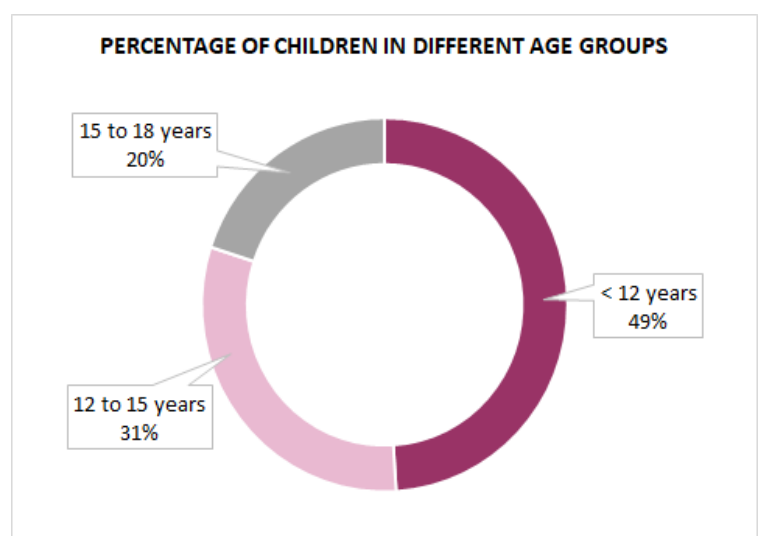
Similar situation is found in some cases where the accused is a person trusted by the child or, living in a shared household, or related to the child by blood/ marriage/ adoption, or a person in a position of authority over the child

In many such cases, it is at the stage of framing of charges by the court that the appropriate provisions are applied.

Sometimes, even at that stage, the court may fail to take note of the discrepancy.

**49%** of the children are under the age of 12 years

**31%** are between the ages of 12-15 years



## Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

**Table 19:**  
TIME TAKEN TO FILE CHARGE SHEET FROM THE DATE OF FIRST ARREST MADE IN THE CASE

Number of days	Children < 12 years	Children aged 12 to 18 years	All Children
Within 30 days	23	18	41
30 to 60 days	82	64	146
60 to 90 days	69	86	155
90 to 120 days	12	16	28
120 to 150 days	1	8	9
150 to 180 days	0	2	2
180 to 210 days	2	3	5
Above 210 days	10	9	19
<b>Total</b>	<b>199</b>	<b>206</b>	<b>405</b>
Average time taken	75	81	78
<b>Charge sheet filed within 90 days of First Arrest (in percent)</b>	<b>87%</b>	<b>82%</b>	<b>84%</b>

Note - In 6 cases charge sheet has not been filed and in another 6 cases the accused is yet to be arrested

- 84% of the charge sheets are filed within 90 days of the first arrest
- Charge sheet is filed within 90 days in 87% cases of children under 12 years and 82% cases of children between 12 to 18 years
- An average of 78 days is taken to file the charge sheet
- 5% cases took above 210 days



## Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

**Table 20:**  
**CHANGE IN RECORDING NATURE OF OFFENCE**

<i>Nature of Offence</i>	<i>No. of Cases (as per FIR)</i>	<i>No. of Cases (at the stage of Framing of Charge)</i>	<i>Charges yet to be framed</i>	<i>Cases Discharged</i>
PSA	67	31	13	
APSA	243	207	73	
SA	44	12	15	
ASA	42	35	16	1
SH	17	3	9	
Unnatural Offence u/s 377 IPC	3	1	0	
Kidnapping u/s 363 IPC	1	1	0	
<b>Total</b>	<b>417</b>	<b>290</b>	<b>126</b>	<b>1</b>

- Out of 417 cases, charges are framed in 290 cases. Out of these 290 cases, the nature of offence registered by the police in the FIR stands changed in 24% cases at the time of framing of charges by the court

**Table 20A:**  
**FROM FIR TO FRAMING OF CHARGES BY COURT: CHANGE IN NATURE OF OFFENCE**

<i>Nature of Offence</i>	<i>No. of Cases where the Nature of Offence changed from the stage of FIR to Framing of Charges by the Court</i>	<i>Total Cases where Charges have been Framed</i>
PSA	30	31
APSA	5	207
SA	20	12
ASA	7	35
SH	5	3
377 IPC	2	1
363 IPC	0	1
<b>Total</b>	<b>69</b>	<b>290</b>

- Table 20A indicates how the number of cases for different types of offences changes in the criminal justice process from the time of registration of FIR to filing of charge sheet by police to framing of charges by the court



## Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

TABLE 20B:  
THE EXACT CHANGE IN NATURE OF OFFENCE FROM FIR TO FRAMING OF CHARGES

Offence as per FIR	PSA	APSA	SA	ASA	SH	377 IPC	363 IPC	Total	
No. of Cases	67	243	44	42	17	3	1	417	
<i>Change in Nature of Offence ( changes are in dark pink colour)</i>									
<b>Offence as per Charges Framed</b>	PSA	24	5	1	0	0	1	0	31
	APSA	29	165	6	6	0	1	0	207
	SA	0	0	9	1	2	0	0	12
	ASA	1	0	13	18	3	0	0	35
	SH	0	0	0	0	3	0	0	3
	377	0	0	0	0	0	1	0	1
	363 IPC	0	0	0	0	0	0	1	1
Charges not framed	13	73	15	16	9	0	0	126	
Cases discharged	0	0	0	1	0	0	0	1	

- Among cases registered for penetrative sexual assault, the nature of offence stands changed to aggravated penetrative sexual assault in 43% cases (29/67). In 12 out of these 29 cases (41%) the child was below the age of 12 years at the time of commission of offence.
- Of the 44 cases registered as sexual assault, in 14% (6/44) the nature of offence stands changed to aggravated penetrative sexual assault at the time of framing of charges by the court and in 30% (13/44) it has changed to aggravated sexual assault. In 5 out of 6 cases that have been converted to aggravated penetrative sexual assault, the child was below 12 years at the time of commission of offence. In 9 out of 13 cases that have been converted to aggravated sexual assault, the child was below 12 years at the time of commission of offence.
- Of the 17 FIRs of sexual harassment, in 18% (3/17) cases charges are framed by the court for aggravated sexual assault as the child was below 12 years of age at the time of commission of offence. Another 12% (2/17) cases of sexual assault stand converted to sexual assault at the time of framing of charges.

## Change in the Nature of Offence from FIR to Charge sheet to Framing of Charges

### REASONS FOR CHANGE IN NATURE OF OFFENCE

Table 20B (i)

<i>Nature of offence changed from Penetrative Sexual Assault to Aggravated Penetrative Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	12
Incest case	2
Abuse by person in position of authority e.g. school teacher or staff of shelter home	0
Abuse by person trusted by child	2
Combination of any of the above	7
Repeated abuse	3
Others	3
<b>Total</b>	<b>29</b>

Table 20B (ii)

<i>Nature of offence changed from Sexual Assault to Aggravated Penetrative Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	5
Incest case	0
Abuse by person in position of authority e.g. school teacher or staff of shelter home	0
Abuse by person trusted by child	1
Combination of any of the above	0
<b>Total</b>	<b>6</b>

Table 20B (iii)

<i>Nature of offence changed from Sexual Assault to Aggravated Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	9
Incest case	0
Abuse by person in position of authority e.g. school teacher or staff of shelter home	1
Abuse by person trusted by child	0
Combination of any of the above	2
Repeated abuse	1
<b>Total</b>	<b>13</b>

Table 20B (iv)

<i>Nature of offence changed from Sexual Harassment to Aggravated Sexual Assault</i>	<i>No. of Cases</i>
Age of child below 12 years	3
<b>Total</b>	<b>3</b>

## Bail

This factsheet records instances amongst the profiles about 'when' the bail is granted to the accused. Table 23 further records 35 reasons for grant of bail.

**Table 21:**  
**BAIL GRANTED PRIOR TO CHILD'S TESTIMONY**

Age Group (in years)	Before Filing Charge Sheet	Before Framing of Charges	Before Child's Testimony	Total
0-3	0	0	0	0
3-6	2	3	2	7
6-10	2	5	1	8
10-12	4	8	1	13
12-15	9	14	2	25
15-18	3	7	3	13
<b>Total</b>	<b>20</b>	<b>37</b>	<b>9</b>	<b>66</b>

**Table 22:**  
**DETAILS OF ACCUSED IN CASES WHERE BAIL IS GRANTED**

Proximity between Accused and the Child	No. of Cases
Known	60
Unknown/Stranger	6
<b>Total</b>	<b>66</b>
Break-up of Known Accused	No. of Cases
Neighbour	27
School Staff/Tutor (Teacher/Tutor)	6
Close relative (4 cousins and 2 paternal uncle)	6
Employer	3
Step Father	2
Friends	9
Tantrik	1
Brother	0
Landlord	4
Mother's Colleague	1
Doctor	1
<b>Total</b>	<b>60</b>

- In 16% cases, the bail is granted to the accused prior to the child's testimony in court (66/417)
- 42% of these are cases of children under the age of 12 years
- 91% of the accused bailed are known to the child and their family - 45% of whom live in the neighbourhood of the child
- Those bailed include step-fathers, landlords, and doctors - persons in the position of imposing pressure on the child / carrying out the abuse with other children
- 9% of those bailed are school staff or teachers - again creating potential for more incidents to occur in school with other children

## Bail

**Table 23**  
**GROUNDINGS FOR GRANTING BAIL TO THE ACCUSED**

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
<b>Anticipatory Bail</b>				
1	Anticipatory Bail - Considering that the occurrence is alleged to have taken place on 26.11.2015 whereas the FIR was registered on 28.11.2015; accused is about 50 years of age also having grandchildren; has been falsely implicated in the present case; accused pleads his innocence; and nothing is to be recovered from him. Regular bail - Accused is present on anticipatory bail and has filed bail bond/ surety bond along with photocopy of certain documents.	1	1	
2	Both the accused persons were granted anticipatory bail by Ld. Predecessor of this court vide order dated 28.10.2016 and 23.12.2016. In view of same, both the accused are admitted to bail.		1	
<b>Prolonged custody of the accused, illness or medical condition of the accused or a family member, and/or age of the accused</b>				
3	Considering facts and circumstances of the case and period of his custody.	2	2	2
4	In view of the period of custody of the accused and also considering the fact that charge sheet has already been filed and no investigation is pending any further against the applicant/ accused, he is admitted to bail.		1	
5	Considering the age/illness of the accused and the period of his custody.	1	3	1
6	Considering the period of his judicial custody, no involvement in any other criminal case, and his minor son requiring constant medication and care for Frazer's syndrome.		1	
7	Wife is due to deliver a child and is in critical condition.			1
8	Considering the fact that the accused's four-year-old daughter had suffered serious injuries and in view of photographs filed and treatment papers filed on record, the accused is admitted to interim bail for a period of 15 days.		1	
9	UTP "P" is eight months pregnant and there is difficulty faced while producing her in the court and during the transportation from Central Jail to Saket Court Lockup.		1	

## Bail

Table 23 continues

## GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
<b>Lapses on the part of the investigating agency / IO</b>				
10	IO has failed to mention any ground for arrest of the accused.	1		
11	Considering the facts and circumstances of the case where there is no likelihood of filing of FSL result in near future accused cannot be detained in custody as pre-trial punishment for unlimited period.		3	
12	Considering several investigation lapses ... Photograph of the victim shown to the witness and identified by him is not the part of the charge sheet; -IO has not made efforts to enquire from relatives of the victim as to why missing report was not made by them, if the victim who is mentally challenged girl was not found at their home since 17.05.2016; -IO has not made efforts to fix identification parade of the recovered articles to establish that the same pertains to the victim; -Independent witnesses are being introduced to show that the police is able to solve the case; -IO has not collected the PCR form qua the call made to the police at 100 number vide which the facts were brought into the notice of the police that the victim is lying at road in unconscious condition nor has examined any police officer who attended the said call and has not made any efforts to trace out the caller.			
13	In the complaint offender was named as "V.D" whereas in the statement recorded under section 164 Cr.P.C offender is named as "T". No time and date have been given when the alleged incident was made by the offender with the prosecutrix. Matter requires further investigations to ascertain whether V.D and T is one person and what was the time and day of incident.		1	
14	In view of non-filing of chargesheet by the IO for more than 90 days in the present case, the accused is ordered to be released on bail, as per provision of section 167 (2) CrPC.	1		

## Bail

Table 23

## GROUNDS FOR GRANTING BAIL TO THE ACCUSED

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
<b>Accused being falsely implicated / contradiction in child's statements</b>				
15	Considering the totality of the facts and circumstances of the case and the submissions that the accused/ applicants have been falsely implicated by the mother of the prosecutrix cannot be ruled out and giving the benefit of doubt on the case of the complainant the applications are allowed.	2	1	1
<b>Past Acquaintance and/or Romantic Relationship</b>				
16	Though prosecutrix has given her statement u/s 164 Cr.P.C. against the accused but letters written by girl show that she is in love with accused. Accused has been in custody. Investigation complete and charge sheet been filed. Case is at the stage of argument on charge. No purpose would be served by keeping the accused in jail.		1	
17	Child was recovered and brought to Delhi; she was taken to AIIMS for medical examination wherein the sexual history in the MLC suggests that she was in a relationship with the accused. At this stage, the judge asked if the main accused was in fact married. The IO said he was not. However, the Judge to get the said point clarified, requested the IO to file a detailed reply with respect to role of the main accused and his marital status.		1	
<b>Others</b>				
18	Accused had to appear for Board Exams.	1		
19	The nature of allegations against the applicant/accused arise from the close proximity of residence between the accused and the child victim/prosecutrix. It is considered that the applicant/accused has undertaken to shift his address. Investigation is complete. Charge sheet has been filed and the accused has also been charge sheeted. The accused cannot be incarcerated indefinitely as trial is likely to take some more time.			1
20	Keeping in view the totality of facts and circumstances of the case and the fact that complainant and applicant/accused are neighbours and the fact that applicant/ accused are in JC since 22.01.15 (one week).	2		
21	Considering the facts and circumstances of the case, role assigned to the applicant and the period of custody.	1		2

## Bail

**Table 23**  
**GROUNDINGS FOR GRANTING BAIL TO THE ACCUSED**

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
22	Considering that the accused has been in custody since almost a month, looking into nature of allegations and that the accused has shifted residence.	1		
23	Considering the facts and circumstances of the case.	3	1	1
24	Investigation is complete charge sheet has been filed. This application is stated to be the second bail application as first one was disposed off as dismissed prior to filling of charge sheet. Taking into consideration the facts and material on record, accused/ applicant is ordered to be released on bail.		1	
25	Considering totality of facts and circumstances, particularly in view of the fact that the accused was not arrested in the course of investigation.		1	
26	Challan was filed without arrest of accused. Ld. SPP for the State has not opposed this as a ground for bail. In the facts and circumstances of the case, accused is admitted on bail.		2	
27	There is no material on record to suggest that the CCL post-release would be exposed to moral, physical or psychological danger. There is also no material on record to suggest that the CCL post-release would come in association with any known criminal. On the touchstone of section 12 JJ Act 2015 we see no reason for declining the bail application.	1	3	
28	IO has stated that the investigation is complete and she shall be filing the charge sheet during the course of the day or latest by tomorrow, and that the accused is no longer required for any custodial interrogation. Accused is stated to be in JC since 30.10.2017.	1		
29	CCL has remained in protective custody in the present case for almost three months. Considering the overall facts and circumstances and judging the bail applications on the touchstone of section 12 of JJ Act, CCL is admitted to bail.	2		
30	Considering the entirety of the facts and circumstances, without going into the merits of the case, the bail application is allowed and the applicant/ accused is ordered to be released on bail.		3	
31	Regular bail granted - decongestion of prisons.		1	

## Bail

**Table 23**  
**GROUNDINGS FOR GRANTING BAIL TO THE ACCUSED**

S. No.	Grounds for Granting Bail	Before Charge sheet	From Charge sheet to Framing of Charges	Framing of Charges to Child's Testimony
32	Having considered the contents of the complaint and the statements of mother and the prosecutrix u/s 164 Cr.P.C; charge sheet having been filed after conclusion of the investigation; restricted functioning of the court due to outbreak of Covid-19 due to which trial is going to take substantial time to conclude.		2	
33	Both accused belong to poor strata of the society. The prosecutrix is living in the shelter home under the orders of CWC. The accused persons cannot threaten or influence the witnesses including the prosecutrix. There is no apprehension of the course of justice being thwarted by grant of bail to them.		1	
34	Copy of the report of the Forensic Laboratory filed by the Investigating Officer, taken on record. Heard further. Record perused. In view of the opinion recorded in the MLC, ruling out the possibility of any insertion into the anal canal and absence of traces of semen in the swab taken, the application is allowed.		2	
35	In the reply of police official, it has further been mentioned that the accused is not involved in any guidelines of Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 and the accused is in JC for about 30 days and the offences are punishable up to 7 years accordingly, the accused "M.S" is admitted to interim bail for a period of 30 days (as sought in application)		2	





**HAQ: Impact Story** - this section of the Bail Factsheet includes excerpts from cases that helped establish rights of complainants to be heard during POCSO Bail Hearings and directions issued in this regard by the Delhi High Court

## Case Context

1. In January 2020, the Delhi High Court bench of Justice G.S. Sistani and Justice Anup Jairam Bhambhani issued guidelines to be followed in cases under the Protection of Children against Sexual Offences Act (POCSO Act). The provisions mandated that the presence of the victim/complainant/informant or his/her representative will be obligatory when bail applications are heard. This was a direct outcome of public interest litigation (PIL), **Reena Jha & Anr. Vs Union of India & Ors**, filed in May 2017 on behalf of aggrieved mothers of minor survivors of sexual abuse, through HAQ: Centre for Child Rights and iProbono. The PIL emphasised on Rules 4(11) and (12) of POCSO Rules, according to which, the police must inform the survivor's family about the arrests, bail hearings, the grant of bail etc.
2. It is relevant to point out that Section 439(1A) of the Code of Criminal Procedure, 1973 (Cr.PC) mandates that, in any case under Section 376(3) or 376AB or 376DA or 376DDB of the Indian Penal Code (IPC), the presence of the informant or any person authorised by him shall be obligatory at the time of hearing an application for bail. The Delhi High Court issued Practice Directions to the district judges on 24.09.2019, clearly specifying how notice of the bail application was to be served on the informant/her representative by the investigating officer (IO), and such proof of service was directed to be annexed by the IO to their reply to the bail application. However, they were not extended to cases under the POCSO Act. Non-implementation of these provisions affects POCSO trials as it denies the victim/complainant their right to fair representation and other issues including witness protection, as there are chances that the accused may influence the victim/other material witness, which can then negatively affect the outcome of the case. An opportunity for the victim and/or the representative to put forth their point of view during the bail hearing adds another layer of safeguard for victims, their families, and the community.

## Initial Directions

The High Court acknowledged that specific guidelines are needed concerning bail applications under POCSO Act, and our lawyers submitted recommendations to that effect. On 25.11.2019, during the proceedings, the court directed that -

- ⇒ The Delhi High Court Practice Directions of 24.09.2019, in compliance with Section 439 of the Cr.PC, be sent to all district judges responsible for bringing the same to the notice of all the criminal courts in Delhi under their respective jurisdictions.
- ⇒ District judges should file a report in the High Court on whether these practice directions are being followed, and if not, the reason for the omission.
- ⇒ These directions should be brought to the notice of the presidents and secretaries of all bar associations in Delhi and be displayed on the notice boards of all concerned criminal courts.

## HAQ: Impact Story - Child's right to be heard during bail hearings

### Additional Directions

At final argument stage, iProbono's lawyers submitted that these practice directions are based on amendments to Section 439 Cr.PC and apply to aggravated forms of sexual offences under Section 376(3), 376-AB, 376-DA, and 376-DB of IPC, however, they have not been extended to cases under the POCSO Act, which are equally heinous in nature. They further drew the Court's attention to Section 40 of POCSO Act read with Rules 4(11) & 4(12)(viii) of the POCSO Rules which deals with the right to legal counsel and the duty of the police to inform the child and his parent/guardian of the arrest or bail of the accused respectively. It was submitted that the Practice Directions or additional directions to the same effect should be extended and made applicable to offences under the POCSO Act. Consequently, on 27.01.2020, the Court passed the final judgment and directed that:

- ⇒ The provisions of the Delhi High Court Practice Directions shall *mutatis mutandis* also apply to offences under POCSO Act.
- ⇒ In relation to POCSO offences, where the crime has been perpetrated by a close family member, issuing a notice or giving information to such family members in line with the practice directions would not serve any purpose. Hence, on our lawyers' suggestion, the Court directed that in such cases, notice be issued to the concerned child welfare committee, and a copy of the notice/information also be sent to Delhi State Legal Services Authority (DSLISA).
- ⇒ The National Commission for Protection of Children Rights (NCPCR) and the State Commission for Protection of Children Rights (SCPCR) must ensure that they comply with the mandate of Rule 6 of POCSO Rules in relation to monitoring and implementation of the provisions of the Act, strictly and faithfully.

3. The guidelines laid down in *Reena Jha Vs Union of India* (supra) set a strong precedent for appropriate handling of POCSO cases and better protection of the rights of child survivors. Despite these mandatory guidelines, district courts failed to follow them in many POCSO cases and bail applications continued to be heard in the absence of the complainant. During the COVID-19 Lockdown, this happened more frequently when bail application in POCSO and rape cases were being decided by the sessions judges on duty, who may or may not be familiar with the processes of the POCSO Special Courts.

4. In May 2020, a minor victim aggrieved by the grant of interim bail in a case involving Section 6 of the POCSO Act, filed a petition through HAQ's panel lawyer Advocate Tara Narula, ***Miss G (minor) through her mother Vs State of NCT of Delhi & Anr.*** in the Delhi High Court seeking quashing of the bail order and issuance of directions to the Special Courts to strictly comply with Section 439(1A) Cr.PC and the Practice Directions. The Court was informed that in a majority of bail applications in POCSO cases decided by district courts in Delhi during the COVID-19 lockdown, notice was not issued to the complainant/victim. 122 publicly available orders in POCSO bail cases where the complainant's presence was not recorded were filed before the Delhi High Court. Regular/interim bail had been granted in 36 of these cases. In response, the Delhi High Court requested a report from the Ld. Registrar General which collected data for the period between 22.04.2020 and 23.05.2020, showing that of a total of 294 cases wherein bail was sought by the accused, notice was issued in only 79 cases.

## HAQ: Impact Story - Child's right to be heard during bail hearings

### Additional Directions

Observing that issuance of notice is a fundamental mandatory pre-condition which cannot be neglected in any case, Justice Pratibha M. Singh issued the following, more detailed directions:

- ⇒ Whenever an accused charged under Sections 376(3), 376-AB, 376-DA or 376-DB of the IPC or the provisions of the POCSO Act, moves an application for regular bail or interim bail, notice shall be issued to the IO as also any counsel on record for the victim/complainant/informant.
- ⇒ Upon receipt of the bail application or the notice of such application, the IO shall immediately issue a notice to the victim/complainant/ informant in the prescribed format as per Annexure A of the practice directions. The service of notice shall be certified by the SHO of the local police station by signing the annexure at the prescribed place.
- ⇒ The duly completed Annexure A shall be filed along with the reply/ status report filed by the IO regarding the bail application and shall be presented to the Court.
- ⇒ If the IO cannot trace the complainant/victim/informant, it shall be mentioned in the status report. Further, if there is any specific reason for non-appearance of the complainant/victim/informant, the same shall be recorded and placed before the Court.
- ⇒ In case the complainant/victim/informant has not been traced, the IO shall try to ascertain the whereabouts of the individual and bring them before the Court.
- ⇒ Before proceeding to hear the bail application, the Court will ascertain the service of notice. If the notice has not been served, either through the IO or the counsel on record, as a secondary safeguard, the Court can issue summons to the complainant/victim/informant.
- ⇒ Once they appear before the Court, adequate representation shall be ensured for the victim/complainant/ informant either through their own counsel or through a legal service authority counsel.
- ⇒ All the relevant documents required for the victim/complainant/ informant to effectively represent the case for opposing the bail shall be provided.
- ⇒ In every bail order, service of notice or reasons for non-service or non-hearing of the complainant/victim/ informant shall be specifically recorded before proceeding to pass orders.
- ⇒ In case interim bail is sought for an emergency such as a death in the family or a medical emergency, and awaiting notice to the complainant/victim/informant appears non-feasible, in a rare case, reasons for the same shall first be recorded in the order.

5. Both these judgments and the Practice Directions were to be circulated to the Commissioner of Police, Delhi and Director, Prosecutions and all District Judges for onward circulation to all Delhi Higher Judicial Service (DHJS) officers.

**HAQ: Impact Story - Child's right to be heard during bail hearings****Additional Directions**

6. Unfortunately, there are a number of practical difficulties in the implementation of these explicit directions including:

- ⇒ Victims/complainants are repeatedly summoned for hearings on successive bail applications, whereas courts should appoint a counsel in terms of Section 40 POCSO Act who can represent them where there is no private counsel engaged already.
- ⇒ IOs and SHOs insist on personal appearance of the victim/complainant, even when they are represented by a legal guardian or by counsel.
- ⇒ During the lockdown, IOs insist on the physical presence of the victim/complainant in court, although courts have been functioning using video-conferencing. Routinely, victims and/or their families have been forced to wait at the police station for hours till the bail application is taken up virtually by the court. Both situations lead to unnecessary harassment and inconvenience for the victim and their family.
- ⇒ In cases where the victim/complainant does not have their own lawyer, failure to secure legal representation for the victim through DSLSA in terms of Section 40 POCSO Act may leave them unsure of what difficulties to state before the court.
- ⇒ Failure of the Special Court and the Legal Services Authority to sufficiently secure the child's interests independently, in cases involving very young children and also in cases of incest.

7. Lawyers representing children in POCSO cases should be mindful of some of these challenges and inform the courts or the IO that the victim/complainant can be represented before the court through counsel.

8. The judgments set a progressive precedent for all criminal courts in Delhi hearing bail applications in POCSO cases. They can also be used as precedent in other jurisdictions to ensure enhanced protection for children. That said, the directions issued by the courts have to be implemented with application of mind and sensitivity. The right of hearing afforded to the victim at the bail hearing has to be meaningful, and keep in mind the best interests, limitations and particular circumstances of the child.



## Child's Testimony

This section highlights data indicating how long the process of recording the child's testimony takes.

**Table 24:**  
STATUS OF CHILD'S TESTIMONY IN 417 CASES –  
AT A GLANCE

Status of Child's Testimony in 417 cases - At a Glance	No. of Cases	%
No. of cases where child's testimony has been completed	199	48%
No. of cases where the child's testimony is partially recorded	9	2%
No. of cases listed for child's testimony but it is yet to commence	65	16%
No. of cases that have proceeded or have been concluded without child's testimony	18	4%
No. of cases yet to reach the stage of child's testimony	126	30%
<b>Total No. of cases</b>	<b>417</b>	<b>100%</b>

- While in 18% cases, the child's testimony is yet to be completed, 30% of the cases (126) are yet to reach that stage
- In 4% cases (18), the proceedings were completed without the child's testimony

- In cases where the child's testimony was recorded, 127 are those where this was done within a single hearing
- A bulk of cases took 2-6 hearings whereas 5 cases took between 10-20 hearings

**Table 26:**  
TIME TAKEN FOR COMPLETION OF CHILD'S  
TESTIMONY FROM DATE OF COMMENCEMENT TO  
END DATE

Time Period	No. of Cases	%
Within 1 Month	146	73%
1 to 3 Months	22	11%
3 to 6 Months	11	6%
6 to 9 Months	11	6%
9 to 12 Months	2	1%
12 to 15 Months	2	1%
15 to 18 Months	1	1%
18 to 21 Months	1	1%
21 to 27 Months	1	1%
27 to 30 Months	1	1%
Above 30 Months	1	1%
<b>Total</b>	<b>199</b>	<b>100%</b>

- 73% of the child testimonies were concluded within 1 month of commencement of the process
- Of all 199 cases where the child's testimony is recorded, 96% of the testimonies were concluded in less than 9 months from the date of commencement of the process

**Table 25:**  
NO. OF HEARINGS FOR CHILD'S TESTIMONY FROM  
DATE OF COMMENCEMENT TO END DATE

Period	No. of Cases	%
Single Hearing	127	64%
2 Hearings	34	17%
3 Hearings	19	10%
4-6 Hearings	11	6%
7-10 Hearings	3	2%
10-20 Hearings	5	3%
<b>Total</b>	<b>199</b>	<b>100%</b>

## Child's Testimony

**Table 27:**  
TIME TAKEN FROM COGNIZANCE TO  
COMPLETION OF CHILD'S TESTIMONY

<i>Time Period</i>	<i>No. of Cases</i>	<i>Percentage</i>
Within 1 Month	5	3%
1 to 3 Months	9	5%
3 to 6 Months	52	26%
6 to 9 Months	43	22%
9 to 12 Months	31	16%
12 to 15 Months	15	8%
15 to 18 Months	8	4%
18 to 21 Months	15	8%
21 to 27 Months	14	7%
27 to 30 Months	3	2%
Above 30 Months	4	2%
<b>Total</b>	<b>199</b>	<b>100%</b>

- 56% cases complete the stages between cognizance to completion of child's testimony in 9 months
- 23% have taken above 15 months

**Table 28**  
REASON FOR NOT RECORDING  
CHILD'S TESTIMONY

<i>Reason</i>	<i>No. of Cases</i>
Child not a competent witness	11
Child passed away	3
Accused passed away and matter was abated	1
Case discharged as no offence was made out under the POCSO Act	1
Child not traceable	1
Accused pleaded guilty	1
<b>Total</b>	<b>18</b>

- In 11 cases, the child has been indicated as 'not' being a competent witness
- In 3 cases, the child passed away

- The average time taken for completion of testimony from start to end date is 52 days (1.7 months); the maximum time taken goes up to 968 days (32.3 months / 2.7 years). Minimum time is 1 day.
- The average time taken from date of cognizance to completion of testimony is 318 days (10.6 months); the maximum time taken goes up to 1539 days (51.3 months / 4.2 years). Minimum time is 6 days.

## Adjournments

Reasons and details of adjournments are spelt out in this factsheet.

**Table 29:**  
**DETAILS OF ADJOURNMENT**

Stage as per Criminal Justice Procedure	Total Hearings	Effective	Adjournment	Effective: Adjournment Ratio	
				Effective	Adjournment
Cognizance	538	435	103	81	19
Preliminary Assessment (JJB)	16	6	10	38	63
Age Enquiry (JJB)	83	37	46	45	55
Framing of Charges	2061	1065	996	52	48
PE(VT)	597	368	229	62	38
PE(Post VT)	4846	1842	3004	38	62
Statement of Accused	294	109	185	37	63
Defence Evidence	124	44	80	35	65
Final Argument	485	173	312	36	64
Final Order/Judgement	203	74	129	36	64
Argument/order on sentencing	88	46	42	52	48
<b>Total</b>	<b>9335</b>	<b>4199</b>	<b>5136</b>	<b>45</b>	<b>55</b>

- 1:** 61% cases at the stage of prosecution evidence other than evidence of the child end up in adjournments. This is the stage when other witnesses such as doctors, police officers, school authorities, witnesses having first hand account of the incident are required to give evidence. While some such witnesses can be dropped, some are critical, holding offices of importance and therefore seldom find time to give to court cases.
- 2:** The rate of adjournments tip to the higher side with proceedings involving the defence. While steps prior to that are effective, multiple adjournments owed to delays in statement from the accused, defence evidence would delay the process. It is important to note that post this, final argument and final order stages are quite ineffective with 64% dates ending in further adjournments

Table 30 indicates reasons for adjournment

- In over 300 hearings, the accused is either not present or is not produced
- In over 450 hearings, the defence counsel is not available or adjournment
- 418 adjourned owed to the Court's paucity of time
- 444 adjournments are owed to the absence of the Prosecution Witness (PW) (key data points indicated in red)
- COVID restrictions have had substantial impact with over 32% of the hearings being adjourned

## Adjournments

**Table 30:**  
**REASONS FOR ADJOURNMENT**

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Accused has no legal representation	26	0.5%
Accused could not be produced due to shortage of police personnel	45	0.9%
Accused was absent	128	2.5%
Accused was not produced	144	2.8%
Case property was not produced	7	0.1%
Documents not complete	16	0.3%
Report was not filed by IO/SHO	34	0.7%
Report was not received from Commissioner of Police	1	0%
Report was not received from jail	1	0%
FSL report not received	68	1.3%
No Report received from DLSA	4	0.1%
No PW was summoned	95	1.9%
Summon issued to wrong witness	6	0.1%
Summon received back unserved	2	0%
Summon served at wrong address	1	0%
Summon was not served	43	0.8%
Copy of order has not been sent to the Secretary, DLSA to appoint counsel for accused.	1	0%
IO sought Adjournment	59	1.2%
IO was absent	164	3.2%
ACP/DCP was not present	1	0%
Police officials were busy in election duty	4	0.1%
Police officer could not produce the accused due to Republic Day duty	1	0%
APP sought an adjournment	51	1.0%
APP was not prepared	1	0%
APP was not present	35	0.7%
APP was on leave	51	1.0%
Both defence counsel and APP not present	5	0.1%
Both defence counsel and APP seek adjournment jointly	12	0.2%
Defence could not bring sureties	2	0%
Defence counsel has not filed Vakalatnama	3	0.1%
Defence Counsel has just filed the Vakalatnama and needs time to prepare	1	0%
Defence counsel sought adjournment	189	3.7%
Defence counsel was not present	267	5.2%
Defence Evidence/Witnesses not present	10	0.1%



## Adjournments

**Table 30:**  
**REASONS FOR ADJOURNMENT**

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Complainant's lawyer sought adjournment	1	0%
PW was not in the position to depose	11	0.2%
<b>PW was not present</b>	<b>444</b>	<b>8.7%</b>
Expert was not present	3	0.1%
Support person not present	1	0%
Victim was absent	43	0.8%
Victim was not in position to depose	25	0.5%
Victim was unwell	2	0%
No witnesses left for testimony	1	0%
PE not completed in connected matter	12	0.2%
All Material Witnesses in connected cases could not be examined the same day	15	0.3%
Lawyer's Strike	115	2.2%
Case transferred to another court	9	0.2%
Awaiting the HC decision on amendment of charges	1	0%
Trial has been Stayed by High Court	3	0.1%
As per the directions of the Supreme Court, matters older than 5 years are being heard on priority basis	5	0.1%
Court Computer not working	1	0%
<b>Court had paucity of time</b>	<b>418</b>	<b>8.2%</b>
Court Holiday	21	0.4%
Elections in Court	2	0%
Matter was listed on a VC date (when proceedings are to take place through video conferencing instead of a physical hearing)	79	1.5%
Stenographer was busy	1	0%
Stenographer was on leave	20	0.4%
Vulnerable Witness Deposition Room (VWDR) was occupied by another court	7	0.1%
Vakalatnama got misplaced from judicial file	1	0%
Judge preferred to frame charges on a physical hearing date	6	0.1%
Judge did not go through the file	1	0%
Judge did not have the file	1	0%
Judge gone for meeting	13	0.3%
Judge gone for training	86	1.7%
Judge on leave	637	12.4%
No Judge appointed as yet	34	0.7%

## Adjournments

**Table 30:**  
**REASONS FOR ADJOURNMENT**

<i>Reasons</i>	<i>No. of hearings</i>	<i>Percentage</i>
Proceedings not held due to Covid-19	174	3.4%
Evidence not being conducted due to COVID restrictions	441	8.6%
Link was not working	2	0%
Internet connectivity issue at the reader / steno and judge's end	5	0.1%
Child's lawyer could not enter the VC hearing	1	0%
Nationwide lockdown announced by Central government due to COVID-19 outbreak	604	11.8%
Cases adjourned en bloc	412	8.0%
<b>Total Hearings Adjourned</b>	<b>5136</b>	<b>100.0%</b>



## Disposal

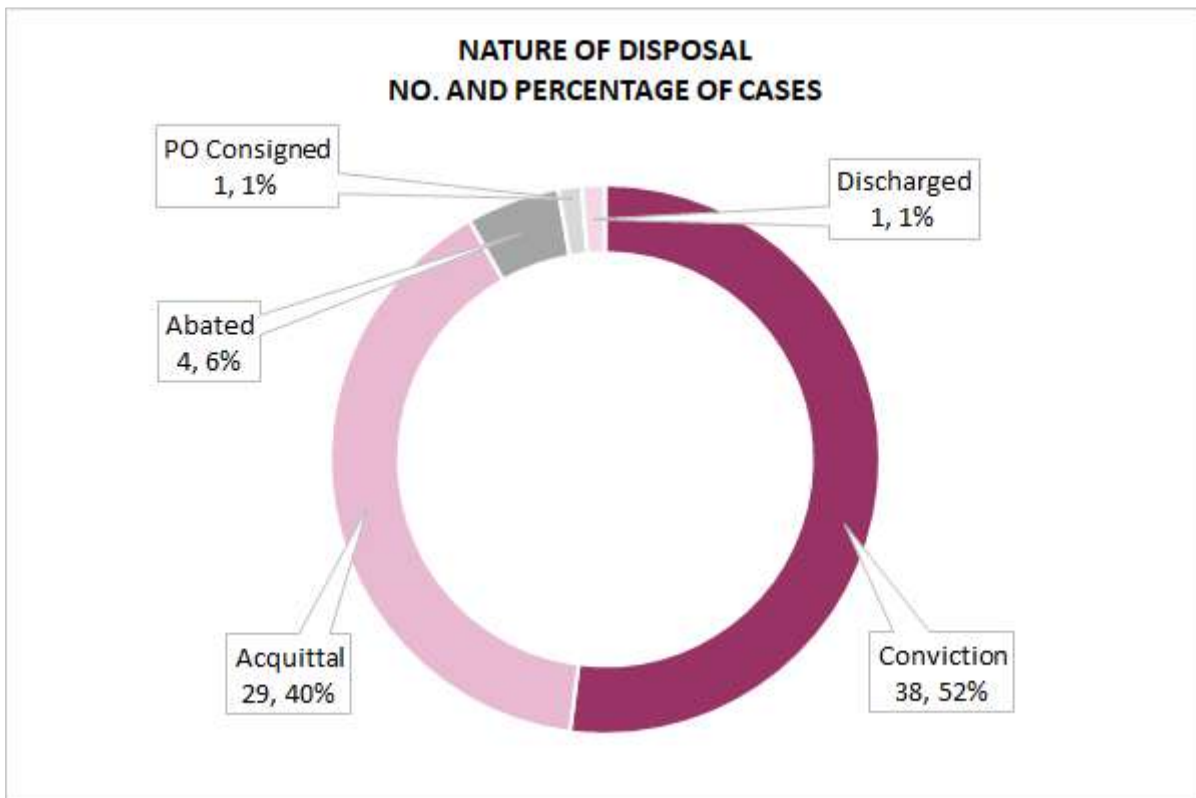
This factsheet highlights the time taken & nature of disposal of the cases. It also details the reasons for acquittal in each of the cases and gives an overall picture of how long the system takes to bring cases to this stage.

**Table 31:**  
**NATURE OF DISPOSAL**

<i>Status of Disposed Cases</i>	<i>No. of Cases</i>
Conviction	38
Acquittal	29
Abated	4
PO Consigned	1
Discharge	1
<b>Total</b>	<b>73</b>

**Conviction Rate: 52%**

**Acquittal Rate: 40%**



## Disposal

**Table 32:**  
**REASONS FOR ACQUITTAL**

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child &amp; Accused</i>
<ol style="list-style-type: none"> <li>1. There was delay in FIR.</li> <li>2. Victim refused for her internal medical examination.</li> <li>3. Nothing incriminating against the accused found in the FSL report.</li> <li>4. Victim in her deposition before Court stated that the Accused did not commit any wrong act with her and that she implicated the accused at the instance of her mother.</li> <li>5. Material inconsistencies observed by Hon'ble Court in the testimonies of the Victim and her family members.</li> </ol>	12	23	Neighbour
<ol style="list-style-type: none"> <li>1. Delay in FIR.</li> <li>2. Inconsistency in Statement of Prosecution Witnesses.</li> <li>3. False Implication by the Victim at behest of her mother.</li> </ol>	12	42	Father
The version of the Prosecutrix does not inspire confidence and there is apparent conflict in her versions given till 24.12.2014 and subsequently after 31.12.2014 and the said contradictions are material in nature.	14	22	Cousin Sister's Daughter's Son
<ol style="list-style-type: none"> <li>1. The victim did not disclose the incidents to anyone, however as per statement on the contrary to that she had chances/opportunity to disclose.</li> <li>2. The statement of the victim and the school teacher regarding the date of the incident does not corroborate. Material contradiction as regards the genesis of the FIR.</li> <li>3. The veracity of the victim has been controverted on material aspects.</li> <li>4. Due to lack of witness, the testimony of the lone child victim cannot be the sole basis of the conviction without corroboration.</li> <li>5. The prosecution was unable to prove the criminality beyond reasonable doubts. And the Defence has been able to rebut the presumption under section 29 of the POCSO Act and stood the test of preponderance of probabilities.</li> <li>6. The child was caught with a boy to which the victim and the accused agrees which led the victim to be upset. The victim could have had motive to falsely implicate the accused. She had admitted that she was angry with him because he used to scold her and not approve of her friendship with boys.</li> <li>7. There was no material to show how she continued to be a student of class - V to come in contact with the teacher who set the law in motion.</li> <li>8. The victim's name had been struck off from the school in 2013. The victim had shifted to a different school with her <i>maasi</i> in 2015, 26 October, where she was a student of class-VI. The discrepancy in the dates when the matter was first reported to Teacher and what transpired thereafter till recording of complaint before CWC, is not explained by the prosecution.</li> </ol>	12	85	Employer

## Disposal

**Table 32 continues**  
**REASONS FOR ACQUITTAL**

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child &amp; Accused</i>
<ol style="list-style-type: none"> <li>The letters written by the victim, the messages sent by the victim and the photographs of the victim with the accused falsify her version. Considering the entire material on record, PW1 (the victim) cannot be classified as a sterling witness.</li> <li>There is no specific forensic/DNA evidence which connects the accused with the alleged rape.</li> <li>There is no other corroborative evidence or independent witness.</li> <li>The delay in making the complaint to the police with respect to the alleged incident of rape is also fatal to the case.</li> <li>Allegations that the accused had kidnapped the victim and had taken her to Manali, Himachal Pradesh and to a village in Haryana is considered, there is neither any proper investigation in this respect nor any supporting evidence. The defence of the accused appears to be probable.</li> <li>The prosecution has failed to bring home the charges against the accused for the alleged offences punishable under sections 363/376/354D/506 of IPC and section 4 read with section 3, and section 12 read with section 11 of the POCSO Act, 2012 as the accused is found to be entitled to the benefit of reasonable doubt.</li> </ol>	16	23	Acquaintance
<ol style="list-style-type: none"> <li>Material Witnesses turn hostile</li> <li>Discrepancy in Victim Testimony regarding identification of clothes.</li> <li>Discrepancy in timing of incidents.</li> </ol>	15	32	Friend
<ol style="list-style-type: none"> <li>The victim and her father's and mother's statements about the identification of the accused are different.</li> <li>There is a delay in registering the FIR and the delay is not explained.</li> <li>The victim at the time of her medical examination had refused for her internal medical examination and the victim had not levelled any allegation of physical assault at the time of medical examination.</li> <li>Clothes of the victim and the accused were not taken into possession.</li> <li>The van/car which the victim alleges to be kidnapped in is not traced nor the driver of the vehicle was traced. There was no clue for both of them.</li> <li>Variation in the victim's statement before the parents at Police Station and the statement recorded under u/s 164 of Cr.P.C.</li> <li>Lack of witness, Police has not examined any witness who would have corroborated the kidnapping incident.</li> <li>Variation in the statement of father of the victim and arrest memo regarding the arrest of the accused.</li> <li>Lack of sterling witness.</li> </ol>	15	28	Neighbour, Stranger
<ol style="list-style-type: none"> <li>No specific allegation made by the victim or any other prosecution witnesses.</li> <li>Allegation were vague and date, time and place were not specified.</li> <li>Prosecution could not prove the case beyond reasonable doubt.</li> </ol>	14	21	Neighbour
<ol style="list-style-type: none"> <li>Inconsistency in the testimony statement of child victim.</li> <li>Material contradiction in statement given by key witnesses</li> </ol>	10	56	Neighbour
<ol style="list-style-type: none"> <li>Improbability in commission of offence in the given circumstances.</li> <li>Scientific evidence do not corroborate allegation.</li> </ol>	15	18	Friend

## Disposal

Table 32 continues  
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child &amp; Accused</i>
1. Delay of two days in reporting the case had not been explained 2. The cousin of the child victim who was eyewitness to the incident had not supported the case and turned hostile. 3. There were certain contradictions and improvements in the statements of child victim before the police, in section 164 statement and before the trial 4. The MLC and the FSL report did not support the version of child victim	15	43	Adoptive Father
1. There were many contradictions and improvements in the statement of child victim and her grandmother who was the eyewitness to the incident in their statements recorded before the police, before learned MM and before the trial court. 2. The child victim failed to identify the accused during trial in the court, she identified accused after leading by APP. 3. The MLC and the FSL report did not support the version of prosecution. 4. The accused has successfully proved his defence through defence witnesses.	6	32	Neighbour
The court disbelieved the child victim's version as allegation of the child contradicted by the MLC and further DNA of the foetus did not match.	15	30	Maternal Uncle
The court discarded the statement of child victim as the same was not credible and reliable.	14	29	Brother
The accused was acquitted on following grounds mainly: 1. The child disclosed the incident on next day of the incident, hence the court doubted his version. 2. As per child version, the accused had inserted a stick (danda) in his anus, but the police had failed to recover the said danda. 3. The police had not investigated the case properly hence there were many lacunas in the prosecution story.	5	28	Helper in School
At the time of testimony of the child victim, she did not appear in the court and the court was informed about the disappearance of the victim and her family. The court issued many directions to all concerned police officials to find them out, but the police failed. After waiting for 2 years and more than 15 court hearings, the court closed the evidence and acquitted the accused.	7	25	Step-Father
Prosecution could not prove its case and accused persons got acquitted due to following reasons: 1. There was no allegation of penetrative sexual assault on 28.06.2016 in the first complaint which was added by the prosecutrix in her statement under 164 Cr.P.C. 2. Complaint is highly belated and it was observed that victim was not consistent on date and time of first assault. 3. Defence through statement under section 313 Cr.P.C and through cross-examination of PW-1 (Prosecutrix) duly established that there were multiple reasons for his false implication. 4. MLC and FSL report were not in corroboration with prosecution version.	17	42	Biological Father

## Disposal

Table 32 continues  
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child &amp; Accused</i>
Child turned hostile during her testimony. There was no other incriminating evidence against the accused except the testimony of child victim, who had not supported her allegation at all. Hence the accused was acquitted and the case was disposed at stage of PE(VT).	15	26	Cousin
<ol style="list-style-type: none"> <li>1. The version of the child victim has not been corroborated by the MLC and FSL report.</li> <li>2. The mother of child victim refused for internal examination of the child on the ground that no sexual offence was committed with the child.</li> <li>3. Prosecution failed to prove the case beyond reasonable doubt and hence benefit of doubt is given to the accused.</li> </ol>	3	40	Play School's Owner's Husband
<ol style="list-style-type: none"> <li>1. Uncorroborated testimony of victim who has improved her case does not inspire confidence and cannot be reliable and trustworthy and so is not sufficient to believe that the accused committed penetrative sexual assault.</li> <li>2. Considering the testimonies of prosecution witnesses having inconsistencies and contradictions which go to the root of matter it can be said that the accused is able to discharge his onus and have raised a doubt on the case of prosecution.</li> <li>3. The inconsistencies and contradictions raised doubt that no such offence has occurred as deposed by the witnesses.</li> </ol>	7	21	Neighbour
The JCL, got acquitted in this case. The Ld. P.M. mentioned in the order that there was no case made out against the juvenile.	7	16	Neighbour
<ol style="list-style-type: none"> <li>1. There are material contradictions in the oral evidence of the witnesses of prosecution.</li> <li>2. Previous animosity between the family of prosecutrix and JCL.</li> <li>3. No medical history of injuries despite the allegations of digital penetration.</li> <li>4. On account of refusal of mother of prosecutrix, medical samples were not taken. And as such, there is no forensic evidence whatsoever which could possibly connect JCL with the alleged offence.</li> <li>5. Juvenile stands acquitted of the offences punishable under section 6, POCSO Act</li> </ol>	5	17.5	Neighbour
There is inexplicable silence of the victim on all 5 occasions when sexual assault was committed upon her, there are discrepancies in the statements of victim and her mother, evidence of the prosecutrix is not of sterling quality, there is no evidence on record to corroborate prosecutrix's deposition, the incidents as narrated by the prosecutrix appear doubtful, hence juvenile is acquitted of the offence's punishable u/s 376/506 IPC and Section 4 POCSO Act.	16	17.5	Neighbour
The child victim was unable to recall the incident and did not depose anything against the accused. The child victim was also unable to recognize the accused and to identify the accused. Neither MLC nor the FSL report support the allegation against the accused. The accused acquitted u/s 377 IPC.	3	43	School Cab Driver

## Disposal

Table 32 continues  
REASONS FOR ACQUITTAL

<i>Reasons</i>	<i>Age of the Child</i>	<i>Age of the Accused</i>	<i>Relationship between Child &amp; Accused</i>
<p>The version of prosecutrix was not relied upon by the court on the ground that:</p> <ol style="list-style-type: none"> <li>the circumstances and sequence of the alleged incident were very unnatural;</li> <li>the testimony of the child victim, her mother and two of her relatives contradicts the version of each other;</li> <li>the conduct of child victim, her mother and two relatives after the incident are not natural;</li> <li>neither the forensic evidence nor the MLC support the allegation of child victim.</li> </ol> <p>Accused acquitted from offence u/s 376, 506 IPC and 4 POCSO Act.</p>	13	17.5	Neighbour
<p>The allegation against JCL was entirely vague as regards the date and time. There was delay of five-months in registration of FIR. The FSL report does not connect the JCL with the alleged offence. There was also no blood or semen found on any of the exhibits. The version of the child victim was contradicted by her grandmother during the testimony before the court. The court observed that the version of victim boy is not of sterling quality and there was no corroboration whatsoever from any quarter. On the contrary, circumstances on record create a big doubt in the prosecution version. The accused acquitted from the offence u/s 6 of POCSO Act.</p>	12	16	Neighbour
<p>The Magistrate said that there was no direct evidence against both juveniles. He insinuated that the child victim was either confused or was lying. He further stated that he finds it hard to understand why the child victim hadn't testified against these two juveniles earlier.</p>	14	17	Senior Student
<ol style="list-style-type: none"> <li>Victim was not consistent with name and role of each accused. (4 accused)</li> <li>Victim was not consistent with the time and circumstances of the incident.</li> <li>Victim was declared an adult on the basis of age assessment report as it was border line case. The POCSO charges were removed.</li> <li>The court declared the victim as unreliable and gave benefit of doubt to the accused.</li> <li>There was unexplained delay of 3 months in reporting the matter.</li> </ol>	16	46	Employer and his friends
<ol style="list-style-type: none"> <li>The victim had disclosed to the Ld. Magistrate that the incident occurred a few days before making the complaint. However according to the complainant, the incident had occurred about 8 months ago from the date of making the complaint.</li> <li>During cross examination, the victim, at the first instance deposed that her mother (complainant) had told her what was to be said in the Court but immediately thereafter retracted the said statement.</li> <li>PW2 deposed that one of the sexual assault incidents (licking of penis) occurred at night in her presence, however PW1 deposed that it occurred during the day time when her mother (PW2) had gone to work.</li> <li>Complainant failed to disclose the dates of her absence (as she had alleged that the acts were committed by the accused against PW1 whenever she used to be out for medical check-up).</li> <li>Complainant and the accused did not share a healthy relationship.</li> </ol>	6	23	Step-Father



Disposal

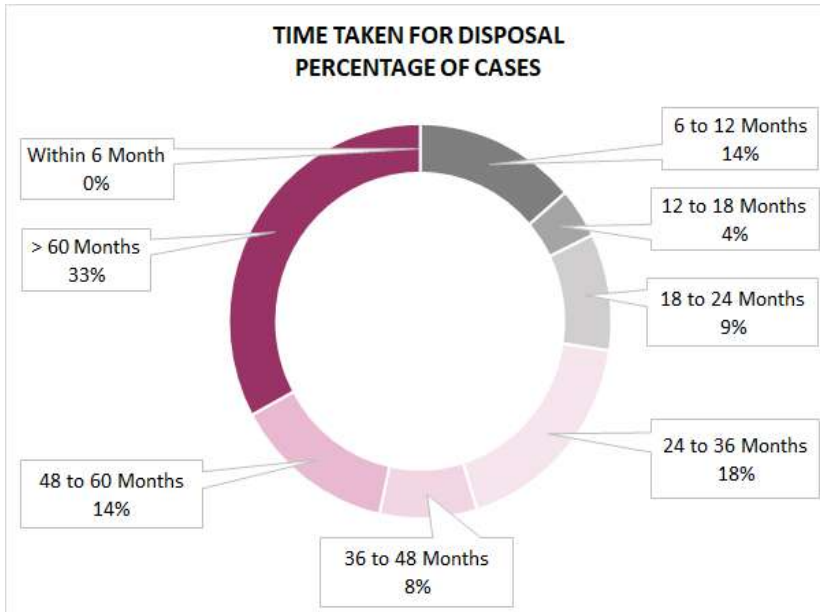


Table 33: TIME TAKEN FOR DISPOSAL OF CASES

Period	No. of Cases
Within 6 Month	0
6 to 12 Months	10
12 to 18 Months	3
18 to 24 Months	7
24 to 36 Months	13
36 to 48 Months	6
48 to 60 Months	10
> 60 Months	24
<b>Total</b>	<b>73</b>

- Cases that ended in acquittal took nearly 42 months or 3.5 years to reach that stage
- Cases that ended in conviction took nearly 47 months (or 4 years)
- On an average, the cases took 1289 days (3.5 years) until disposal; cases that took most time reached 2389 days (6.5 years). This indicates the time it takes for the child to receive justice, a closure and an opportunity to feel that he/she is safe

Table 34: AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL (in days)

Average Time Taken for Disposal	1289
Minimum Time Taken	195
Maximum Time Taken	2389

Table 35: AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL in CASES THAT ENDED IN ACQUITTAL

Acquittal Cases	Days	Months	Years
Average Time Taken for Disposal	1258	41.93	3
Minimum Time Taken	195	6.50	1
Maximum Time Taken	2389	79.63	7

Table 36: AVERAGE, MINIMUM & MAXIMUM TIME TAKEN FOR DISPOSAL in CASES THAT ENDED IN CONVICTION

Conviction Cases	Days	Months	Years
Average Time Taken for Disposal	1394	46.46	4
Minimum Time Taken	236	7.87	1
Maximum Time Taken	2381	79.37	7

## Victim Compensation

This section highlights the time taken for compensation to be granted and documents the reasons for delay. The information is bifurcated to indicate interim compensation and the final compensation.

**Table 37:**  
**INTERIM COMPENSATION**

Year of FIR	No. of Cases	Year of Grant									
		2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
2012	4	1	1	0	0	0	0	0	0	0	2
2013	13	1	2	3	1	0	0	0	0	0	7
2014	11	0	2	0	1	1	0	0	0	0	4
2015	63	0	0	8	4	6	4	0	0	0	22
2016	43	0	0	0	8	6	1	0	1	0	16
2017	35	0	0	0	0	3	5	2	1	0	11
2018	52	0	0	0	0	0	5	20	2	2	29
2019	52	0	0	0	0	0	0	11	12	4	27
2020	93	0	0	0	0	0	0	0	13	10	23
2021	51	0	0	0	0	0	0	0	0	7	7
<b>Total</b>	<b>417</b>	<b>2</b>	<b>5</b>	<b>11</b>	<b>14</b>	<b>16</b>	<b>15</b>	<b>33</b>	<b>29</b>	<b>23</b>	<b>148</b>

**Table 38:**  
**TIME TAKEN FOR GRANT OF INTERIM COMPENSATION FROM DATE OF FIR**

Time Taken (in months)	No. of Cases
Within 1 Month	14
1 to 3 Months	21
3 to 6 Months	28
6 to 9 Months	20
9 to 12 Months	15
12 to 15 Months	12
15 to 18 Months	5
18 to 21 Months	13
21 to 24 Months	4
24 to 36 Months	11
Above 36 Months	5
<b>Total</b>	<b>148</b>

- Interim Compensation is granted in 148 out of 417 cases, i.e. 35% cases
- Only in 10% of these, it is granted within 1 month of FIR
- About 57% cases have taken anywhere between 1 to 12 month(s)
- 23% cases have taken between 12-24 months

## Victim Compensation

**Table 39:**  
**GRANTING INTERIM COMPENSATION: THE LAW AND THE PROCESS**

<i>Interim Compensation</i>	<i>Filed before the Special Court + Granted by the Special Court + Amount of compensation also decided by the Special Court</i>	<i>Filed before the Special Court + Special Court forwarded to DLSA for further action (to decide on whether to grant or not as well the amount)</i>	<i>Filed before DLSA + Awarded by DLSA</i>
u/s 357A CrPC	5	7	7
u/s 33(8) POCSO Act /Rule 7 POCSO Rules	118	7	4

**Table 40:**  
**NO. OF DAYS LAPSED SINCE GRANT OF INTERIM COMPENSATION**

<i>Time Taken (in months)</i>	<i>No. of Children</i>
Within 1 Month	2
1 to 3 Months	0
3 to 6 Months	7
6 to 9 Months	3
9 to 12 Months	3
12 to 18 Months	0
Above 18 Months	3
<b>Total</b>	<b>18</b>



## Victim Compensation

**Table 41:**  
**REASONS FOR DELAY IN DISBURSEMENT OF INTERIM COMPENSATION**

<i>Case ID</i>	<i>Reasons</i>
18DEL050/PSY-SO/LEGAL	VT Pending
19DEL038/PSY-SO/LEGAL	Corrections needed in Court Order (Child's Name was wrong in Court Order).
19DEL183/PSY-SO/LEGAL	Objections raised by DSLSA in the order passed by DLSA. There were some issues in the signature of victim.
20DEL013/PSY-SO/LEGAL	Correction required in the child's name in bank account.
20DEL196/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
20DEL218/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
20DEL287/PSY-SO/LEGAL	Child needs PAN Card to get bank account opened.
20DEL286/PSY-SO/LEGAL	Order for interim compensation is very recent (September 2021). Bank account details and other documents need to be submitted in DLSA.
20DEL412/PSY-SO/LEGAL	Child's parents and the child had no Aadhar Card and PAN Card. All documents are now ready but bank account is yet to be opened.
21DEL196/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
21DEL226/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
18DEL033/PSY-SO/LEGAL	Child is no more and another application needs to be moved to disburse the compensation amount in child's parents' account.
18DEL034/PSY-SO/LEGAL	Objections raised by DSLSA in the order passed by DLSA. DLSA sent incorrect bank details, DLSA now has to pass new order with correct detail.
20DEL382/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
19DEL046/PSY-SO/LEGAL	Family went back to village and have returned recently. They have no proper address and survive on the streets of Delhi. Bank account details and other documents need to be submitted in DLSA.
19DEL069/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
20DEL355/PSY-SO/LEGAL	Order for interim compensation is very recent (September 2021). Bank account details and other documents need to be submitted in DLSA.
18DEL008/PSY-SO/LEGAL	Family refused the interim compensation.

## Victim Compensation

**Table 42:**  
**FINAL COMPENSATION**

Year of FIR	No. of Cases	Year of Grant									Total
		2013	2014	2015	2016	2017	2018	2019	2020	2021	
2012	4	0	0	0	0	0	1	1	0	0	2
2013	13	0	0	0	0	0	0	2	3	0	5
2014	11	0	0	0	0	2	0	2	2	0	6
2015	63	0	0	0	1	2	1	2	3	4	13
2016	43	0	0	0	0	1	0	2	3	0	6
2017	35	0	0	0	0	0	0	1	1	1	3
2018	52	0	0	0	0	0	0	2	0	0	2
2019	52	0	0	0	0	0	0	0	0	0	0
2020	93	0	0	0	0	0	0	0	0	0	0
2021	51	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>417</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>12</b>	<b>12</b>	<b>5</b>	<b>37</b>

**Table 43**  
**REASONS FOR DELAY IN DISBURSEMENT OF FINAL COMPENSATION**

Case ID	Reasons
15DEL033/PSY-SO/LEGAL	Final Compensation order is awaited
15DEL042/PSY-SO/LEGAL	Final Compensation order is awaited
16DEL004/PSY-SO/LEGAL	Shelter home is the signatory for the child's bank account. This needs to be corrected.
13DEL003/PSY-SO/LEGAL	Child is in the village and is not being able to come to Delhi to complete formalities for opening the bank account.
15DEL001/PSY-SO/LEGAL	All formalities have been completed but DLSA has not passed the order for disbursement.
15DEL017/PSY-SO/LEGAL	Compensation order is recent (August 2021). Shelter home where the child is residing is yet to get the child's bank account opened.
17DEL027/PSY-SO/LEGAL	Compensation order is very recent (September 2021). Bank account details and other documents need to be submitted in DLSA.
17DEL057/PSY-SO/LEGAL	All formalities have been completed. DLSA now needs to disburse the amount.
13DEL005/PSY-SO/LEGAL	Family is in village. Earlier bank account was frozen. New bank account needs to be opened.
13DEL017/PSY-SO/LEGAL	Court awarded final compensation but sent file to DLSA to determine the amount. DLSA ordered the IO to verify the child's details. The IO found that the name of the child in the final compensation order of the court is incorrect.
16 DEL131/PSY-SO/LEGAL	JJB awarded final compensation but asked the DLSA to determine the amount. DLSA called for the case file. JJB is yet to send the file to DLSA.

- Final compensation has been awarded in 37 cases.
- 34 of these are cases that ended in conviction, 2 ended in acquittal and 1 is abated.
- In one of the cases that ended in acquittal at the trial court level, the matter was appealed in the High Court, where acquittal was turned into a conviction and compensation has been granted.

## Psychosocial Impact and Support

This factsheet concludes the document with information on aspects of psychosocial impact, support and how families make an effort to move forward. Tables 44-53 provide details of shelter and witness protection support, medical support, education and financial support, support for family needs, and so forth. Three case stories have been included to share some experiences of the HAQ team while addressing the cases.

**Table 44:**  
**SHELTER & WITNESS PROTECTION SUPPORT**

<i>Shelter and Protection Need</i>	<i>No. of Children</i>
Assisted family in applying for witness protection	8
Incest case - child was placed in shelter home	5
Informed the IO/ Police/ Court to deal with the threats faced by the child	41
Family members counselled due to hostile environment for the child at home	4
Helped family relocate for safety reasons	14
Child was placed in a shelter home and home study was done before restoration	23
Child and sibling were placed in shelter home for various reasons such as unsafe environment or safety reasons etc.	3
Child was placed with maternal family	1
Regular follow up was done to ensure the safety of the child and family	7
<b>Total</b>	<b>106</b>

**Table 45:**  
**MEDICAL SUPPORT**

<i>Medical Need</i>	<i>No. of Children</i>
Assistance throughout pregnancy and safe delivery	10
Assisted child for psychological assessment (IQ)	15
Assisted child for Thyroid and other related tests	1
Treatment of physical injury	5
Assisted for skin infection treatment	1
Assisted for the treatment of kidney stone	1
Assisted with physiotherapy for back pain	1
Colostomy related surgery and post operative care and follow up	5
Psychiatric Treatment	10
Emotional support and assistance for MTP	6
Treatment for infection on shoulder	1
Treatment for epilepsy	3
Treatment for Ranula Cyst	1
Right Eye Operation	1
Treatment for continuous stomach pain, body aches and headaches	10
Treatment for drug de-addiction and rehabilitation + Screening for HIV/AIDS	2
Treatment for pain in private parts	25
Treatment for burns caused due to spilling of hot tea on knees	1
Surgery due to injuries in private part	2
<b>Total</b>	<b>101</b>

## Psychosocial Impact and Support

**Table 46:**  
**EDUCATIONAL SUPPORT FOR CHILDREN WHO DROPPED OUT OF SCHOOL DUE TO THE INCIDENT**

<b>Current Status</b>	<b>69 Children (All Girls)</b>
Resumed studies	17 enrolled in NIOS instead of regular schooling
	11 enrolled in vocational training
	28 are back to regular school
	3 are back to regular school and have also joined vocational course
	1 admitted in special school after identifying cognitive difficulties
Not resumed studies	2 have not resumed their studies even after efforts
	2 girls were married off as soon as they turned 18
Efforts ongoing	In 5 cases efforts are still ongoing

**Table 47:**  
**EDUCATIONAL SUPPORT FOR CHILDREN WHO DROPPED OUT OF SCHOOL BEFORE THE INCIDENT**

<b>Current Status</b>	<b>46 children</b>
Resumed studies	3 enrolled in NIOS instead of regular schooling
	1 enrolled in NIOS and vocational training.
	5 enrolled in vocational training
	13 are back to regular school
	2 have been admitted in special school after identifying cognitive difficulties
	3 attending tuition classes for basic learning
Not resumed studies	7 have not resumed their studies (1 - due to psychiatric illness, 1 child is no more, 4 are not interested, 1 got married as soon as she turned 18)
Efforts Ongoing	In 12 cases efforts are still ongoing
Never been to school	11 admitted in school
	8 efforts ongoing

## Psychosocial Impact and Support

**Table 48:**  
**CHANGE OF SCHOOL DUE TO THE INCIDENT**

<b>Current Status</b>	<b>8 children</b>
Changed school due to incident	All 8 children are attending regular school

**Table 49:**  
**OTHER EDUCATIONAL SUPPORT FOR CHILDREN WHO CONTINUED WITH THEIR EDUCATION**

<b>Current Status</b>	<b>2 children</b>
Support beyond school	One child was helped in completing assignments while pursuing Graduation
Home Tuition	Home tuition was arranged for one child with the help of TFI as child was weak in studies.

**Table 50:**  
**EMOTIONAL / PSYCHOLOGICAL SUPPORT**

<b>Emotional / Psychological Need</b>	<b>No. of Children</b>
Primary Care - Emotional concerns and anxieties identified and handled by social worker	37
Secondary Care - Counselling need identified and met through HAQ in-house counsellor	209
Tertiary Care - Assistance provided for psychiatric treatment/psychological follow-up	23
<b>Total</b>	<b>269</b>





## Psychosocial Impact and Support

**Table 51:**  
**PARALEGAL SUPPORT**

<i>Paralegal Needs</i>	<i>No. of Cases</i>
Sensitization of police where family was not getting adequate support from the police	12
Social worker assisted the child for testimony preparation Pre-trial court visits of the child were arranged in 45 cases	86
Helped the family procure basic case related documents such as copy of FIR, MLC	23
<b>Total</b>	<b>121</b>

**Table 52:**  
**FINANCIAL SUPPORT**

<i>Financial Needs</i>	<i>No. of Cases</i>
Follow-up on application for interim compensation filed by IO/DLSA/DCW	81
Filing application for interim compensation and follow-up by social worker	44
Filing application for final compensation and follow-up by social worker	35
<b>Total</b>	<b>160</b>

**Table 53:**  
**SUPPORT FOR FAMILY NEEDS**

<i>Family Needs</i>	<i>No. of Cases</i>
Counselling for family member(s) undergoing trauma after the incident	18
Counselling / care and safety of the child is ensured where violence is reported in the family towards the child	13
Assistance to the mother of the child for action on a domestic violence complaint	8
Counselling to mothers of children who have faced incest abuse to encourage them to take up a job	8
Counselling and sharing information about de-addiction centres in cases where the child has an alcoholic parent/sibling in the family	6
<b>Total</b>	<b>53</b>

## Stories of Successes & Challenges

CASE  
STORY

### Right to Victim Compensation: Inadvertent delays that require constant follow-up

Kaumudee (name changed) was 6 years old when she lost her mother due to some illness and her father, who was struggling with alcoholism, was unable to take care of Kaumudee and her siblings. In such times, her aunts (Father's Sisters) came forward and offered to take care of all the children. One of the aunts took custody of Kaumudee and brought her to Delhi in 2013, and the other aunt took custody of Kaumudee's siblings and stayed in West Bengal. Kaumudee lost her parents and was separated from her siblings too, which created a void in her life. After bringing her to Delhi, Kaumudee's aunt made her do chores at home and also made her work at another house for money.

As if this was not enough for a 6-year-old child... Her uncle (aunt's husband) started sexually abusing her whenever he would find her alone at home. The abuse continued for almost two years. One day her aunt sent her out of the house to buy something. Kaumudee used the situation to escape her miseries and boarded a random bus. When the bus reached its destination, the conductor of the bus asked Kaumudee where she wanted to go, to which Kaumudee had no answer and she started crying. The conductor then called the police and handed her over to them.

A police case was registered based on one incident of abuse shared by the child with the police. Kaumudee was produced before the CWC and placed in a shelter home and HAQ was asked by the CWC to provide services of a support person to the child. The counsellor from HAQ started interacting with the child and in the course of interactions, the child narrated her ordeal, revealing about being sexually abused by her uncle multiple times. Since the child needed a lawyer, HAQ also provided her legal support.

In the FIR that was registered, the child was unable to give details of her aunt's address. However, it was

discovered that Kaumudee's aunt had come to meet her in the shelter home. On checking the visitor's register in the shelter home, the address was found and shared with the police, whereupon the accused was arrested.

The case was registered in 2015 and the trial ended in 2017. The accused was sentenced to rigorous imprisonment of 5 years for committing aggravated sexual assault along with a fine of ₹10,000. The child was also awarded final compensation of 3 lakh rupees for her rehabilitation. "The legal battle is over", quoted a popular digital news media that covered her story. In this case, the trial court judge relied on certain drawings made by the child along with her testimony and other evidences to establish the fact of sexual abuse.

Winning the legal battle was not the only focus. For HAQ it is equally important to ensure the child gets what is due to her to enable her proper rehabilitation. Though the child was placed in a shelter home where she continued her studies, getting the final compensation awarded by the court was a challenge. Once the court awards final compensation, the direction for disbursement of the compensation amount goes to the concerned DLSA. That is where the challenge started. The child had no bank account in her name, hence the Investigating Officer (IO) in the case was directed to get the bank account opened for the child. The order for this was passed in 2017 but the DLSA or the court and even the CWC did not pursue the matter in an active manner and kept on issuing summons to the IO for opening of the account or waiting for the status report from the IO in this regard.

HAQ team got in touch with the concerned DLSA and informed them that the child did not have any identity proof and in absence thereof no bank was opening an account for her. The same was also conveyed to the IO and he assured HAQ's team that he will look into the matter.

## Stories of Success & Challenges

Days passed and the team kept on reminding him for the bank account and Aadhar Card of the child. Sensing the delay, HAQ team took permission from the concerned CWC and shelter home and applied for the child's Aadhar Card and subsequently informed the IO about it. The IO then told HAQ team that he will collect the Aadhar Card from the issuing centre and submit the same to the shelter home and get the bank account opened. On follow-ups with the IO, he would either not pick up the phone or would make excuses and would never give the correct information about status of the child's Aadhar Card.

HAQ team member then visited the Aadhar Centre to inquire into the matter and was informed that the Aadhar Card had already been issued. The IO was contacted again and fortunately he picked up the phone and shared that he had collected the child's Aadhar Card and would hand it over tomorrow that never came by. It was suspected that the IO had misplaced the Aadhar Card of the child. During one of the follow-up calls at the police station where the IO was stationed, it was learnt that he had been transferred to another police station. The HAQ team member then decided to re-apply for the Aadhar Card and took the child to the Aadhar Centre for the same. But upon applying, it was rejected twice as the child's details were already present in the computerised system and it only showed the Aadhar Card is active and biometric needs to be updated. On applying for update of biometric at the UID office, it was rejected with the reason that the Aadhar copy is necessary, and they refused to entertain the matter any further.

Finally, HAQ's legal team was approached to ask if any order can be issued by the court to open a bank account with Aadhar Card or if any order can be issued to the authorities at Aadhar Centre for giving a copy of the Aadhar Card or, if there was any other possibility to get another Aadhar Card made for the child. The matter was then taken up with the Secretary, DSLSA, who issued a notice to the concerned DLSA and set the whole machinery in motion.

The DSLSA wanted to make sure there was no further delay in opening of the bank account and getting the child her Aadhar Card. Yet, as informed by the Secretary, DLSA, it took them two months to get the Aadhar Card issue resolved as they had to contact the head office in Bangalore for the upgradation of the child's Aadhar Card and to get a copy of the same. Once the Aadhar Card was received, the bank account was opened and Kaumudee received her due final compensation in 2020.

It took the child almost three years to get the final compensation which should have happened in a month's time as per DSLSA's rules. Had the final compensation been disbursed within a month or two of the order from the court, the child could have also received the interest amount on the money for three years, which she could have used for her future. Further, due to unavailability of the bank account, she could not even receive the scholarship money that Delhi Government pays to school going children.

There is no compensation for the amount lost by the child due to administrative delays, insensitive approach towards victims and carelessness post the matter is disposed by the court. This delay and loss could have been easily avoided had the concerned authorities made active efforts to ensure that there is no delay in disbursement of compensation once awarded by the court.

The struggle to prepare the documents and opening of a bank account is still a challenge for HAQ team. This is also because there is no coordination between the different agencies, departments and sectors like the Bank Sector, Aadhar Issuing Centres, DLSA, and the like. Every agency only has their own rules and regulations to offer to children and their families instead of what is due to the child. Delay in the process of disbursement of compensation for both immediate needs and future rehabilitation of the child remains a challenge, often requiring a rigorous follow-up.



## Stories of Successes & Challenges

CASE  
STORY

### The Access to Justice Potpourri

17-year-old Mahi (name changed) and 15-year-old Manjari (name changed) were happily living with their family until one fateful day both were kidnapped and sold for the purpose of prostitution.

One day, Mahi had a fight with her boyfriend. She was upset and in anger she left home without informing her parents. Seeing her elder sister go out of the house alone, the younger sister followed her to be with her. Both sisters reached a nearby railway station. At the station they met one of the accused who took advantage of their emotional vulnerability and offered help. In their innocence, both trusted the man. Fearing that their parents will be very angry at them for leaving the house without informing, they decided to follow the accused wherever he took them.

The accused sold Mahi to a man, who took her to Kolkata. He told Mahi that he is sending her with that man to Kolkata to cheer her up and he will take care of her younger sister. He also told Mahi that he can arrange a high paying job for her. On the other hand, the accused sold Mahi's younger sister Manjari to another man for a price of ₹2,00,000.

Manjari was then taken to a different place where she was sexually abused. Manjari's accused used to lock her at home and would not allow her to talk to anyone. One day, when the accused was not at home, Manjari made use of the opportunity and found a way to escape. She reached the New Delhi Railway Station from where she called her mother. Manjari's mother then called the Investigating Officer (IO) who was handling their complaint of missing children and found the girl at the railway station. On meeting her mother and getting support, she narrated her heart wrenching story to her mother. The parents were happy they could find their younger daughter but their hunt for the elder one continued.

When HAQ was asked by the CWC to provide services of support person in the case, the family shared the incident with the HAQ team. During interactions with Manjari, she shared about pain in her private parts due to the abuse. She was taken to a doctor and also counselled to help her overcome the trauma. Today, the child is fine.

Though Manjari could successfully escape, she had no idea about her sister's whereabouts. Their parents ran from pillar to post to find their missing daughter. The police did not make any active efforts to trace the girl even after getting leads from Manjari and her mother. Manjari also helped the police to trace the accused who had sold them and the accused also confessed before the police that he had sold Mahi to a man who took her to Kolkata to engage her in prostitution. It came as a shock to learn that the IO had figured out that Mahi was in Sonagachi, a red light area in Kolkata, but made no efforts to bring her back to her family.

HAQ team then decided to take the matter to the High Court and file a writ of Habeas Corpus. While the petition for Habeas Corpus was in process, new challenges came up. Manjari and her mother informed the HAQ team that Mahi had called them to say that she had married one of the accused in Kolkata and did not wish to come back to her family. When her mother tried to persuade her, she threatened to file a counter case against the family for harassing her if they continued the search. Mahi told her mother that she is 18 now and can do as she wishes. Soon after, her mother started getting calls from an unknown number, threatening her to withdraw the Habeas Corpus petition and stop searching for Mahi.

These developments created a dilemma for the HAQ team. On the one hand the team strongly felt the need to rescue Mahi suspecting that she was forced into prostitution, where her well-being, safety and liberty were at perpetual risk, and on the other hand the team felt that Mahi could well have exercised her choice.

## Stories of Successes & Challenges

Given her impressionable age, Mahi could well have been manipulated by the accused to take a harsh stand against her family. It was also difficult to rule out that being away from her family and loved ones and having been subjected to various kinds of abuse, Mahi had lost all bargaining power and resigned to her fate. Being with the accused left her with no option but to accept what he had to offer her. At the same time, Mahi had indeed turned into an adult and as per law, had the legal capacity to take decisions for herself, no matter how good or bad they turned out to be. Also, Mahi's call to her family, asking them to stop looking for her made it difficult for HAQ to convince the police and court to bring her back to her parents.

These developments had also shaken the will and strength of the child's family. The family was then provided counselling and constant interactions were made to make sure that the family is safe.

Despite all odds, HAQ argued to keep the Habeas Corpus petition alive even after the police informed the court about the girl's whereabouts and decision not to return home. The police also informed the court that Mahi had filed an application in the Mumbai High Court alleging sexual abuse against her brother. This raised further alarm for the HAQ team as Mahi's threat to file a counter case against her family came true. On the basis of various probabilities presented to the court, the court was convinced to direct the police to produce Mahi. With the High court's order, the IO was left with no option but to bring her back to Delhi from Mumbai, where she had shifted from Kolkata according to police records.

After being brought to Delhi, Mahi refused to go back with her mother and made multiple allegations against her mother and brother. It was found out that she was three months pregnant and had refused to undergo an MTP. Going by various facts and circumstances, HAQ was increasingly convinced about Mahi's trafficking. The team thus met senior police officials to seek support in ruling out the possibility of trafficking.

After almost five months of legal battle and continued efforts, the court was convinced to give the custody of Mahi to her elder sister.

All this while Mahi had been residing in a shelter home and was in touch with the accused, who subsequently distanced themselves realising the seriousness of the court case. On returning home, HAQ started her counselling. Soon she gathered the courage to share what had happened with her in Kolkata. She now wants to fight the case against her perpetrators. HAQ also provided her medical support through the remaining period of her pregnancy and for safe delivery. On being counselled about the possibility of surrendering the child, she opted for it and her new born was thus surrendered before the CWC. Mahi is now enrolling herself for a graduation program from the School of Open Learning and is looking forward to a new life.

Had the court closed the case, Mahi would have been back with her perpetrators. Most Habeas Corpus petitions are disposed without going into the details of why a person went missing, what efforts were made to find them, how was the person found and if the facts and circumstances point to the need for further probe. Besides, prosecution of offenders is unsuccessful in most cases of trafficking and sexual abuse where the victims do not receive adequate psychosocial support that can help them believe in themselves and endure the legal battle. Sexual exploitation carries a stigma that shatters their confidence. They blame themselves for their situation and see no possibility of leading a respectable life in future, thus rescinding to fate. Often families fail their children in such times. A supportive family is thus very critical in such cases. Working with the families and giving them the required psychosocial support to deal with the situation better becomes equally important. The entire ecosystem of the child needs to be kept in mind while designing any psychosocial support programme for victims of trafficking and sexual abuse.

## Stories of Successes & Challenges

CASE  
STORY

### Challenges that have no easy answers

“Mujhe yaha achcha nahi lagta hai, mujhe ghar jana hai” – said Meera (name changed) when HAQ’s counsellor went to meet her at the shelter home, where she is currently living.

Meera’s family belongs to Nepal but has been living in Delhi for a very long time. Her father died when she was very young. Later, her mother remarried. Meera has 6 siblings and she is the 5<sup>th</sup> child of her biological parents. Unlike her siblings, Meera was difficult for her mother to handle. She was aggressive, slow in understanding and accepting the social norms and when her mother consulted a doctor she was informed that Meera has low IQ and was diagnosed with mild intellectual disability. This difference between Meera and her siblings has played a significant role in how Meera has been treated by her mother. Meera’s mother never understood how to take care of her and often, to discipline her, she would beat her up. Meera’s elder brother too used to beat her up for her behaviour. Meera’s mother herself has been a victim of extreme domestic violence and after her first husband’s death, the responsibility of taking care of all the 7 children fell squarely on her. She wanted Meera to understand her situation and obey her and help her in earning money like her other siblings did. On the other hand, Meera just wanted her mother to treat her with love like she treated her other siblings. Somehow, the emotional bonding between the two has always been missing.

With anger and frustration, Meera would leave her house without informing anybody at home. Sometimes she would come back very late in the night or in the morning. This further created a rift between Meera and her mother. With no family bonding, Meera started taking drugs and landed up being sexually abused and exploited.

Two girls from her neighbourhood pushed her into drugs, sex work and that is how her saga of subjection to sexual violence and humiliation began. She was all of 10 or 11 years at that time. At one instance, where the abuser was from the neighbourhood, the matter got reported to the police. Assessing her situation, the concerned CWC passed an order for Meera’s placement in a Child Care Institution (CCI) and HAQ was engaged to provide services of a support person.

When HAQ’s team first met Meera at the CCI, she was in a very bad condition. She had burn marks over her body, was suffering from STIs and heavily addicted to drugs. The support person found her traumatized and extremely vulnerable. She was constantly demanding to go back to her home. On the other hand, her mother was not even responding to the support person’s calls. Meera was feeling dejected and abandoned by her mother and in such situation she even tried to harm herself and attempted suicide. Looking at the seriousness of the situation, HAQ’s counsellor intensified the counselling sessions with the child at the CCI. Gradually, there was a change in Meera’s attitude towards herself and with constant support from HAQ and the CCI she agreed to stay in the institution till she turned 18 years of age. At the CCI, she completed a jewellery designing course and started making beautiful earrings and bracelets.

Simultaneously, with much effort, the support person was able to establish a rapport with the child’s mother and after counselling the mother, she started talking to Meera at the CCI. However, whenever Meera would ask her mother to take her back home, she would make excuses, making the child angry and bringing back the feeling of abandonment. On many occasions, her mother made promises to take her back home but would again come up with an excuse to defer it.

HAQ’s support person made multiple efforts to make her mother understand that the child is a child with

## Stories of Successes & Challenges

special needs and requires love and care. But her mother has not been able to accept this fact and understand the need. In the effort to restore the relationship between the mother and child and create a bond between them, the support person suggested the CWC to send the child home for short breaks before she could be restored permanently. However, the mother found it difficult to accept that Meera is a different individual and requires a different parenting approach. HAQ was able to bring both the mother and child at a stage where they both started talking to each other and could agree on certain issues. Meera's mother subsequently agreed to take Meera home for short breaks, though the bonding was still on a weak footing. The strange relationship between the child and her mother continues even today as they share moments of extreme hate and extreme concern for each other. Meera feeling that her mother discriminates between her and her siblings remains and her mother continues to shy away from taking Meera's responsibility as she is unable to accept Meera the way she is. When in anger, Meera has shown a tendency to run away from home, which has made things worse.

It has always been a challenge for social workers and mental health professionals in general to make people understand about the different needs of people with disabilities, particularly intellectual disability. When it comes to mental health issues, there is no visible physical injury, which makes it even more difficult for people to accept that certain behaviours are actually not in control of the person. This becomes tougher when the person who is expected to understand the issue also has their own mental health issues and is not willing to acknowledge the same. Meera's mother has serious issues of insecurity in life and does not want anything around her that is non-conforming, even if it is at the cost of losing her own dignity and respect.

There are several realities of Meera's mother that cannot be ignored. At the moment, her mother is worried about her eldest daughter's wedding and feels that if Meera returns home and vanishes again, the prospective marriage may get affected. It is such existential insecurities which impact most people. Socialised into following and reinforcing patriarchy, Meera's mother feels that if her other children are able to follow the social norms that help her maintain the family honour, she would much rather have them around than the one who "deviates". Her second marriage is sacred to her as she feels it is very difficult to find a man who is willing to accept a widow and support her family. Meera however, does not like her step father as she has not been able to accept her mother's second marriage. This is yet another cause for widening the rift between the mother and the daughter, and has not helped in the efforts to bring them closer.

While the case remains a challenge, it clearly emphasises on following a casework management approach to issues of child protection, restorative care and access to justice, where the focus is as much on the child as part of a larger community as on the child as an individual. HAQ's counsellor thus continues to provide counselling to the child, her mother and her siblings. The next effort will be to meet the step father, who has until now avoided the social workers from the HAQ team. The child will turn 18 in the next five months and the team needs to plan for her release. Considering that it is unlikely for her mother to have her back home in the next five months, a post institutionalisation after care support system needs to be planned for Meera. This is something most children transitioning from Child Care Institutions lack.



## Abbreviations & Acronyms

ACP	Assistant Commissioner of Police	MM	Metropolitan Magistrate
AIIMS	All India Institute of Medical Sciences	MTP	Medical Termination of Pregnancy
APP	Assistant Public Prosecutor	NCPCR	National Commission for Protection of Child Rights
APSA	Aggravated Penetrative Sexual Assault	NGO	Non-Governmental Organisation
ASA	Aggravated Sexual Assault	NIOS	National Institute of Open Schooling
ASJ	Additional Sessions Judge	No.	Number
CCI	Child Care Institution	Ors	Others
CCL	Child in Conflict with the Law	P.M.	Principal Magistrate
COVID	Corona Virus Disease	PAN	Permanent Account Number
Cr.P.C./Cr.PC/CrPC	Code of Criminal Procedure	PCR	Police Control Room
CWC	Child Welfare Committee	PE	Prosecution Evidence
DCP	Deputy Commissioner of Police	PIL	Public Interest Litigation
DCW	Delhi Commission for Women	PO	Proclaimed Offender
DHJS	Delhi Higher Judicial Services	POCSO	Protection of Children from Sexual Offences
DLSA	District Legal Services Authority	PSA	Penetrative Sexual Assault
DNA	Deoxyribo Nucleic Acid	PSY-SO	Psycho-social
DSLISA	Delhi State Legal Services Authority	PW	Prosecution Witness
FIR	First Information Report	SA	Sexual Assault
FSL	Forensic Science Laboratory	SCPCR	State Commission for Protection of Child Rights
FTSC	Fast Track Special Court	SH	Sexual Harassment
HC	High Court	SHO	Station House Officer
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno-Deficiency Syndrome	SPP	Special Public Prosecutor
IO	Investigating Officer	TFI	Teach For India
IPC	Indian Penal Code	u/s	Under Section
IQ	Intelligence Quotient	UTP	Under-Trial Prisoner
JC	Judicial Custody	VC	Video Conferencing
JCL	Juvenile in Conflict with the Law	Vs	Versus
JJ Act	Juvenile Justice (Care and Protection of Children) Act	VT	Victim Testimony
JJB	Juvenile Justice Board	VWDR	Vulnerable Witness Deposition Room
Ld.	Learned	yrs	years
MLC	Medico-Legal Case		



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Prior edition of the Factsheets can be [accessed here](#)

Case stories of successes & challenges: first hand instances experienced by HAQ teams

Read more about HAQ: Centre for Child Rights' work on [www.haqcrc.org](http://www.haqcrc.org)

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