

(2025) 05 SC CK 0211

In the Supreme Court Of India

Case No : Suo Moto W.P. (Crl.) No.1 Of 2019 With C.A. No. 7968 Of 2019

**In Re : Alarming Rise In The Number Of Reported Child Rape Incidents
@APPELLANT @Hash**

Date of Decision : 15-05-2025

Acts Referred:

Citation : (2025) 05 SC CK 0211

Hon'ble Judges : Bela M. Trivedi, J;Prasanna B. Varale, J

Bench : Division Bench

Advocate : Aakarsh Kamra, Shikhar Goel, Pranav Sachdeva, Abhaid Parikh, . V. Giri, Uttara Babbar, Krishna Dev Jagarlamudi, Disha Singh, Eliza Bar, Diksha Rai, Purvat Wali, Manish Kumar, Kumar Saurav, M/S. Plr Chambers And Co., Ankita Sharma, Arjun D Singh, Surjendu Sankar Das, Aarushi Singh, Anil Shrivastav, Karan Kapur, Abhishek Gautam, Aswathi M.k., Tulika Mukherjee, Rajiv Shanker Dvivedi, Vishal Prasad, V. N. Raghupathy, Raghavendra M. Kulkarni, Deepanwita Priyanka, Prashant Bhagwati, Sanjay Kumar Visen, Vinod Sharma, Varad Kilor, Aaditya Aniruddha Pande, Pukhrambam Ramesh Kumar, Karun Sharma, Avijit Mani Tripathi, T.k. Nayak, Astha Sharma, Sunny Choudhary, K. Enatoli Sema, Suvendu Suvasis Dash, Nupur Kumar, Milind Kumar, Anando Mukherjee, Narendra Kumar, Sabarish Subramanian, Shibashish Misra, Ruchira Goel, Akshat Kumar, Ajay Kumar Bahuguna, M. Yogesh Kanna, Kunal Mimani, Prashant, Sravan Kumar Karanam, Rajiv Kumar Choudhry , G. Indira, Raj Bahadur Yadav, Vinay Arora, Shubhranshu Padhi, Kunal Chatterji, Maitrayee Banerjee, Guntur Prabhakar, Hemantika Wahi, Gopal Prasad, Ranjan Mukherjee, Jaspreet Gogia, K. V. Vijayakumar, Gopal Singh, M/S. Parekh & Co., G. Indira, Pukhrambam Ramesh Kumar, Akshai Malik, Nikhil Jain, Guntur Pramod Kumar, Abhimanyu Tewari, Radhika Gautam, Tulika Mukherjee, Rajat Nair, Arvind Kumar Sharma, Sameer Abhyankar, Mahfooz Ahsan Nazki, M. Yogesh Kanna, Renjith B. Marar, Lakshmi N. Kaimal, Varad Kilor, Aaditya Aniruddha Pande, Samir Ali Khan, Piyush Dwivedi, Shuvodeep Roy, Mukti Chowdhary, Avijit Mani Tripathi, Ruchira Goel, S. Gowthaman, Sumeer Sodhi, Naresh K. Sharma, Sahil Tagotra, Diksha Rai, Jaspreet Gogia, Narendra Kumar, Atul Kumar, Nishe Rajen Shonker, Mukesh Kumar Maroria, R. P. Gupta, Vinod Sharma, G. N. Reddy, Prashant Shrikant Kenjale, Nupur Kumar, V. N. Raghupathy, Sandeep Kumar Jha, Shiv Mangal Sharma, Kanhaiya Singhal, Prasanna, Sindoor Vnl, Deepanwita Priyanka, Prem Sunder Jha, Ankit Goel, S.. Udaya Kumar Sagar, Vanshaja Shukla, Kumar Mihir, Kunal Mimani, Milind Kumar, Sanjai Kumar Pathak, Aravindh S., Anando Mukherjee, Devina Sehgal, Subhasish Mohanty, M/S. Arputham Aruna And Co, Gopal Singh, Dilip Annasaheb Taur, Ramesh Babu M. R., Asmita Singh, Ashok

Mathur, P.n. Ravindran, T. G. Narayanan Nair, Chirag M. Shroff, Manish Kumar, K. V. Bharathi Upadhyaya, Nishant Ramakantrao Katneshwarkar, Raj Bahadur Yadav, Kunal Chatterji, Maitrayee Banerjee, Rajiv Kumar Choudhry , V. Giri, Uttara Babbar, Krishna Dev Jagarlamudi, K. Enatoli Sema, M/S. Plr Chambers And Co., Pashupathi Nath Razdan, Niranjana Sahu, Akshay Amritanshu, Som Raj Choudhury, Himanshu Shekhar, Nirnimesh Dube, Enakshi Mukhopadhyay Siddhanta, Deepayan Mandal, Naman Verma, Arjun Garg, P. I. Jose, Rashi Bansal, Aishwarya Bhati, Shreekant Neelappa Terdal, M/S. Chambers Of Kartik Seth, Kartik Seth, Brinda Bhattipolu

Final Decision : Disposed Of

Judgement

Bela M. Trivedi, J.

1. This Court vide the order dated 12.07.2019 had directed the Registry to register a Suo Moto Writ Petition under the caption "In Re Alarming rise in the number of reported child rape incidents," and requested the Learned Senior Counsel Mr. V. Giri to assist the Court in formulating the directions that may be required to be issued. The said cognizance was taken by the Court in view of the various news reports with regard to the increase of child rape cases in India. Accordingly, the Court after hearing the Learned Amicus Curiae Mr. V. Giri, the Solicitor General Mr. Tushar Mehta and the Registrar Mr. Rathi, on the timely completion of investigations and consequential Trials of the offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) gave certain directions vide the Order dated 25.07.2019. The said directions are reproduced hereinbelow: -

ORDER

"Having considered the matter, we have deemed it proper to issue the following directions, which will be implemented by the Union of India and the State Governments forthwith: -

(i) In each district of the country, if there are more than 100 cases under the POCSO Act, an exclusive/designated special Court will be set up, which will try no other offence except those under the POCSO Act.

(ii) Such Courts will be set up under a Central scheme and will be funded by the Central Government, which fund will not only take care of the appointment of the Presiding Officer, but also the appointments of support persons, Special Public Prosecutors, Court staff and infrastructure including creation of child friendly environment and vulnerable witness Court rooms, etc.

(iii) While drawing up the panel(s) of support persons in each district which should not exceed a reasonable number keeping in mind the total number of cases to be tried by the special Court to be set up in each district, care should be taken to appoint persons who are dedicated to the cause and apart from

academic qualifications are oriented towards child rights; are sensitive to the needs of a child and are otherwise child friendly. The same standards would also apply in the matter of appointment of Special Public Prosecutors.

(iv) The following suggestions of the learned Amicus Curiae shall also be implemented by the Ministry of Women and Child Development through such agency as may be considered appropriate: -

"(e) A short clip intended to spread an awareness of the subject in general, namely, prevention of child abuse and prosecution of crimes against children, should necessarily be screened in every movie hall and could also be transmitted by various television channels at regular intervals. A child helpline number should also be displayed not only in such clip but also at various other prominent places, in schools and other public places."

From the reports of the learned Amicus Curiae, it appears to us that one of the major causes of delay in winding up the investigations and in cases where chargesheets have been filed, in winding up the trial, is delay in receipt of the reports from the Forensic Science Laboratory. The learned Amicus Curiae's suggestion is that there should be designated Forensic Science Laboratories in every district of the country for the purposes of the POCSO Act. We are of the view that the said suggestion could await orders of the Court at a later stage.

For the present, we direct the Directors of the State Forensic Science Laboratories and the concerned authority in the State Government to ensure that the existing and available Forensic Science Laboratories in each State will function in an effective manner insofar as analysis etc. of the samples collected under the POCSO Act are concerned and reports of such analysis be sent promptly and without any delay. The Chief Secretaries of all the States and Union Territories are directed to ensure that the above direction of the Court is complied with forthwith."

2. Subsequently, various directions came to be issued from time to time calling upon the States and the Registrar Generals of all High Courts to furnish the information mentioned in the said Order. On 13.11.2019, the Registrar of Supreme Court submitted a Report detailing percentage share of different types of POCSO offences, upon which the Court directed the State Governments and Union of India to do the needful to ensure that all stages of investigation as well as of the Trials, as contemplated under the POCSO Act, are complied within the timeframe. The Court also directed the Union of India and the State Governments to take steps for sensitization of officials associated with the investigation and also for creation or assignment of dedicated Courts to try POCSO Cases on top priority.

3. With regard to setting up of exclusive POCSO Courts in the country, this Court noticing that there were large number of POCSO Cases pending throughout the country laid down the parameters to be followed and gave directions for setting up exclusive POCSO Courts in each State. The Court laid down separate criteria

for the States of Uttar Pradesh and West Bengal where the pendency of POCSO Cases was extremely high, vide the Order dated 16.12.2019. The Court had also expressed its desire to consider the issue of framing National scheme for payment of compensation to the victims of offences under the POCSO Act.

4. During the course of hearing of the issues involved, the Court had also expected the State Governments to establish dedicated Forensic Science Laboratories for POCSO Cases to expedite the investigation and had also expressed grave concern about the inadequate number of Public Prosecutors in the POCSO Courts. The issues with regard to providing security to the Victim and the Witnesses in Unnao Case were also addressed by passing necessary orders.

5. It appears that the matter remained pending for quite a long time for consideration of the issues to be addressed to by the State Governments and the High Courts. On 24.09.2024, the Court requested the Amicus Curiae Mr. V. Giri and also Sr. Advocate Ms. Uttara Babbar to submit State-wise details with regard to the Status of the POCSO Courts in view of the earlier directions given by the Court from time to time. Accordingly, they have submitted a brief note of Submissions as also the Chart showing the Status as regards the POCSO Cases pending in the POCSO Courts under each of the High Courts. Having regard to the Chart showing the Status of POCSO Cases and POCSO Courts in each State, it appears that majority of the States with the funding from the Central government have complied with the directions issued by the Court for setting up exclusive courts for POCSO cases, however, in certain States like Tamil Nadu, Bihar, Uttar Pradesh, West Bengal, Orissa, Maharashtra etc., there is still a need to create more POCSO Courts considering the pendency of the POCSO cases.

6. In our opinion, since the timelines have been stipulated under the POCSO Act for all stages right from the stage of Investigation up to the stage of Trial, the same must be adhered to as far as possible. Because of the inadequacy of the number of exclusive Courts for the POCSO Cases, the said timelines mandated in the Act for completion of the trials are not being maintained. It is therefore expected that the Union of India and the State Governments shall take appropriate steps to sensitize the officials associated with the investigation of POCSO cases, and also to create dedicated Courts to try POCSO Cases on top priority basis, and to see to it that the chargesheets are filed within the mandatory period stipulated in the Act, and the Trials are completed within the time frame as contemplated in the Act.

7. We would be failing in our duty, if we do not place on record, our appreciation for the very able assistance rendered by the learned Senior Counsels Mr. V. Giri and Ms. Babbar during this Suo Moto proceedings.

8. Subject to the above, the Suo-Moto proceedings need to be closed and are hereby closed.