



SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

THE **CHILDREN** CANNOT WAIT

STATUS OF PENDING TRIALS IN CHILD SEXUAL ABUSE CASES IN INDIA

Arjit Sen

**If no case of child sexual abuse
under Protection of Children from
Sexual Offences (POCSO) Act,
2012 is reported then the pending
cases as on 2016 will be completed
in the following years :**

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2018

**FOR JUSTICE
IN**

PUNJAB

AND

NAGALAND

AND

CHANDIGARH

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2019

**FOR JUSTICE
IN**

HARYANA

AND

CHHATTISGARH

AND

ANDHRA PRADESH

AND

D&N HAVELI

SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR

2020

FOR JUSTICE
IN

TAMIL NADU

AND

MADHYA PRADESH

AND

JAMMU & KASHMIR

AND

JHARKHAND

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2021

**FOR JUSTICE
IN**

GOA

AND

MIZORAM

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2022

**FOR JUSTICE
IN**

HIMACHAL PRADESH

AND

SIKKIM

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2023

**FOR JUSTICE
IN**

UTTARAKHAND

AND

TRIPURA

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2024

**FOR JUSTICE
IN**

TELANGANA

AND

ASSAM

2025

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2026

**FOR JUSTICE
IN**

UTTAR PRADESH

AND

RAJASTHAN

2027

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2028

**FOR JUSTICE
IN**

ODISHA

AND

KARNATAKA

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2029

**FOR JUSTICE
IN**

DELHI

AND

BIHAR

2030

JANUARY

2031

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2032

**FOR JUSTICE
IN**

MAHARASHTRA

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2033

**FOR JUSTICE
IN**

MEGHALAYA

2034

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2035

**FOR JUSTICE
IN**

WEST BENGAL

JANUARY

2036

FEBRUARY

2037

MARCH

2038

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2039

**FOR JUSTICE
IN**

KERALA

JANUARY

2040

FEBRUARY

2041

MARCH

2042

APRIL

2043

MAY

2044

JUNE

2045

JULY

2046

AUGUST

2047

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2048

**FOR JUSTICE
IN**

MANIPUR

JANUARY

2049

FEBRUARY

2050

MARCH

2051

APRIL

2052

MAY

2053

JUNE

2054

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2055

**FOR JUSTICE
IN**

ANDMAN & NICOBAR

JANUARY

2056

FEBRUARY

2057

MARCH

2058

APRIL

2059

MAY

2060

JUNE

2061

JULY

2062

AUGUST

2063

SEPTEMBER

2064

OCTOBER

2065

NOVEMBER

2066

DECEMBER

2067

2068

2069

2070

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2071

**FOR JUSTICE
IN**

GUJARAT

JANUARY	2072	2087	2102
FEBRUARY	2073	2088	2103
	2074	2089	2104
MARCH	2075	2090	2105
APRIL	2076	2091	2106
	2077	2092	2107
MAY	2078	2093	2108
	2079	2094	2109
JUNE	2080	2095	2110
JULY	2081	2096	2111
	2082	2097	2112
AUGUST	2083	2098	2113
SEPTEMBER	2084	2099	2114
	2085	2100	2115
NOVEMBER	2086	2101	2116
DECEMBER			

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2117

**FOR JUSTICE
IN**

**ARUNACHAL
PRADESH**

Note: Since trial was not completed in any case of POCSO in the year 2016 data for Daman & Diu, Lakshadweep and Puducherry, data for these UTs is not presented in this report.

STATE TIMELINE FOR PENDENCY OF CASES OF CHILD SEXUAL ABUSE

INTRODUCTION

The brutal rape and murder of an eight year old girl in Kathua (Jammu and Kashmir) in January 2018 has shaken the conscience of the nation.

The public outcry following this harrowing case is reminiscent of the mass protests against the horrifying gangrape of a young girl in Delhi in December 2012, when justice delivery mechanisms against rape in India were amended to be more stringent and robust. Amongst others amendments, Section 375 of the India Penal Code 1980 was expanded to include a wider definition of rape. Section 167 of the Code for Criminal Procedure 1973 states that investigation in cases of child rape to be completed within two months of registration of the cases and Section 309 establishes that trial of cases of rape must be completed within two months, as far as possible. But stories of child rape and sexual abuse such as that from Kathua continue to emerge every day, in the absence of a responsive justice delivery system.

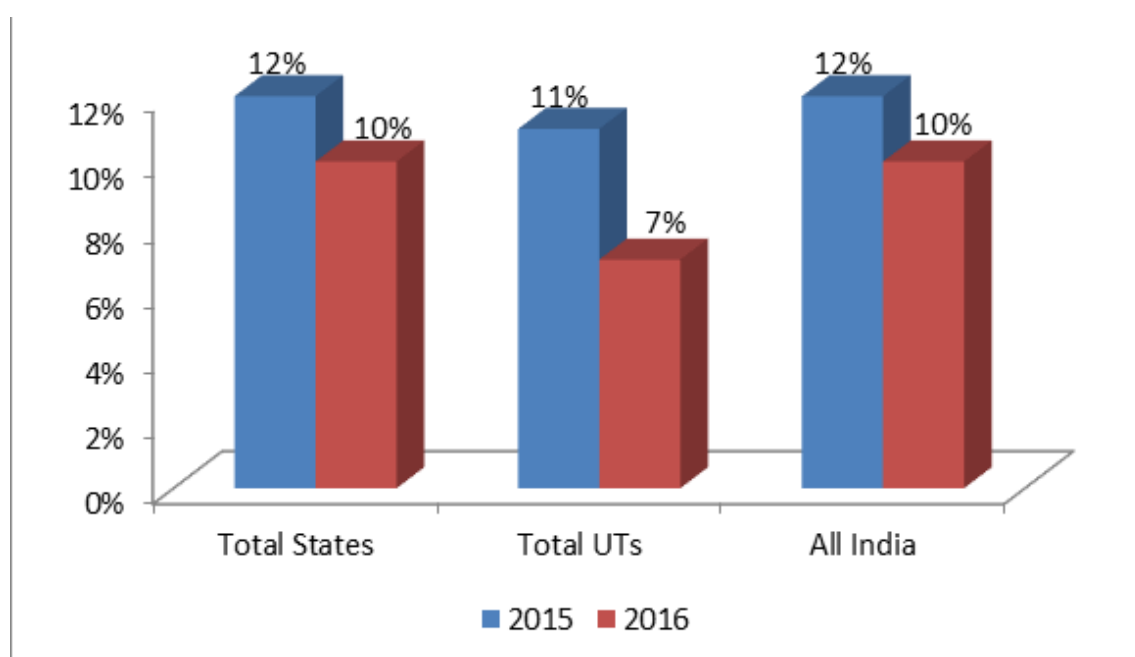
In light of this urgent and growing demand for justice for victims of child rape, the Kailash Satyarthi Children's Foundation (KSCF) presents a state-wise timeline of pendency of cases of child sexual abuse, as per the the Ministry of Home Affairs, Government of India response to a Lok Sabha question number 2544 (1st August 2017). This is related to the prosecution of cases of crimes of child sexual abuse under the POCSO Act 2012 between 2014 and 2016.

DATA ANALYSIS

THE COMPLETION OF TRIAL IS TOO SLOW

For any particular year the number of cases registered and the pending cases of the previous year constitutes total number of cases for trial. Figure 1 reveals that the percentage of cases in which trials have been completed is a mere one tenth of the total cases under trial. This trend has persisted during 2015-16. State/UT level analysis is presented in Annexure 1.

Figure 1. Percent cases completed against total No. of cases on Trial in that year (2015-16)



Note: Data for the year 2016 is provisional

ALMOST TWO DECADES TO CLEAR BACKLOGS

Using the information provided to Lok Sabha Unstarred Q. No. 2544 an approximate number of years needed to complete currently pending trials has been calculated. This has been calculated at India and State level with the assumption that case disposal rate during 2016 is constant. Due to addition of new cases every year for trial, instead of absolute numbers case disposal rate has been used for this calculation. Figure 2 depicts that India will take about 20 years clear the back log of 2016. At state level it varies from two years in Punjab to more than 60 years in Arunachal Pradesh, Gujarat, Manipur, West Bengal and Kerala.

Figure 2 Approximate No of years needed to complete the trial of pending cases as on 2016
(Based on absolute numbers of pending cases)

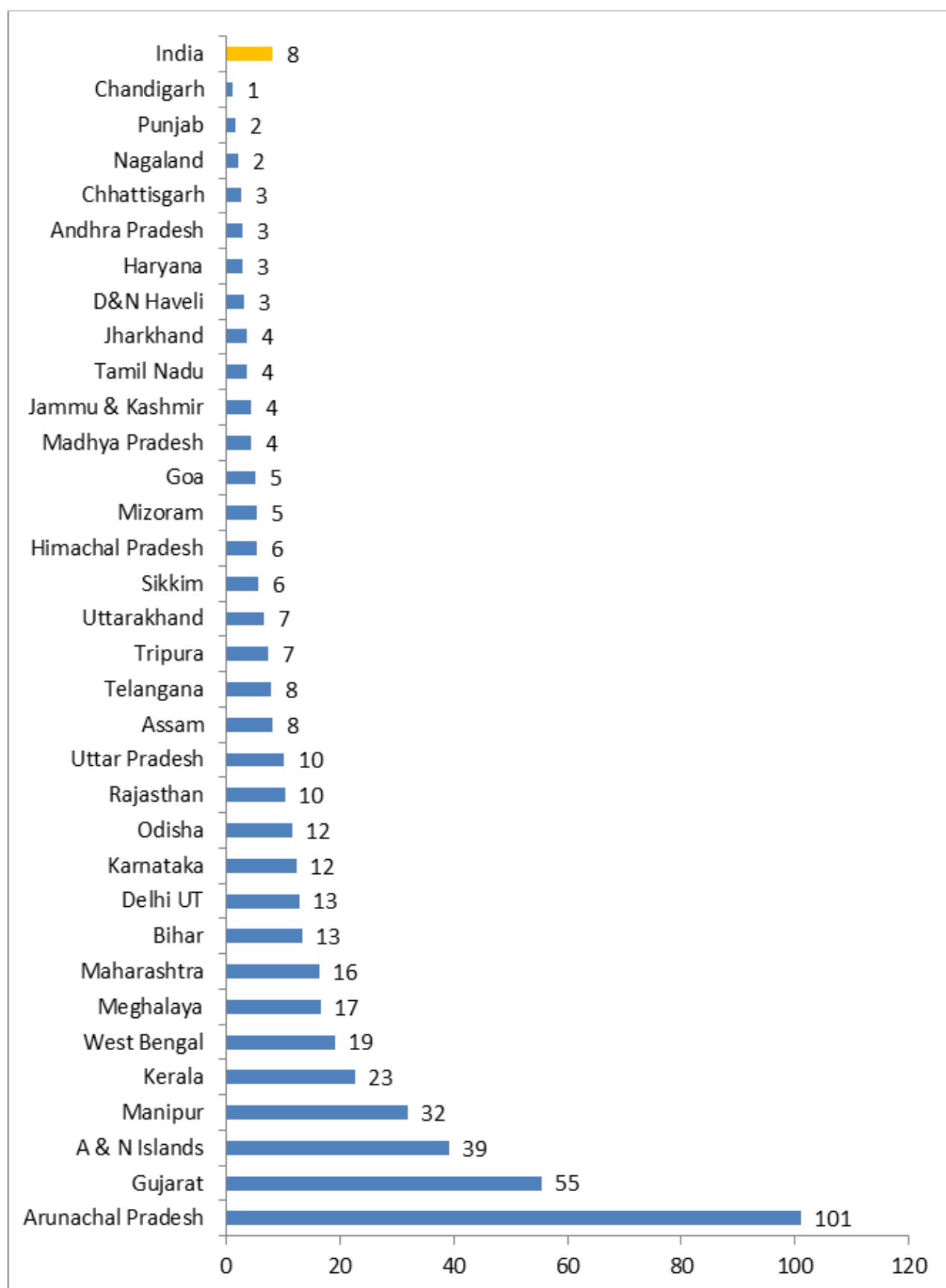
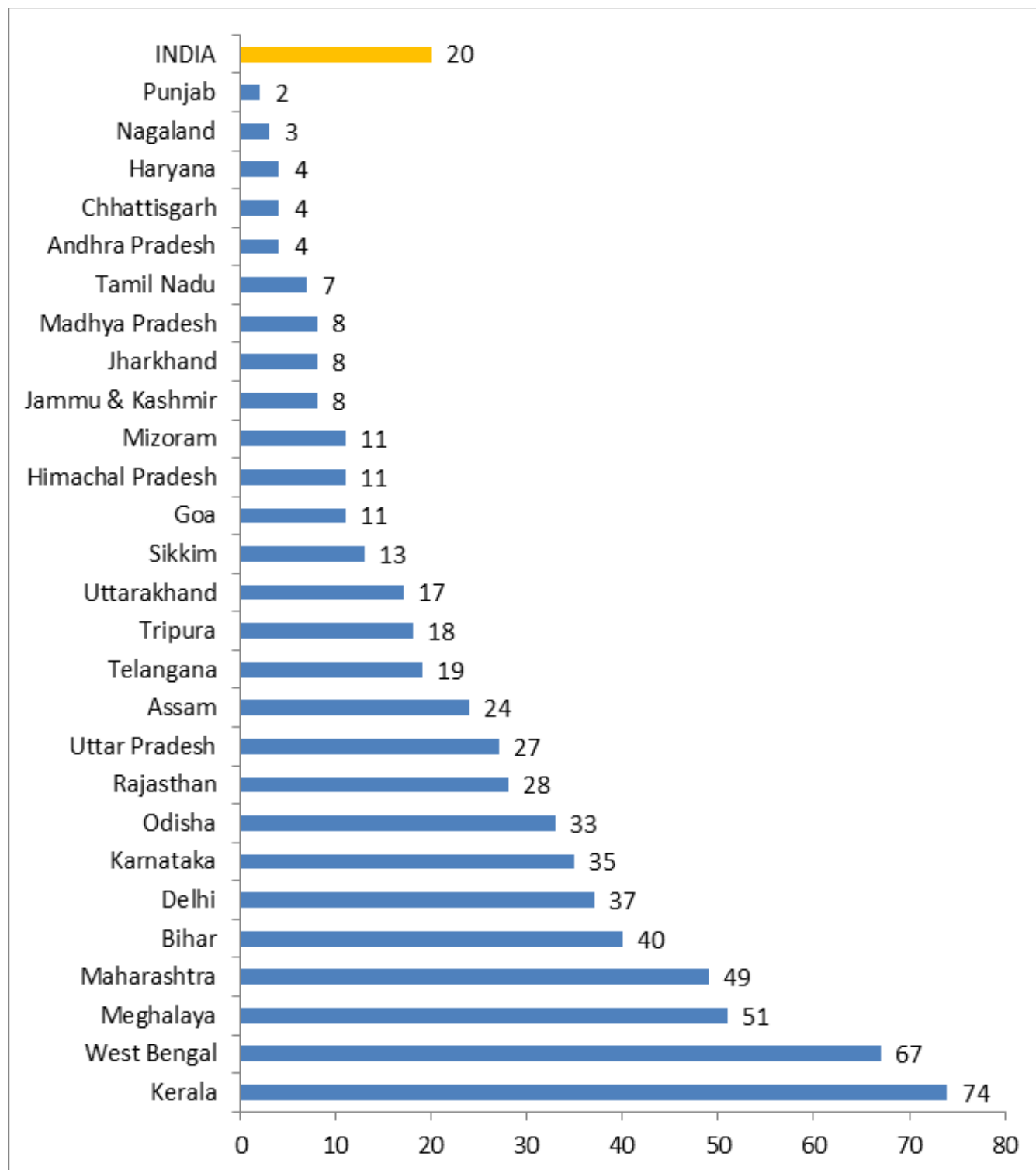


Figure 2a. Approximate No of years needed to complete the trial of pending cases as on 2016
(Based on case disposal rate)

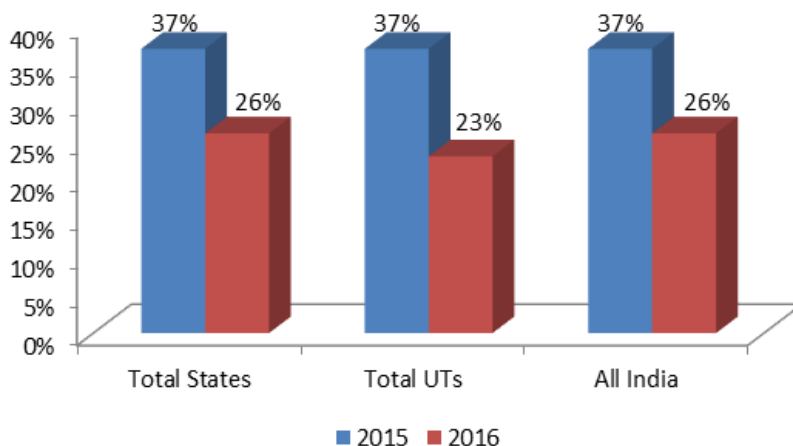


Note: Arunachal Pradesh, Gujarat & Manipur may require more than 200 years to complete trial of pending cases

PENDENCY ON THE RISE

Figure 3 presents the percent increase in the number of pending cases over previous year. The number of pending cases during 2015 has increased by 37% over 2014 (increased from 52,309 in 2014 to 71,552 in 2015). However, the same during 2016 has increased at 26% (increased from 71,552 in 2015 to 89,999 in 2016). State/UT level analysis is presented in Annexure 2. Comparison of trial completion rate, new cases getting registered every year for grail and number of pending cases indicates that numbers presented under column 'Pending Trial at the end of the year' in answer to Lok Sabha Unstarred Q. No. 2544 is incorrect/ inconsistent.

Figure 3. Percent change in number of pending cases over previous year (2014-16)

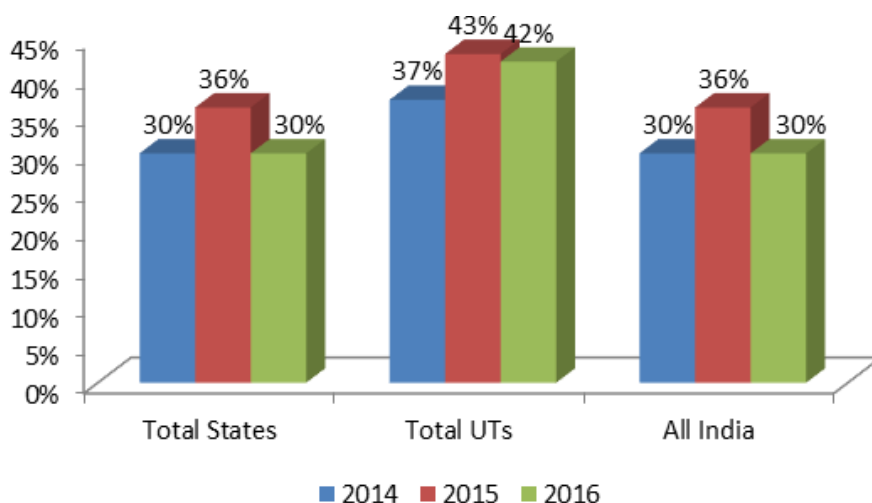


Note: Data for the year 2016 is provisional

CONVICTIONS REMAIN A DISTANT DREAM

With regard to conviction rate it is evident that conviction under POCSO has remained constant at 30% during 2014-16. However it has registered an increase of 6% during 2015. Figure 4 clearly maps the trend.

Figure 4. Conviction rate under POCSO in last three years



Note: Data for the year 2016 is provisional. Information by States / UTs is presented in Annexure 3

The pendency of justice delivery begins with investigation

In Delhi as per the affidavit submitted to the Hon'ble High Court of Delhi in Bachpan Bachao Andolan vs. Union of India and Anr. out of a total of 5217 cases of POCSO, over 3 years (2012-2015), 575 cases were pending. This is **11%** of the total cases.

As per National Crime Records Bureau, in India total 48,060 POCSO cases were registered for investigation in 2016. Out of which only 30,891 cases were sent to court for trial, which indicates that still 36% of the cases are pending for investigation.

Recommendations

1. Set-up a National Children's Tribunal for victim/survivor centric justice delivery based on the principles of reparation and natural justice.
2. Formulation of a National Budgeted Action Plan for expeditious justice delivery in cases of rape of children. Components of the action plan will be-

a. Investigation

- A dedicated police cadet corps for registration and investigation of cases of crime against children.
- Time bound investigation of cases of child sexual abuse as per the POCSO Act 2012.

b. Trial

- Exclusive* courts, as per quantum of pendency, for fast track and time bound trial in every district.
- Dedicated & trained public prosecutors for legal representation in cases of child sexual abuse.
- Policy on victim and witness protection including relocation and court mandated protection to victims of child sexual abuse and their families
- Setting up of dedicated state-of the art forensic laboratories for cases of child sexual abuse in every State.

c. Rehabilitation

- Panel of doctors and psychologists in all hospitals for immediate and long term assistance in cases of child sexual abuse.

d. Technology

- National Grid for tracking pendency and performance of courts for trial of cases of crime against children.
- A sex offenders' registry to deter repeat offenders of child sexual abuse.

*The said exclusive courts would conduct day-to-day trial of cases of child sexual abuse only. to fast-track these cases. The number of thee exclusive courts in a State will depend upon the state of pendency of these cases.

***“Do you think that a 15 year
old girl abused today will be
attending court hearings
when she turns 60?”***

- Kailash Satyarthi
Nobel Peace Laureate



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