

SECTION: _____

NEXT DATE OF HEARING ON:

THIS MATTER NOT LISTED COMING FIVE DAYS

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE/ORIGINAL/ JURISDICTION

SLP/C.A./Crl. A./W.P./T.P./Civil/Crl. No. _____ OF 2017

..... GAURAV KUMAR BANSAL Petitioner(s)
Appellant

VERSUS
..... UNION OF INDIA & ORS Respondent(s)

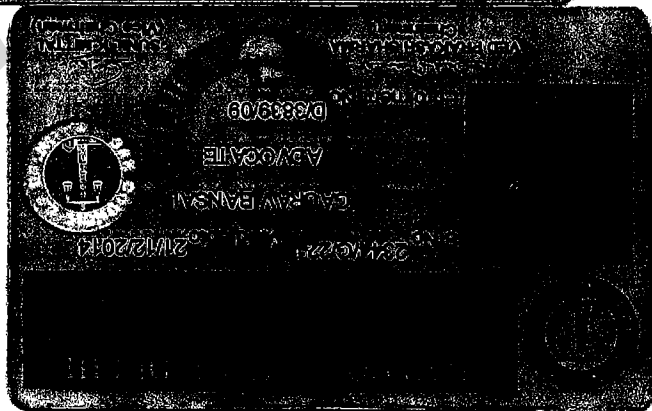
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3. Application to Appear & Argue in Person..... 100.....
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10.
		<u>TOTAL</u>	<u>630</u>

FILED BY

GAURAV KUMAR BANSAL
ADVOCATE
PETITIONER IN PERSON
A-26, JANGPURA EXTENSION
NEW DELHI
9811164777

FILED ON: 28/03/17



IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/APPELLATE/ORIGINAL/JURISDICTION
S.L.P/W.P./T.P./R.P./C.A. & CrI.A. (C)/(CRL) No. _____ OF 2017

..... Petitioner(s)
Appellant (s)

VERSUS

.....Respondent (s)

VAKALATNAMA

I/We.....

..... the

In the above Petition Appeal do hereby appoint and retain.

Advocate

To act and appear for me/us in the above Petition/Appeal and on my/our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents and receive money on my/our behalf in the said Petition/Appeal and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate on record in pursuance of this authority

Dated _____ day of _____ 2017

Accepted, Identify & Satisfied:

(
(Advocate)

Appellant(s)/Petitioner(s)/Respondent(s)

MEMO OF APPEARANCE

To
The Registrar
Supreme Court of India
New Delhi

Sir,

Please enter my appearance for the above-named appellant(s)/ Petitioner(s) /Respondent(s) in the above mentioned matter

Dated 27th day of March 2017

(Gaurav Kumar Bansal)
(Advocate)
Petitioner – In – Person
A-26, Basement
Jangpura Extension
New Delhi - 14

The address for service of the said Advocate is:
A-26, Basement, Jangpura Extension, New Delhi - 14

Sir,

Dated

2017

A-26, Basement, Jangpura Extension, New Delhi - 14

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ /17

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF

GAURAV KUMAR BANSAL

.....PETITIONER

VERSUS

UNION OF INDIA & ORS

.....RESPONDENTS

PAPER BOOK

WITH

I.A. NO. _____ OF 2017

**[APPLICATION FOR SEEKING PERMISSION TO APPEAR AND
ARGUE IN PERSON]**

{FOR INDEX KINDLY SEE INSIDE}

DRAWN & FILED BY

**GAURAV KUMAR BANSAL
ADVOCATE
PETITIONER IN PERSON
A-26, JANGPURA EXTENSION
NEW DELHI
9811164777**

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A

PROFORMA FOR FIRST LISTING

SECTION: PIL

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: (Title) -NA-
- ☐ Section -NA-
- ☐ Central Rule : (Title) - NA -
- ☐ Rule No(s): - NA -
- ☐ State Act: (Title) - NA -
- ☐ Section.: - NA -
- ☐ State Rule : (Title) - NA -
- ☐ Rule No(s): - NA -
- ☐ Impugned Interim Order: (Date) -NA-
- ☐ Impugned Final Order/Decree: (Date) - NA -
- ☐ High Court : (Name) -NA-
- ☐ Names of Judges: -NA-
- ☐ Tribunal/Authority ; (Name) - NA -
1. Nature of matter : ☒ Civil ☐ Criminal

2. (a) Petitioner/appellant No.1 : GAURAV KUMAR BANSAI
- (b) e-mail ID: advocategauravbansal@yahoo
- (c) Mobile Phone Number: 9811164777
3. (a) Respondent No.1: UNION OF INDIA
- (b) e-mail ID: - NA -
- (c) Mobile Phone Number: - NA -
4. (a) Main category classification: 0800
- (b) Sub classification: 0812
5. Not to be listed before: - NA -
6. Similar/Pending matter: No similar matter
-NA-

A-1

7. Criminal Matters:

(a) Whether accused/convict has surrendered: ☐es ☐

(b) FIR No.

Date:

(c) Police Station:

-NA-

(d) Sentence Awarded:

- NA -

(e) Sentence Undergone:

- NA -

8. Land Acquisition Matters:

- NA -

(a) Date of Section 4 notification:

- NA -

(b) Date of Section 6 notification:

- NA -

© Date of Section 17 notification:

- NA -

9. Tax Matters: State the tax effect:

- NA -

10. Special Category (first Petitioner/
appellant only):

- NA -

☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/child

☐ Disabled ☐ Legal Aid case ☐ custody

11. Vehicle Number (in case of Motor Accident Claim
matters):

- NA -

12. Decided cases with citation:

- NA -


GAURAV KUMAR BANSAL

ADVOCATE

PETITIONER IN PERSON

NEW DELHI

27/03/2017

SYNOPSIS CUM LIST OF DATES

The main thrust of present petition is to draw kind attention of the Hon'ble Apex Court on the violations of innocent Child Victim's fundamental rights as well as statutory rights enshrined under Article 21 of the Constitution of India and under the provisions of the Protection of Children from Sexual Offences Act – 2012 respectively.

2012

It is respectfully submitted that Parliament in the year 2012, with an object to protect children from offences of sexual assault, sexual harassment and pornography and for establishment of Special Courts for trial of such offences and for matters connected therewith and incidental thereto enacted THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012.

The following is the STATEMENT OF OBJECTS AND REASONS:

"Article 15 of the Constitution, inter alia, confers upon the State powers to make Special Provisions for children. Further, Article 39, inter alia, provides that the State shall in particular direct its policy towards securing that the tender age of

C

children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity.

The United Nations Convention on the Rights of Children, ratified by India on 11/12/1992 requires the State Parties to undertake all appropriate national, bilateral and multilateral measures to prevent (a) The inducement or Coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; and (c) The exploitative use of children in pornographic performances and materials.

The data collected by the National Crime Record Bureau shows that there has been increase in cases of sexual offences against children.

This is corroborated by the "Study on Child Abuse: India 2007" conducted by the Ministry of Women and Child Development. Moreover, sexual

offences against children are not adequately addressed by the extant laws. A large number of such offences are neither specifically provided for nor are they adequately penalized. The interest of the child, both as a victim as well as a witness, need to be protected. It is felt that offences against children need to be defined explicitly and countered through commensurate penalties as an effective deterrence.

It is therefore, proposed to enact a self contained comprehensive legislation inter alia to provide for protection of children from the offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well being of the child at every stage of the judicial process, incorporating child friendly procedures for reporting, recording of evidence, investigation and trial of offences and provisions for establishment of SPECIAL COURT for SPEEDY TRIAL of such offences.

The bill would contribute to enforcement of the right of all children to safety, security and protection from sexual abuse and exploitation.

The notes on clauses explain in detail the various provisions contained in the Bill.

The bill seeks to achieve the above objectives."

That it is clear from the above that in order to meet the Statement of Object and Reasons, the Parliament, in the POCSO ACT-2012, introduced some of the following important and historical provisions:

- a. Special Court under Section 28 of the Act
- b. Special Public Prosecutor under Section 32 of the Act
- c. Child-Friendly Special Court as mentioned in Section 33 of the Act
- d. Completion of Trial within One year from the date of taking cognizance of the offence as mentioned under Section 35 of the Act.

It is respectfully submitted that though in year 2012 POCSO Act was introduced but due to the Respondent's failure to implement the

provisions of the POCSO ACT in its letter and spirit, the efforts and intent of the Parliament to save the future of the innocent Child Victims is at stake.

2013

It is important to note that in the year 2013, petitioner filed a Writ Petition in the nature of Public Interest Litigation bearing W.P. (Civil) No. 1091 of 2013 praying for the constitution of Special Court as well as appointment of Independent Public Prosecutors under Section 28 and Section 32 of the POCSO Act in National Capital.

It is pertinent to mention here that during the course of hearing of the said Writ Petition the Hon'ble High Court directed the Delhi Government to apprise the Hon'ble Delhi High Court with regard to the procedure being followed by other states for appointment of Special Public Prosecutors under section 32 of the POCSO Act-2012.

The petitioner is shocked to learnt from three additional affidavits filed by Govt. of NCT of Delhi in the said Writ Petition (PIL) No. 1091 of 2013 that following are the States which have not appointed Independent Special

Public Prosecutors as prescribed under
Section 32 of the POCSO Act-2012:

- State of Gujarat
- State of Himachal Pradesh
- State of Punjab
- State of Tamil Nadu
- State of Tripura
- State of Haryana
- State of Maharashtra
- State of Mizoram
- State of Chhatisgarh
- State of Kerela
- State of Nagaland
- State of Meghalaya
- Andaman & Nicobar Islands (UT)

It is respectfully submitted that Petitioner has observed that the Special Courts (constituted under Section 28 of the POCSO Act-2012) of National Capital, Uttar Pradesh, Haryana, Punjab etc, apart from entertaining cases under POCSO Act, are also dealing with the cases under other acts also, hence are unable to provide "SPEEDY TRIAL" (which is one of the main Aim and Object of POCSO ACT-

2012) as well as has also failed to provide "CHILDREN FRIENDLY" atmosphere to the innocent Child Victims as enshrined under Section 33 of the POCSO Act.

2014

By way of Reply to the RTI provided by Hon'ble Delhi High Court, Petitioner learnt that one of the Hon'ble Judge, who had presided the POCSO Court, has also written to the Hon'ble Delhi High Court to constitute Exclusive Court for the purpose of trial of the POCSO Cases.

2015

It is respectfully submitted that the petitioner has learnt the following from the data released by NATIONAL CRIME RECORD BUREAU in 2015:

- Crime against Children has shown an increase of 5.3% during 2015 over 2014.
- In percentage term one of the major crime heads under "Crime against Children" during 2012 was under the "Protection of Children from Sexual Offences Act.

- Total of 19,767 children were sexually assaulted during 2015.
- Crime Rate i.e. number of cases reported under Crime against Children per 1,00,000 population of children was observed as 21.1 at all India level during 2015. The crime rate was highest in Delhi (169.4) followed by Andaman & Nicobar Island (75.0), Chandigarh (67.8), Mizoram (50.1) and Goa (46.5) in comparison to the National Average of 21.1
- Total of 14,913 cases under the Protection of Children from Sexual Offences Act-2012 were registered during the year 2015. Uttar Pradesh (3,078), Madhya Pradesh (1,687) and Tamil Nadu (1,544 cases) have accounted for majority of such cases in the country.
- Total Child Victims reported under Section 4 & Section 6 of the POCSO Act, which deals with Penetrative Sexual Assault and Aggravated Sexual Penetrative Assault were 8833.

J

- Petitioner feels very sorry to state that out of 8833 Children victims, 306 were below the age of 6 years, 1008 were between the age of 6 Years & Above – below 12 years, 3405 were between the age of 12 Years & Above – Below 16 years and 4114 Children were between the age of 16 years & Above – Below 18 Years.

With regard to the Disposal of Crime Committed against the Children by Police in the year 2015, the petitioner learnt the following:

- 2736 cases are pending for investigation from Previous year.
- Apart from that the Police have to investigate 14913 more POCSO cases reported in the year 2015.
- 7956 POCSO cases are pending for trial in Courts from the previous year.
- 12980 POCSO cases were sent for trial during the year 2015
- 20935 is the total number of POCSO cases which are pending for trial in the year 2015.

Furthermore, it is also important to note here that as per section 28 of the POCSO ACT – 2012, it is mandatory for Respondents to constitute at-least One Special Court in each District. However, the petitioner has learnt from the website of the National Commission for Protection of Child Rights, that only 604 Special Courts have been constituted by the Respondents in 675 Districts of INDIA meaning thereby that around 13 States having 71 Districts have no Special Court under POCSO ACT-2012. The following are the States / UTs which as per the List uploaded on the website of the National Commission for Child Rights are violating Section 28 of the POCSO ACT-12:

- Andaman & Nicobar Island
- State of Arunachal Pradesh
- State of Chattisgarh
- Daman & Diu
- State of Goa
- State of Gujarat
- State of Madhya Pradesh
- State of Maharashtra
- State of Manipur

- L
- State of Meghalaya
 - State of Mizoram
 - State of Puducherry
 - State of West Bengal

That the case of the petitioner is that by way of constituting Special Court only under Section 28 of the POCSO Act the Executive cannot achieve the object of the POCSO Act-2012 i.e. Speedy Trial of offences committed against the Innocent Children.

Furthermore, it is also important to mention here that, unfortunately, the offences against the INNOCENT CHILDREN are increasing day by day as the same are soft target.

As mentioned above, the 2015 data of NCRB also shows that total Child Victims reported under Section 4 & Section 6 of POCSO Act which deals with Penetrative Sexual Assault and Aggravated Sexual Penetrative Assault respectively, were 8833. The said data clearly shows that expedition of POCSO cases is the real need of the hour.

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27/03/2017

Hence the present Writ petition drafted and
filed.

www.CJP.org.in

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ /17

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF

Gaurav Kumar Bansal
S/o Sh. Vishnu Bansal
A-26, Jangpura Extension
New Delhi-01

.....Petitioner

Versus

01 UNION OF INDIA

Through Its
Secretary
Ministry of Women and Child Development
Shastri Bhawan, Dr. Rajendra Prasad Road
New Delhi

02 NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Through Its
Chairman
5th Floor, Chanderlok Building,
36-Janpath,
New Delhi-01

03 State of Andhra Pradesh

Through its
Chief Secretary
Secretariat Building
Hyderabad-500001

04 State of Arunachal Pradesh

Through its
Chief Secretary
Secretariat Building
Itanagar-791111

05. State of Assam

Through its
Chief Secretary
Block C, 3rd Floor,
Secretariat, Dispur
Guwahati-781006

06. State of Bihar

Through its
Chief Secretary
Old Secretariat
Patna-800015

07. State of Chattisgarh

Through its
Chief Secretary
Dks Bhawan, Mantralaya,
Raipur-492001

08. State of Goa

Through its
Chief Secretary
Secretariat
Porvorim
Goa-403001

09. State of Gujarat

Through its
Chief Secretary
Block No. 01, 3rd Floor,
New Sachivalaya Complex
Gandhinagar-382010

10. State of Haryana

Through its
Chief Secretary
Secretariat Building
Chandigarh-160001

11. State of Himachal Pradesh

Through its
Chief Secretary
Secretariat Building
Shimla-171002

12. State of Jharkhand

Through its
Chief Secretary
Secretariat Building
Ranchi-834001

13. State of Karnataka

Through its
Chief Secretary
Vidhan Sabha
Bangalore-560001

14. State of Kerala

Through its
Chief Secretary
Secretariat Building
Thiruvananthapuram-695001

15. State of Madhya Pradesh

Through its
Chief Secretary
Vallabh Bhawan
Bhopal-462003

16. State of Maharashtra

Through its
Chief Secretary
Secretariat Building
Room No 518, 5th Floor,
Main Building Mantralaya
Mumbai-400032

17. **State of Manipur**
Through its
Chief Secretary
Room No. 171,
South Block
Secretariat
Imphal-795001
18. **State of Meghalaya**
Through its
Chief Secretary
Main Secretariat Building
Shilong-793001
19. **State of Mizoram**
Through its
Chief Secretary
Civil Secretariat
Block C,
Aizwal-796001
20. **State of Nagaland**
Through its
Chief Secretary
Secretariat
Kohima-797001
21. **State of Odisha**
Chief Secretary
Government of Odisha
General Admn. Dept.
Odisha Secretariat
Bhubaneswar-751001
22. **Government of Pondicherry**
Through its
Chief Secretary
No. 1, Beach Road
Pondicherry-605001

- 23. State of Punjab**
Through its
Chief Secretary
Punjab Civil Secretariat
Chandigarh-16000
- 24. State of Rajasthan**
Through Its
Chief Secretary
Secretariat
Jaipur-302005
- 25. Government of Sikkim**
Through Its
Chief Secretary
Tashiling Secretariat
Gangtok -737101
- 26. State of Tamil Nadu**
Through Its
Chief Secretary
Government of Tamil Nadu
Secretariat
Chennai-600009
- 27. State of Tripura**
Through Its
Chief Secretary
Civil Secretariat
Agaartala-799001
- 28. State of Telangana**
Through Its
Chief Secretary
Secretariat, Hyderabad,
Telangana
- 29. State of Uttar Pradesh**
Through Its
Chief Secretary
Lal Bahadur Shastri Bhavan
UP Secretariat
Lucknow-226001

30. **State of Uttarakhand**
Through Its
Chief Secretary
Uttarakhand Secretariat
4B Shubhash Road
Dehradun -248001
31. **State of West Bengal**
Through Its
Chief Secretary
Writers' Building
Kolkata -700001
32. **Chief Secretary**
U.T. of Andaman & Nicobar Islands
Secretariat
Port Blair
Andaman -744101
33. **Administrator**
U.T. of Chandigarh
Secretariat,
Sector 9
Chandigarh -160001
34. **Administrator**
U.T. of Dadra & Nagar Haveli
Secretariat
Silvasa-396230
35. **Administrator**
U. T. of Daman & Diu
Fort Area
Secretariat Moti Daman-396220
36. **Administrator**
U. T. of Lakshadweep
Secretariat
Kavaratti-682555

...RESPONDENTS

AND IN THE MATTER OF

WRIT PETITION (PUBLIC INTEREST LITIGATION)
FILED UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA FOR THE ISSUANCE OF WRIT OF
MANDAMUS AGAINST THE RESPONDENTS, INTER
ALIA, TO APPOINT INDEPENDENT PUBLIC
PROSECUTORS AS STIPULATED UNDER SECTION
32 OF THE PROTECTION OF CHILD FROM SEXUAL
OFFENCES ACT – 2012

To,

The Hon'ble Chief Justice

And His Companion Justices of the

Hon'ble Supreme Court of India

The humble petition of the petitioners
above named.

MOST RESPECTFULLY SHOWETH:-

01. That following are the details which the petitioner is required to disclose in the Writ Petition as per Order XXXVIII Rule 12(2) of Supreme Court Rules, 2013:

- a. That the name of the petitioner is Gaurav Kumar Bansal, Son of Sh. Vishnu Bansal, resident of A26 (Basement), Jangpura Extension, New Delhi-14 and is an advocate practicing before this Hon'ble Court and the PAN number of the petitioner is

BAGPB4322K and the annual income of the petitioner ranges between 2 lakhs to 2.5 lakh and the email of the petitioner is advocateguravbansal@yahoo.com and the mobile number of petitioner is 09811164777.

b. The cause of action for filing the present Writ Petition under Article 32 of the Constitution of India is that the petitioner is requesting this Hon'ble Court for the issuance Writ of Mandamus against the Respondents, inter alia, to appoint Independent Public Prosecutors as prescribed under Section 32 of the Protection of Sexual Offences Act – 2012 (hereinafter referred as POCSO ACT – 2012).

c. That the nature of injury caused to or likely to be caused to the public is that the Respondents have failed to provide Speedy Trial of POCSO Cases, Friendly Atmosphere in Courts, Independent Public Prosecutors etc as prescribed under various provisions of the POCSO Act – 2012 and as such have failed to protect the innocent victims (Generation Next) from the sexual abuse, hence the petitioner requests this Hon'ble to intervene in the present matter.

d. That there is no personal interest involved in the present matter and no Govt. Authority has been approached by the petitioner.

e. That the petitioner has not involved in any kind of civil, criminal or revenue litigation with regard to the issues raised by him and as such have no legal nexus with the issue involved in the Public Interest Litigation.

f. It is respectfully submitted that the petitioner by way of Replies provided by the Govt. of NCT of Delhi learnt that the National Capital, in the year 2013, not only had the Independent Public Prosecutors as prescribed under Section 32 of the POCSO ACT – 2012 but also didn't have the Special Court under Section 28 of the POCSO ACT – 2012. Accordingly, the Petitioner approached the Delhi High Court for establishment of Special Courts and appointment of Independent Prosecutors as prescribed in the POCSO ACT- 2012. That during hearing of Writ Petition 1091 of 2013, the Hon'ble Delhi High Court directed Govt. of NCT of Delhi to apprise it about the status of Independent Public Prosecutors prescribed under Section 32 of the POCSO ACT – 2012 in other States. It is respectfully submitted that the petitioner was shocked to learn from the additional affidavits filed by the Govt. of NCT of Delhi that most of the States in the World's Largest Democracy have not appointed the Independent Public Prosecutors under Section 32 of the POCSO ACT – 2012.

Further, it is also important to mention here that the petitioner also did some research on the implementation of the

POCSO ACT – 2012 across the Country as well as also had communication with some of the Senior Law Officers appointed in the State of Uttar Pradesh, Rajasthan, Haryana, Delhi etc and learnt that the Respondents have failed to implement the POCSO ACT- 2012 in its letter and spirit, hence request this Hon'ble Court to intervene in the present matter.

True copy of the Affidavit dated 31/08/2016 filed by Govt. of NCT of Delhi is annexed hereto and marked as Annexure P-1 at page no. 26 to page no. 27.

True copy of the Affidavit dated 21/09/2016 filed by Govt. of NCT of Delhi is annexed hereto and marked as Annexure P-2 at page no. 28 to page no. 30.

True copy of the Affidavit dated 05/10/2016 filed by Govt. of NCT of Delhi is annexed hereto and marked as Annexure P-3 at page no. 31 to page no. 32.

02. That the petitioner is an Advocate who has been consistently and continuously fighting for the enforcement and protection of civil and fundamental rights of the under privileged and deprived section of the society. It is respectfully submitted that petitioner is trying its level best to procure justice for the downtrodden, underprivileged, neglected and vulnerable class of Society and accordingly is fighting for them in this Hon'ble

Court, Hon'ble National Green Tribunal and Hon'ble Delhi High Court.

03. It is respectfully submitted that Section 32 of the POCSO Act - 2012 which deals with Special Public Prosecutor says that the State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

However, the petitioner has learnt from the affidavits filed by Govt. of NCT of Delhi in Writ Petition No. 1091 of 2013 titled as "Gaurav Kumar Bansal Vs. Govt. of NCT of Delhi & Ors" that the following are the States and UTs who have not appointed the Independent Public Prosecutors as prescribed under Section 32 of the POCSO Act – 2012:

- State of Gujarat
- State of Himachal Pradesh
- State of Punjab
- State of Tamil Nadu
- State of Tripura
- State of Haryana
- State of Maharashtra
- State of Mizoram
- State of Chhatisgarh
- State of Kerela

- State of Nagaland
- State of Meghalaya
- Andaman & Nicobar Islands (UT)

It is important to mention here that the said list is only an indicative one as the petitioner after having talk with the Law Officers and other Senior Officers of State of Uttar Pradesh, State of Rajasthan, State of Haryana etc has learnt that these State also don't have Independent Public Prosecutors.

Further, it is also important to note that the petitioner has also learnt that in case Ld. Public Prosecutors is on leave then because of the absence of Substituted Public Prosecutors for entire day, the POCSO matters get adjourned.

04. That it is respectfully submitted that Section 28 of the POCSO Act – 2012 deals with the Designation of Special Courts. For the convenience of this Hon'ble Court, the petitioner is mentioning the relevant part of Section 28 of POCSO ACT – 2012:

Designation of Special Courts:

(1) For the purpose of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette,

designate for each district, a Court of Session to be a Special Court to try the offences under the Act.

05. That the petitioner by way of the present petition and for the purposes of SPEEDY TRIAL and CHILD FRIENDLY ATMOSPHERE urge before this Hon'ble Court to direct the Respondents State(s) and UT(s) to convert the Special Courts constituted under Section 28 of the POCSO Act into "Exclusive Court" meaning thereby that the said Special Court will only hear / entertain cases registered under POCSO ACT – 2012 and the following are the reasons for the same:

a. As per the latest report released by the National Crime Record Bureau Crime against Children has shown an Increase of 5.3% during 2015 over 2014.

b. Total of 19,767 Children were sexually assaulted (10,934 Children reported under Section 376 IPC and 8,833 Children under Section 4 and 6 of the Protection of Children from Sexual Offences Act) during 2015.

c. Crime rate (i.e. cases reported under crimes against children per 1,00,000 population of children) was highest in Delhi (169.4) followed by Andaman & Nicobar Islands (75), Chandigarh (67.8), Mizoram (50.1) and Goa (46.5) in comparison to the National Average of 21.1.

d. Total Child Victims reported under Section 4 & Section 6 of the POCSO Act, which deals with Penetrative Sexual Assault and Aggravated Sexual Penetrative Assault were 8833.

e. That out of 8833 Children victims, 306 were below the age of 6 years, 1008 were between the age of 6 Years & Above – below 12 years, 3405 were between the age of 12 Years & Above – Below 16 years and 4114 Children were between the age of 16 years & Above – Below 18 Years.

f. 2736 POCSO cases are pending for investigation from Previous year.

g. Apart from that the Police have to investigate 14913 more POCSO cases reported in the year 2015.

h. 7956 POCSO cases are pending for trial in Courts from the previous year.

i. 12980 POCSO cases were sent for trial during the year 2015

j. 20935 is the total number of POCSO cases which are pending for trial in the year 2015.

k. At present Courts designated under Section 28 of the POCSO Act- 2012 are also holding other general sessions trial cases like cases under TADA/POTA/MCOCA, Drugs & Cosmetic Act, Indian Penal Code etc and as such at the time of deposition etc Children, the innocent victims, are getting exposed to several other things which violates the victim's Right of having a friendly atmosphere in Court.

l. Cases involving offences against the Children are increasing day by day and as such it is really the need of the hour to expedite such cases.

m. Examination of a POCSO Child Victim takes lot of time and requires sensitivity and the same also require Child Friendly Atmosphere in Courts which is a hard task for Hon'ble Judges in the current prevailing situation.

n. As per Section 35 of POCSO Act, it is mandatory for the POCSO Court to record evidence of the Child Victims within 30 days of taking cognizance and to dispose of the case within a period of One year of taking cognizance but due to heavy pendency of cases other than POCSO Act – 2012, it is not possible for POCSO Courts to adhere the said mandatory directions.

o. Crime against Children are increasing day by day resulting into increase of fresh filing of POCSO cases and in such a situation it is really hard for a Ld. Judge presiding POCSO Court to deliver justice to an innocent Child Victim in a time bound manner.

p. Petitioner has also learnt from the reply of RTI provided by Hon'ble Delhi High Court that one of the Hon'ble Judge, who has presided the POCSO Court, has also written to the Hon'ble Delhi High Court to constitute Exclusive Court for the purpose of trial of the POCSO Cases as it is not possible in the present scenario to adhere the directions mentioned in various provisions of POCSO Act – 2012.

True Copy of the relevant part of NCRB Report – 2015 is annexed hereto and marked as Annexure P-4 at page no. 33 to page no. 58.

True copy of the letter dated 29/09/2014 issued by ASJ-01/North/Rohini Courts, Delhi is annexed hereto and marked as Annexure P-5 at page no. 59 to page no. 60.

True Copy of the Protection of Children From Sexual Offences Act, is annexed hereto and marked as Annexure P-6 from page no. 61 to page no. 72.

06. Similarly, it is also important to mention here that section 28 of the POCSO ACT – 2012, which deals with Designation of Special Courts, categorically states that it is mandatory for

Respondents to constitute at-least One Special Court in each District.

However, the petitioner has learnt from the website of the National Commission for Protection of Child Rights, that only 604 Special Courts have been constituted by the Respondents in 675 Districts of INDIA meaning thereby that around 13 States having 71 Districts have no Special Court under POCSO ACT-2012.

The following are the States / UTs which as per the List uploaded on the website of the National Commission for Child Rights are violating Section 28 of the POCSO ACT-12:

- Andaman & Nicobar Island
- State of Arunachal Pradesh
- State of Chattisgarh
- Daman & Diu
- State of Goa
- State of Gujarat
- State of Madhya Pradesh
- State of Maharashtra
- State of Manipur
- State of Meghalaya
- State of Mizoram

- Punducherry
- State of West Bengal

07. It is also important to note here that Section 36 of the POCSO Act requires the Special Court to ensure that the Child Victim is not exposed to the accused at the time of recording the evidence and for the said purpose the evidence can be recorded by way of using Single Visibility Mirrors, curtains or any other such device. However, it is a matter of shame that the Respondents have failed to provide the Structural design in most of the POCSO courts which can ensure that the Child Victim is not exposed to the accused.
08. That the case of the petitioner is that innocent Child victims of sexual abuse needs special care and protection, hence it is the duty of Respondents to provide all kind of basic support and infrastructure needed for their protection.
09. That the Constitution of World's Largest Democracy recognizes the vulnerable position of Children and their Right to Protection and as such it is the Constitutional as well as fundamental and very basic duty of the Respondents to issue a notification for designation of a Court of Session to be a Special Court in each and every district and further to appoint Special Public Prosecutor for every Special Court for conducting cases only under the provisions of the Act-2012.

10. That the balance of convenience is in favour of the petitioner and the ends of justice shall suffer if the relief as prayed is not granted.
11. That the present Writ is maintainable as the same highlights the violations of Child Victim's Fundamental Rights and Statutory Rights across the Country.
12. That the Petitioner has not filed any other petition in this court and in any other court praying for the same relief.

GROUND

- A. Because as per the Article 14 of the Constitution of India the State shall not deny to any person equality before the law or equal protection of the law within the territory of India.
- B. Because as per the Article 15 of the Constitution of India the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- C. Because as per Article 15(3) of the constitution of India it is the duty of the State to make special provision for women and children.
- D. Because it is the duty of the Respondents to protect the life and personal liberty of the Children as enshrined under Article 21 of the Constitution of India.

E. Because it is the Constitutional and fundamental duty of the Respondents to direct its policy towards securing the tender age of children are not abused and that Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that the childhood and youth are protected against the exploitation and against moral and material abandonment as enshrined under Article 39 of the Constitution of India.

F. Because India is a signatory to a number of International instruments and declarations pertaining to the rights of Children to protection, security and dignity.

G. Because India acceded to the United Nations Convention on the Rights of the Child (hereinafter referred as UNCRC) in 1992, reaffirming its earlier acceptance of the 1959 UN Declaration on the Rights of the Child.

H. Because in 2005 the India accepted two Optional protocols to the UN CRC, addressing the involvement of children in Child prostitution and child pornography.

I. Because India is also a signatory to the International Conventions on Civil and Political Rights, and on Economic, Social and Cultural Rights which apply to the human rights of Children as much as adults.

- J.** Because Convention on the Rights of the Child adopted by the United Nation General Assembly in 1889 prescribes standards to be adhered to by all the State Parties in securing the best interest of the child and outlines the fundamental rights of the children, including the right to be protected from all forms of sexual exploitation and abuse.
- K.** Because as per the National Plan of Action for Children (hereinafter referred as NPAC), 2005, which is one of the major policy formulated in the Country to ensure Child Rights and improvement in their status itself encouraged the States to formulate State Plans of Action for Children in line with NPAC.
- L.** Because this Hon'ble Court in "State of Rajasthan Vs. Om Prakash" (2002) 5 SCC 745 observed that Children need special care and protection. Responsibility on the shoulders of the courts is more onerous so as to provide proper legal protection to children. Their physical and mental immobility call for such protection.
- M.** Because any exploitation of children in any form which has a tendency to exploit them either physically, mentally or otherwise is objectionable and that the State shall direct its policy towards securing that children are given opportunities and that the State

shall direct its policy towards securing that children are given opportunities to develop in a healthy manner.

- N. Because United Nation General Assembly has passed resolution reiterating that the rights of the children require special protection to ensure their development and education in condition of peace and security.
- O. Because the African Charter of Rights and Welfare of the Child has also resolved to provide a basis for promotion and protection of the rights of children at national and regional level and imposes obligation on the State, community and individual in protection of the civil, criminal, economic, political and social rights of the child.
- P. Because Article 10 of the Covenant on Civil and Political Rights says that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human persons.
- Q. Because the balance of convenience is in favour of the Petitioner and the ends of justice shall suffered if the relief as prayed in not granted.

PRAYER

In the light of abovementioned facts and circumstances it is prayed before this Hon'ble Court that this Hon'ble Court may graciously be pleased to:

- a. Issue Writ of Mandamus against the Respondents to appoint Independent Public Prosecutors as defined under Section 32 of the Protection of Children from Sexual Offences act – 2012.
- b. Issue Writ of Mandamus against the Respondents to convert the Special Courts constituted under Section 28 of the POCSO Act into "Exclusive Court" for hearing / entertaining cases registered under POCSO ACT – 2012 only.
- c. Issue Writ of Mandamus against the Respondents to provide all the necessary infrastructure in Courts so that Child friendly atmosphere can be provided to the Innocent Child victims.
- d. Issue appropriate Writ/Order/Direction to the Respondents to implement the provisions of the Protection of Children from Sexual Offences Act-2012.

- e. Pass any such other and further order (s) as this Hon'ble Court may deem fit and proper in the facts and the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN
DUTY BOUND SHALL EVER PRAY.**

FILED BY:

**GAURAV KUMAR BANSAL
ADVOCATE
PETITIONER IN PERSON**

New Delhi

27/03/2017

IN THE HON'BLE SUPREME COURT OF INDIACIVIL ORIGINAL JURISDICTIONWRIT PETITION (CIVIL) NO. _____ /17IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF
 GAURAV KUMAR BANSAL
VERSUS
 UNION OF INDIA & ORS ,

.....PETITIONER

.....RESPONDENTS

AFFIDAVIT

I, Gaurav Kumar Bansal, S/o Sh. Vishnu Bansal, aged 27 years, presently at A-26, Jangpura Extension, New Delhi - 110016, do hereby solemnly affirms and declares:

1. That the contents of the accompanying Writ Petition (Public Interest Litigation) are true and the List of Dates and facts furnished along with the Writ Petition are true to my knowledge and belief.
2. That the Annexure P-1 to P-5 are true computer printouts of its original.
3. That the List of Dates contains from pages B to M , Wirt Petition from pages 01 to 24, and the Paper Book contains 77 pages.
4. That the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT

Verified at New Delhi on this 27th day of March, 2017 that the contents of this Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)
WRIT PETITION NO. 1091 OF 2013.

Annex. P-1
26

IN THE MATTER OF:

Gaurav Kumar Bansal

..Petitioner

VERSUS

Government of N.C.T of Delhi & Anr

..Respondents

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1 & 2

I, Shri O.P. Mishra, son of Shri Lakshman Mishra, aged about 50 years, presently the Addl Secretary (Home), resident of H-104, A.L. Apartments, National Highway-8, Gurgaon (Haryana), presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am presently working as Addl Secretary (Home), and as such am duly authorised and competent to affirm the present affidavit on behalf of the Respondent No. 1 and 2 ("Answering Respondents").
2. That the accompanying Short Affidavit has been drafted under my instructions and I say that the facts stated therein are based upon records of the case which I believe to be true and correct to the best of my knowledge and belief.
3. That this Hon'ble Court vide order dated 8th July, 2016 directed the Answering Respondents herein to file an affidavit with regard to the procedure being followed by other States for appointment of Special Public Prosecutors under Section 32 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the "Act") for every Special Court. It is stated herein that the present affidavit is being filed in compliance of the aforesaid order of this Hon'ble Court.

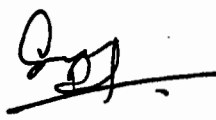
4. It is stated that pursuant to and in compliance of the aforesaid order dated 8th July, 2016, communications were addressed to Governments of various States and Union Territories by the Answering Respondents.
5. It is stated that responses, till date, have been received by the Answering Respondents from six State Governments i.e. State of Gujarat, Himachal Pradesh, Karnataka, Punjab, Tamil Nadu and Tripura. True Copy of the responses received from various State Governments is annexed herewith as **Annexure 'A (Colly)'**.
6. It is stated that the aforesaid information reveals that in the States of Gujarat, Himachal Pradesh, Punjab, Tamil Nadu and Tripura independent prosecutors under Section 32 of the Act have not been appointed. It is further stated that the State of Karnataka has appointed independent prosecutors under Section 32 of the Act.
7. It is stated that the Answering Respondents undertake to place on record information that may be received from other State Governments and craves leave to do so in this regard.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the 31 day of August, 2016 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

DEPONENT


True Grg

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)
WRIT PETITION NO. 1091 OF 2013.

Annex P-2
28

IN THE MATTER OF:

Gaurav Kumar Bansal

..Petitioner

VERSUS

Government of N.C.T of Delhi & Anr

..Respondents

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1 & 2

- I, Shri O.P. Mishra, son of Shri Lakshman Mishra, aged about 50 years, presently the Addl Secretary (Home), resident of H-104, A.L. Apartments, National Highway-8, Gurgaon (Haryana), presently at New Delhi, do hereby solemnly affirm and state as under:

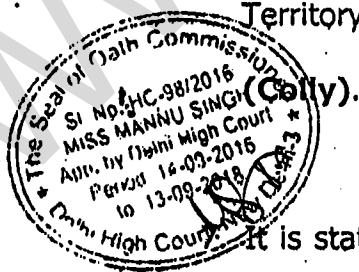


I am presently working as Addl Secretary (Home), and as such authorised and competent to affirm the present affidavit on behalf of the Respondent No. 1 and 2 ("Answering Respondents").

2. That the accompanying Short Affidavit has been drafted under my instructions and I say that the facts stated therein are based upon records of the case which I believe to be true and correct to the best of my knowledge and belief.
3. That this Hon'ble Court vide order dated 8th July, 2016 directed the Answering Respondents herein to file an affidavit with regard to the procedure being followed by other States for appointment of Special Public Prosecutors under Section 32 of the Protection of Children

from Sexual Offences Act, 2012 (hereinafter referred to as the "Act") for every Special Court. It is stated herein that the present affidavit is being filed in compliance of the aforesaid order of this Hon'ble Court.

4. It is stated that pursuant to and in compliance of the aforesaid order dated 8th July, 2016, communications were addressed to Governments of various States and Union Territories by the Answering Respondents.
5. It is stated that responses, received by the Answering Respondents from six State Governments i.e. State of Gujarat, Himachal Pradesh, Karnataka, Punjab, Tamil Nadu and Tripura were filed in this Hon'ble Court on 31st August, 2016.
6. It is further stated that this affidavit is being filed in continuance of the Short Affidavit dated 31st August, 2016. It is also stated that the responses of six States and one Union Territory i.e. State of Haryana, Maharashtra, Mizoram, Chhattisgarh, Kerala, Nagaland and Union Territory of Puducherry is being filed alongwith this affidavit. True Copy of the Responses received from the State of Haryana, Maharashtra, Mizoram, Chhattisgarh, Kerala, Nagaland and Union Territory of Puducherry is annexed herewith as **Annexure B**



It is stated that the abovesaid information reveals that in the States Haryana, Maharashtra, Mizoram, Chhattisgarh, Kerala and Nagaland;

independent prosecutors under Section 32 of the Act have not been appointed. It is further stated that the position is same is the with regard to Puducherry. However it is pertinent to point out that in Puducherry, Special Public Prosecutors u/s 32 of the Act are selected and appointed from a panel of practicing Advocates from Puducherry and Karikal Districts, that has been called for by the Chief Judge, Puducherry.

8. It is stated that the Answering Respondents undertake to place on record information that may be received from other State Governments and craves leave to do so in this regard.

Shruti
21/05/2016

I Identify the Deponent who
has Signed in my Presence

21 SEP 2016

[Signature]
DEPONENT

VERIFICATION:

Verified at New Delhi on this the ____ day of September, 2016 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.



21 SEP 2016

[Signature]
DEPONENT

CERTIFIED THAT THE DEPONENT
Shr./Smt./Km. *[Signature]*
S/o W/o *[Signature]*
P/o *[Signature]*
Identified by Shr./Smt. *[Signature]* Advr
has personally appeared before me at Court
on *[Signature]* and has sworn to the contents of the affidavit which has been
filed in the Court and to the best of his/her knowledge and belief the contents are true and correct to his/her knowledge.

[Signature]
Oath Commissioner

39

[Signature]

True Gay

Annex P-3

31

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL JURISDICTION)
WRIT PETITION NO. 1091 OF 2013.

IN THE MATTER OF:

Gaurav Kumar Bansal

..Petitioner

VERSUS

Government of N.C.T of Delhi & Anr

..Respondents

SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1 & 2

I, Shri O.P. Mishra, son of Shri Lakshman Mishra, aged about 50 years, presently the Addl Secretary (Home), resident of H-104, A.L. Apartments, National Highway-8, Gurgaon (Haryana), presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am presently working as Addl Secretary (Home), and as such am duly authorised and competent to affirm the present affidavit on behalf of the Respondent No. 1 and 2 ("**Answering Respondents**").
2. That the accompanying Short Affidavit has been drafted under my instructions and I say that the facts stated therein are based upon records of the case which I believe to be true and correct to the best of my knowledge and belief.
3. It is stated that the present short affidavit is being filed in continuance of the Short Affidavit dated 22nd September, 2016.
4. It is stated that responses from the State of Meghalaya and Union Territory of Andaman and Nicobar Islands have been received by the Answering Respondent. True Copy of the responses received from



State of Meghalaya and Union Territory of Andaman and Nicobar Islands is annexed herewith as **Annexure 'C' (Colly)**.

5. It is stated that the abovesaid information reveals independent prosecutors under Section 32 of the Act have neither been appointed in Andaman and Nicobar Islands nor in Meghalaya.
6. It is stated that the Answering Respondents undertake to place on record information that may be received from other State Governments and craves leave to do so in this regard!

05 OCT 2016

[Signature]
DEPONENT

VERIFICATION:

Verified at New Delhi on this the 05th day of October, 2016 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

[Signature]
I, the undersigned, do hereby certify that the identity of the Deponent who has signed in my presence.



CERTIFIED THAT THE DEPONENT
Shri/Smt. Mr. M. K. Narayan
S/o. Mr. M. K. Narayan
R/o. Mr. M. K. Narayan
Identified by Shri/Smt. Mr. M. K. Narayan
has solemnly affirmed before me at Delhi
on the 05 day of October 2016
that the contents of the affidavit which have
been read & explained to me are true and
correct to his knowledge.
Oath Commissioner, Delhi

[Signature]
DEPONENT

Crime in India 2015 Statistics



National Crime Records Bureau
Ministry of Home Affairs

Crime in India 2015

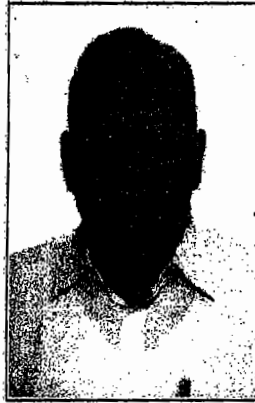
Statistics



National Crime Records Bureau
(Ministry of Home Affairs)
Government of India
East Block - 7, R.K. Puram,
New Delhi - 110 066.

☎ : +91-11-26172324, 26105353, 26177442
Fax : +91-11-26197984
E-Mail : stat@ncrb.nic.in
Web Site : <http://ncrb.gov.in>

Rajiv Mehrishi



गृह सचिव 35
HOME SECRETARY
भारत सरकार
GOVERNMENT OF INDIA

North Block,
New Delhi.


29th July, 2016

MESSAGE

It gives me pleasure to present the annual report "Crime in India" for the year 2015 published by the National Crime Records Bureau (NCRB). This report is 63rd in the series; first report having been published in the year 1953. A lot of changes have been made to widen the scope and coverage of the report and it continues to be the principal reference for crime statistics in India, since 1953.

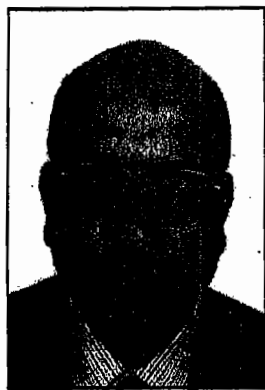
Criminals nowadays are more organized than ever before due to better communication technology and are continually adopting new techniques and modus operandi and developing new network that go beyond the national boundaries. This poses a serious challenge to the law enforcement agencies, policy makers and other stakeholders of the criminal justice system. An exhaustive information base on every aspect of criminality in the society is required to properly analyse the emerging trends and patterns of crime, plan suitable strategies and appropriate interventions and measures for the future. The annual report of the NCRB aims to fulfill these data requirements of various stakeholders.

I thank all the State Governments and UT Administration and heads of various law enforcement agencies for sending the validated data for compilation and without them this publication would not have been possible.


(Rajiv Mehrishi)

"Please visit our website at <http://mha.nic.in>"

Radhakrishna Kini A.
Director General



राष्ट्रीय अपराध रिकार्ड ब्यूरो

(गृह मंत्रालय)

भारत सरकार

पूर्वी खण्ड-VII, आर.के.पुरम, नई दिल्ली-110066

NATIONAL CRIME RECORDS BUREAU

(MINISTRY OF HOME AFFAIRS)

GOVERNMENT OF INDIA

EAST BLOCK-VII, R.K. PURAM, NEW DELHI - 110 066

29th July, 2016

FOREWORD

I am privileged to publish 63rd edition of 'Crime in India' for the year 2015, an annual publication of National Crime Records Bureau since the year 1953.

The trends of crimes keep changing with the growing population and rapid development of towns and cities. Rise in crimes in any place especially crimes against women, children and weaker sections of the society is a worrying factor for everyone. Crime in India publication is a vital tool in the hands of such police officers, researchers, criminologists and officers of criminal justice system in the country as it provides ample statistical data to analyze and helps in informed decision making to curb crime. This report has been one of the prime documents on crime statistics in our country. Over the last few decades, this report has become quite popular and its release is eagerly awaited by all. The report makes us understand and analyse the emerging crime trends both nationally and locally better.

The report is published in two parts. Part - 1 i.e. Crime in India (Compendium) pertains to analytical description of crimes, criminals and properties while Part - 2 i.e. Crime in India (Statistics) contains tabular statistics on crimes, criminals & property. The report is published with more than 600 pages containing graphs, maps, time series tables etc. The magnitude of the exercise undertaken for this edition can be gauged from the fact that the data have been collected in 34 revised proformae from SCRBx/CID of all 36 States/UTs and 53 Mega Cities (City having population of 10 lakhs or more). The proformae for collecting data were revised in 2014 only, and lot of efforts had gone in to

"Please visit our website at <http://ncrb.gov.in>"

synchronize the procedure of collecting quality data and analyzing the trend & patterns of crimes. To make sure that quality of data is not compromised, many training sessions were given to States' and UTs' officials by the Bureau.

Data collection, compilation, analysis, brief comments and publication of the report is an arduous task and requires untiring efforts. So, I take this opportunity to record my appreciation of the excellent work done by all the team members of the Statistical Branch of the Bureau and specially the contributions of Software Development Team, the software is completely build by in-house team of the Bureau and has helped a lot in data collection and validating the same. This software not just helps NCRB but also the States and UTs to compile their data and publish similar reports for their respective States and UTs.

I convey my gratitude to all the States and UT Police Departments for supplying the crime data to NCRB within the time schedule. Without their active support and cooperation it would not have been possible for us to bring out the report within the timeframe. I urge the Heads of Law Enforcement Agencies to supply the crime data pertaining to the year 2016 by February 2017 itself.

It is our constant endeavors to make data available in the public domain so that maximum use of the data could be made. In this regard, Bureau has uploaded all previous editions of the report including the current publication 'Crime in India 2015' on our website <http://ncrb.nic.in>. Besides, the Bureau is also in process of digitizing all previous editions of reports in open source format. I am happy to apprise that more than 1400 datasets including statistical tables of 'Crime in India' report during 2014 – 1986 have already been uploaded on Open Government Data(OGD) Platform India website <http://data.gov.in>.

We look forward for your suggestion and feedback for improvement in content and quality of this publication. A feedback form is attached at the end of the report for your valuable suggestions.


(Radhakrishna Kini A.)

"Please visit our website at <http://ncrb.gov.in>"

Disclaimer

- The statistical data covered in this report have been obtained from States/UTs Police. All precautions have been taken to ensure that the data is statistically consistent. Since NCRB has only compiled and collated the data as furnished by the States/UTs and presented these in the form of this report, hence NCRB shall not be responsible for statistical error, if any, in the published data. However, any discrepancy observed in this report may be brought to the notice of the Bureau, so that the same can be got clarified from concerned State/UT.
- The Bureau is collecting statistical data of police recorded cognizable crimes through a set of 34 proforma from 36 States/UTs and 53 Mega Cities (i.e. 89 data supplying centres). The data pertain to the calendar year 2015.
- In this report, the calculated values of crime rate, percentage etc. are rounded up to one decimal only; hence an approximate value is used for analysis.
- 'Crime Rate' is standard measurement for making State/UT wise comparison in incidents of crimes. The Bureau has calculated the Crime Rate on the basis of total cases reported in comparison to total population. However Crime Rate under Crimes against Women, Children, Scheduled Castes/ Scheduled Tribes and Senior Citizens have been calculated on the basis of population of that particular segment. The population used for calculation of Crime Rate for Total Crimes, Crimes against Women and Crimes against Children are Projected Population as on 1st July as furnished by Office of RGI, MHA while the Rate under Crimes against Scheduled Castes, Scheduled Tribes and Senior Citizens has been calculated using population figures of The Population Census, 2011. Hence the Bureau does not claim the precise accuracy of estimated population.
- The Bureau follows 'Principal Offence Rule' for counting of crime. Hence among many offences covered in a single registered criminal case, only most heinous crime in the registered case has been considered as counting unit representing that case.
- The Socio-economic causative factors or reasons of crimes are not being captured by the Bureau. Only police registered criminal cases are being captured for this publication.
- Analysis of crimes in all the Chapters in this report has been done on the basis of First Information Report(FIR), as registered by police.
- Considering the cost and size of report, the Bureau has printed only limited tables. However, all the remaining tables will be made available on our website <http://ncrb.gov.in> under 'Additional Table for CII' link.
- The Bureau has published some information on Child Trafficking (Children Trafficked below 18 Years of age) along with Total Human Trafficking in Chapter 6A.
- The Ministry of Women and Child Development is the nodal agency for all missing children through their website 'Track Child' Portal and this portal is single source of data on the subject. (Reference : Hon'ble Supreme Court WP(s) (Civil) No.75/2012.

Disclaimer

- In present edition, 'Crimes against Women' include crime head viz. Rape, Assault on Women with Intent to Outrage her Modesty, 'Insult to the Modesty of Women, Importation of Girls from Foreign Country, Cruelty by Husband or His Relatives, Kidnapping & Abduction of Women, Abetment of Suicides of Women, Dowry Deaths cases under The Dowry Prohibition Act, 1961, The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati Prevention Act 1987, The Protection of Women from Domestic Violence Act, 2005 and The Immoral Traffic (P) Act. Whereas in previous editions, it consisted of Rape, Assault on Women with Intent to Outrage her Modesty, Insult to the Modesty of Women, Importation of Girls from Foreign Country, Cruelty by Husband or his Relatives, Kidnapping & Abduction of Women, cases under The Dowry Prohibition Act, 1961, The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati Prevention Act 1987 and The Immoral Traffic (P) Act.
- Under revised proformae, the classification of crime heads under 'Crimes against Scheduled Castes & Scheduled Tribes' have further been elaborated. Now under 'Crimes against Scheduled Castes & Scheduled Tribes', crime heads have been categorised as 'IPC crimes along with section of The SC/ST(Prevention of Atrocities) Act', 'IPC crimes without The SC/ST(Prevention of Atrocities)', 'The Protection of Civil Rights Act' 'The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act' and 'Other SLL Crimes'. The Bureau considers the cases registered under various section IPC along with section of the SC/ST(POA)Act as atrocity cases only. Hence under total crimes against persons belonging to Scheduled Castes and Scheduled Tribes both atrocity cases as well as non-atrocity cases are included.
- Cyber Crimes include cases under the Information Technology Act, related sections of IPC and SLL.
- All editions of the publications have been made available on our website. Besides, the historical data, in open source format, have also been made available on the website <http://data.gov.in> of Open Government Data (OGD) Platform India.
- Crime rate for crime against women, crime against children, crime against SCs/STs and crime senior citizens have been calculated using population of female, children(up to 18 years), SCs/STs and persons(60 years & above of age).
- The complaints against police personnel (Table 16.1) do not necessarily include cases of human rights violations by police, it may includes complaints related to family problems, general complaints etc.
- In some crime heads, figures of persons arrested/charge-sheeted/convicted/etc. may be less than the corresponding registered cases, as accused might not have been arrested or died etc.
- For some crime heads, cases/persons pending for investigation or trials brought forward in 2015 may not match with the previous year data (2014), due to change/modification of sections of that crime heads under the revised proformae.

Calculation

- Projected Mid-Year Population for the year 2015 which is based on The Population Census 2001, as supplied by Demographic Division, RGI, MHA, is used for calculation of crime rate. In respect of newly created States namely Telangana and Andhra Pradesh, a rough estimation based on percentage share of population ratio has been made for calculation of their respective population.
- Mid-Year Estimated Population of Children (up to 18 years of age) for the year 2014 has been used for calculating crime rate in respect of crime against children for the year 2015, due to non-availability of such estimate for the year 2015.
- Population figures of persons belonging to SCs & STs, Senior Citizens and Mega Cities from the Population Census 2011 has been used for calculating Crime Rate for 'Crime against SCs & STs', 'Crime Against Senior Citizens' and 'Crime Rate in Mega Cities', due to non-availability of projected mid-year population figures for the year 2015 for these categories.

Tables
Chapter

6

Crime Against Children

Crime against Children

Crimes against children include physical and emotional abuse, neglect and exploitation, such as through child pornography or sex trafficking of minors. Indian penal code and the various protective and preventive special and local laws specifically mention the offences wherein children are victims. The age of child varies as per the definition given in the concerned Acts but age of child has been defined to be below 18 years as per The Juvenile Justice (Care and Protection of Children) Act, 2000 Amended. Therefore an offence committed on a victim under the age of 18 years is considered as crime against children for the purpose of analysis in this chapter.

It is also to be borne in mind that the offences that are analysed in this chapter do not form an exclusive block of offences that are reported in the country. They are included in the IPC/SLL cases already discussed in other relevant chapters. The offences dealt in this chapter have been culled out from various reported crimes in the country wherein the victims of the offences were children. The list of offences under the two broadly categorised offences under the IPC and the Special and Local Acts is as follows:

1) Crime against Children under Indian Penal Code.

- (i) Murder (Section 302 IPC)
- (ii) Attempt to commit murder (Section 307 IPC)*
- (iii) Infanticide (Section 315 IPC)
- (iv) Rape (Section 376 IPC)
- (v) Unnatural Offence (Section 377 IPC)*
- (vi) Assault on Women (Girl Child) with Intent to Outrage her Modesty (section 354 IPC)*
 - 6.1 Sexual Harassment (Section 354A IPC)*
 - 6.2 Assault or Use of Criminal Force to Women (Girl Child) with Intent to Disrobes (Section 354B IPC)*
 - 6.3 Voyeurism (Section 354C IPC)*
 - 6.4 Stalking (Section 354D IPC)*

- (vii) Insult to the Modesty of Women (Girl Child) (Section 509 IPC*)
- (viii) Kidnapping & Abduction (Section 363, 364, 364A, 365, 366, 367, 368 & 369 IPC).
- (ix) Foeticide (Section 315 and 316 IPC).
- (x) Abetment of Suicide of Child (Section 305 IPC)
- (xi) Exposure and Abandonment (section 317 IPC)
- (xii) Procurement of Minor Girls (section 366-A IPC)
- (xiii) Importation of Girls from Foreign Country (Section 366-B IPC) (under 18 years of age)
- (xiv) Buying of Minors for Prostitution (Section 373 IPC)
- (xv) Selling of Minors for Prostitution (Section 372 IPC)

2) Crime against Children under Special and Local Laws(SLL)

- i) Prohibition of Child Marriage Act, 2006
- ii) Transplantation of Human Organs Act 1994*(for persons below 18 years of age)
- iii) Child labour (Prohibition & Regulation) Act, 1986*
- iv) Immoral Traffic (Prevention) Act, 1956*
- v) Juvenile Justice (Care & Protection of Children) Act, 2000*
- vi) Protection of Children from Sexual Offences Act, 2012*

* Data has been collected since 2014 in the revised proforma.

Note:- In order to avoid the duplicity of data, cases registered under section 376 of IPC exclude the cases registered under sections 4 & 6 of the Protection of Children from Sexual Offence (POCSO) Act 2012. Similarly cases reported under different sections of IPC like 354, 509 etc. exclude related section of the POCSO Act.

cases in 2015). Maximum of infanticides were reported in Madhya Pradesh (25 cases) followed by Rajasthan (18 cases) and Uttar Pradesh (9 cases). Crime rate in Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan and Delhi was 0.1 each during 2015.

Rape (Sec. 376 IPC)

(Incidence: 10,854 Rate: 2.4)

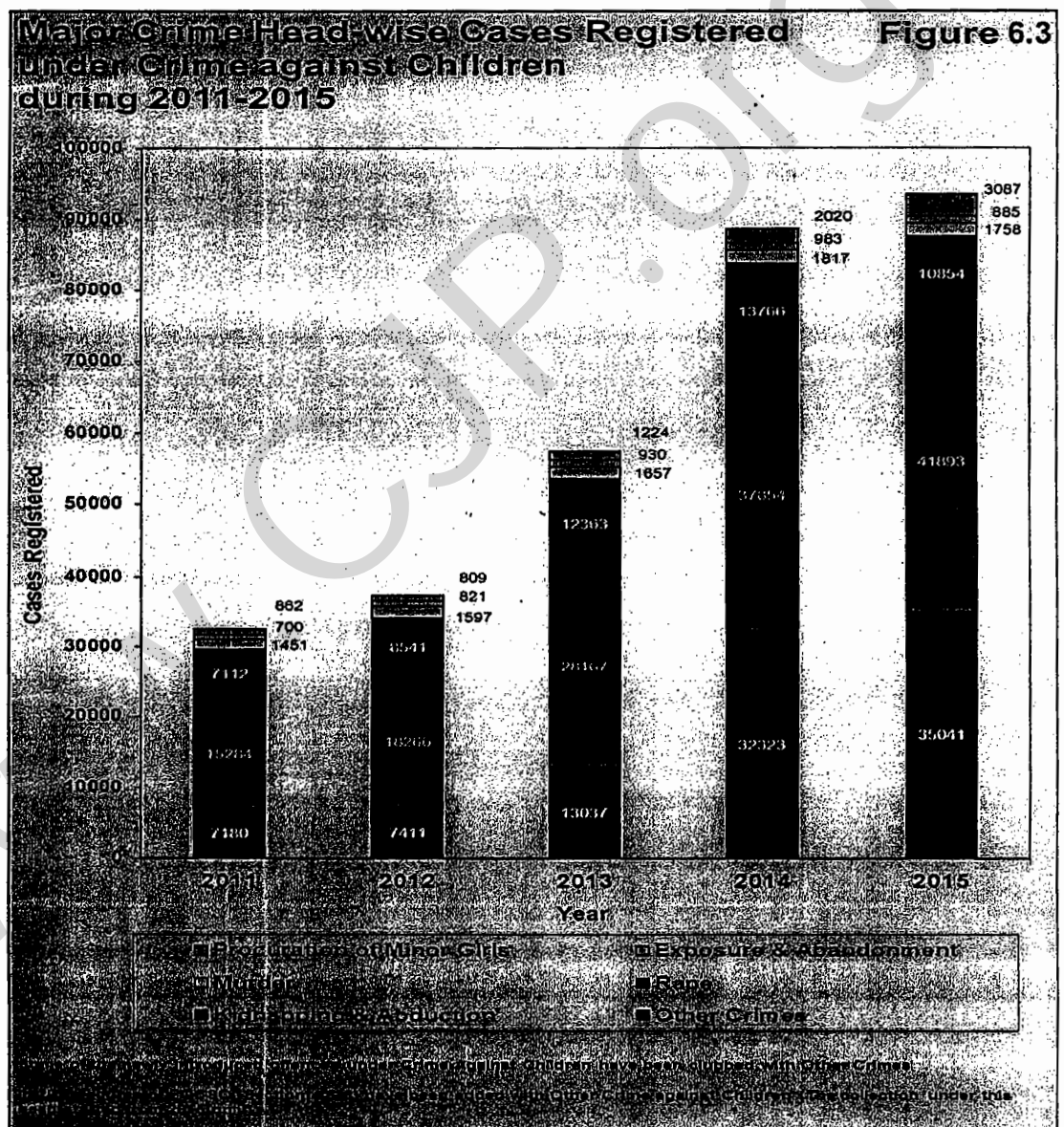
A total of 10,854 cases of child rapes under section 376 of IPC were registered in the country during 2015 in comparison to 13,766 cases in 2014 with a decrease of 21.1% during 2015 over 2014. Maximum number of child rape cases were reported in Maharashtra (2,231 cases) followed by Madhya Pradesh (1,568) and Odisha (1,052 cases). Crime rate was 2.4 under rape cases

at all India level during 2015. The highest crime rate was reported in A & N Islands (19.1) followed by Delhi UT (16.6).

Assault on Women (Girl Child) with Intent to Outrage her Modesty (sec. 354 IPC)

(Incidence: 8,390 Rate: 1.9)

A total of 8,390 cases of 'Assault on Women (Girl Child) with Intent to Outrage her Modesty' were reported during the year 2015. Maharashtra (2,468 cases) followed by Madhya Pradesh (1,332 cases) have accounted for highest number of such cases in the country. Crime rate was 1.9 at all India level under this head with highest in UT of Delhi (15.6) and A & N Islands (8.8).



Importation of Girls from Foreign Country (Section 366B IPC)
(Incidence-2 Rate-Negligible)

Two cases of 'Importation of girls from foreign country' (under 18 years of age) were registered during the year 2015 in the country. These 2 cases were reported from Uttarakhand and West Bengal with 1 case each.

Buying/Selling of Minors for prostitution, Sec. 373/372 IPC
(Incidence...11/111 Rate-Negligible)

11 cases of 'buying of minor for prostitution (under section 373 of IPC)' and 111 cases of 'selling of minors for prostitution (under section 372 of IPC)' were registered in the country during the year 2015 against 14 and 122 such cases registered in the year 2014 respectively. Only Maharashtra, Haryana, Telangana and Uttar Pradesh reported cases of 'buying of minors for prostitution'.

Five States/UT namely Chhattisgarh, Haryana, Madhya Pradesh, Maharashtra, Uttar Pradesh and West Bengal registered cases of 'selling of minors for prostitution' during 2015.

Prohibition of Child Marriage Act, 2006
(Incidence-293 Rate-0.1)

A total of 293 cases under the Prohibition of Child Marriage Act, 2006 were registered during the year 2015. Tamil Nadu (77 cases) followed by West Bengal (40 cases) have reported high number of such cases in the country. Crime rate was 0.1 at all India level under this head with highest in A&N Islands (0.7) followed by Tamil Nadu (0.4).

Transplantation of Human Organs Act, 1994 (for persons below 18 years of age)
(Incidence- Nil Rate-Negligible)

No case of 'the Transplantation of Human Organs Act' 1994 (for persons below 18 years of age) was registered in the country during the year 2015.

Child Labour (Prohibition & Regulation) Act, 1986
(Incidence- 251 Rate-0.1)

A total of 251 cases under the 'Child Labour' (Prohibition & Regulation) Act, 1986

were registered during the year 2015. Maharashtra (96 cases) followed by Delhi (57 cases), Karnataka (34 cases) have registered high number of such cases in the country.

Out of 251 cases under the Child Labour (Prohibition & Regulation) Act, 1986, 53 cases were related to crimes committed against migrants, 198 cases related to offences committed against locals.

Immoral Traffic (Prevention) Act, 1956
(Incidence- 58 Rate-Negligible)

A total of 58 cases under the 'Immoral Traffic (Prevention) Act', 1956 were registered during the year 2015. Maharashtra (18 cases) and Karnataka (10 cases) have registered high number of such cases in the country.

Juvenile Justice (Care & Protection of Children) Act, 2000 (Amended)
(Incidence- 1,457 Rate- 0.3)

A total of 1,457 cases under the 'Juvenile Justice (Care & Protection of Children) Act', were registered during the year 2015. Maharashtra (251 cases) and Rajasthan (216 cases) have registered high number of such cases in the country. Crime rate was 0.3 at all India level under this head with highest in Chandigarh (3.8 each) followed by Sikkim (3.0).

Unnatural Offences, Sec. 377 IPC
(Incidence- 814 Rate-0.2)

814 cases of 'unnatural offences' under crime against children were registered during 2015. Uttar Pradesh (179 cases), Kerala (142 cases) and Maharashtra (116 cases) have registered high number of such cases in the country. Crime rate was 0.2 at all India level under this head with highest in UT of Chandigarh (2.8), followed by Delhi (2.0).

Protection of Children from Sexual Offences Act, 2012
(Incidence- 14,913 Rate-3.3)

A total of 14,913 cases under the 'Protection of Children from Sexual Offences Act', 2012 were registered during the year 2015. Uttar Pradesh (3,078 cases), Madhya Pradesh (1,687 cases) and Tamil Nadu (1,544 cases) have accounted for majority of such cases in the country. Crime rate was 3.3 at all

India level under this head with highest in Mizoram (30.7 each) followed by Sikkim (26.6).

Attempt to Commit Murder (Sec. 307 IPC)
(Incidence- 276 Rate-0.1)

A total of 276 cases of 'Attempt to commit murder' were registered during the year 2015. Assam (66 cases), Maharashtra (44 cases) and Madhya Pradesh (27 cases) have accounted for majority of such cases in the country. Crime rate was 0.1 at all India level under this head with highest in Assam (0.6) and Chandigarh (0.3 each).

Disposal of Cases under Crime against Children by Police & Courts

The general trend of disposal of IPC and SLL crimes by police & courts has been dealt in detail in Chapter-4. A total of 84,440 cases reported under crime against Children were disposed of by police during 2015. The charge-sheeting rate under overall crimes against children (IPC & SLL) is 85.6% in 2015, which is lesser than charge-sheeting rate of 2014 (87.6%). The lowest charge sheet rate was found in cases of 'Exposure and Abandonment' (14.2%). Crime head-wise details of cases disposed of by police are presented in Table-6.3.

Out of 21,604 cases in which trials were completed, 7,690 cases ended in conviction. Thus the conviction rate under crime against children at the national level stood at 35.6%. The conviction rate under crime head 'buying of minor for prostitution' (100.0%) and juvenile Justice (Care and Protection of Children) Act, 2000 (54.5%) were highest during the year 2015. Crime head-wise details of cases disposed of by courts are presented in Table-6.4.

Disposal of Persons Arrested under Crime against Children by Police & Courts

The details of disposal of arrested persons for committing crimes against children are presented in Table-6.5 and Table-6.6. 86,467 male and 2,482 female persons were arrested for these crimes and 75,077 males and 2,100 females were

charge-sheeted by the police and correspondingly, only 9,930 males and 161 females were convicted, 18,258 males and 422 females were acquitted during 2015.

District-wise Incidents of Crime against Children

Out of 815 police districts, 8 districts have registered more than 1,000 cases of crimes against children, 17 districts have registered such crimes between 500 to 1,000, while 278 districts have registered such crimes between 100 to 500 and a bulk of them i.e. 512 of these districts have reported less than 100 cases (including nil case) during 2015.

Table-6(B) Police Districts Registering above 1,000 cases under Crime against Children during 2015

Sr	State/UT	Police District	No. of Cases
1	Maharashtra	Mumbai Commr.	3,187
2	Delhi UT	Outer District	1,514
3	Delhi UT	North-East District	1,174
4	Delhi UT	West District	1,098
5	Maharashtra	Pune Commr.	1,095
6	Karnataka	Bengaluru City	1,086
7	Delhi UT	South-East District	1,068
8	Maharashtra	Thane Commr.	1,066

The police districts which have recorded more than 1,000 cases of crime against Children during 2015 are: Mumbai Commissionerate of Maharashtra has reported the highest incidence of such crimes (3,187 cases) followed by District of Outer Delhi (1,514 cases), North-East District of Delhi (1,174 cases), West District of Delhi (1,098 cases), Pune Commissionerate of Maharashtra (1,095 cases), Bengaluru of Karnataka (1,086 cases), South-East District of Delhi (1,068 cases) and Thane Commissionerate of Maharashtra (1,066 cases) during the year 2015.

District-wise & Crime head-wise details on crime against children are given on 'Additional Table for CII' on our website <http://ncrb.gov.in>.

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TABLE 6.2 (Continued)

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Sl. No.	State/UT	Involves Justice (Case and Prosecution of Offences) A/c			Protection of Children from Sexual Offences Act			Under Section		
					Protection of Children from Sexual Offences Act (Provisions)					
		I (127)	W (128)	R (129)	I (130)	W (131)	R (132)	I (133)	W (134)	R (135)
STATES:										
1	Andhra Pradesh	5	5	0.0	237	237	1.5	80	80	0.5
2	Arundhara Pradesh	0	0	0.0	12	12	2.6	10	10	2.1
3	Assam	83	83	0.7	731	731	6.1	397	397	3.3
4	Bihar	1	1	0.0	60	60	0.1	37	37	0.1
5	Chhattisgarh	1	1	0.0	1164	1169	11.6	548	548	5.5
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	107	137	0.5	1416	1424	6.8	1014	1019	4.9
8	Haryana	83	104	0.6	440	440	4.7	135	135	1.5
9	Himachal Pradesh	6	6	0.3	3	3	0.1	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	43	43	0.3	141	141	1.1	57	57	0.4
12	Karnataka	48	85	0.2	1480	1500	7.6	659	668	3.4
13	Kerala	201	204	2.2	516	542	5.5	65	65	0.7
14	Madhya Pradesh	0	0	0.0	1687	1687	5.6	669	669	2.2
15	Maharashtra	251	328	0.7	26	30	0.1	3	3	0.0
16	Manipur	0	0	0.0	25	26	2.6	15	16	1.6
17	Meghalaya	0	0	0.0	118	118	11.8	53	53	5.3
18	Mizoram	4	7	1.1	114	116	30.7	22	22	5.9
19	Nagaland	0	0	0.0	5	5	0.7	3	3	0.4
20	Odisha	45	45	0.3	19	19	0.1	0	0	0.0
21	Punjab	10	44	0.1	18	18	0.2	0	0	0.0
22	Rajasthan	216	879	0.8	222	222	0.8	26	26	0.1
23	Sikkim	6	6	3.0	54	55	26.6	29	29	14.3
24	Tamil Nadu	94	193	0.5	1544	1603	7.6	704	711	3.5
25	Telangana	126	159	1.1	264	264	2.4	110	110	1.0
26	Tripura	1	1	0.1	0	0	0.0	0	0	0.0
27	Uttar Pradesh	0	0	0.0	3078	3078	3.5	1336	1336	1.5
28	Uttarakhand	2	2	0.1	99	99	2.6	47	47	1.1
29	West Bengal	24	25	0.1	1289	1289	4.4	681	681	2.1
TOTAL (STATES)		1077	2358	0.3	14752	14988	3.4	6700	6722	1.4
UNION TERRITORIES:										
30	Andaman & Nicobar	0	0	0.0	1	1	0.7	0	0	0.1
31	Chandigarh	15	20	3.8	1	1	0.3	0	0	0.1
32	DNH Haveli	0	0	0.0	13	13	10.2	9	9	7.1
33	Daman & Dju	1	1	1.1	4	4	4.4	3	3	3.3
34	Delhi	144	200	2.0	86	86	1.5	4	4	0.1
35	Lakshadweep	0	0	0.0	1	1	5.6	0	0	0.1
36	Puducherry	0	0	0.0	45	45	9.7	7	7	1.4
TOTAL (UTS)		136	221	1.9	161	161	2.2	23	23	0.3
TOTAL (ALL INDIA)		1213	2579	0.3	14913	15149	3.3	6723	6745	1.7

TABLE 6.2 - Page: 13 of

Col. 127= Col. 130+ Col.133 + Col. 136 +Col. 139 + Col. 142 + Col. 145
Col. 128= Col. 131+ Col.134 + Col. 137 +Col. 140 + Col. 143 + Col. 146

TABLE 6.2 (Continued)

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Sl. No.	State/UT	Protection of Children from Sexual Offences Act, 2012 (Continued)								
		Under Section 6			Under Section 8			Under Section 10		
		I	W	R	I	W	R	I	W	R
(1)	(2)	(133)	(134)	(135)	(136)	(137)	(138)	(139)	(140)	(141)
STATES:										
1	Andhra Pradesh	52	52	0.3	15	15	0.1	5	5	0.0
2	Arundhalla Pradesh	0	0	0.0	0	0	0.0	0	0	0.0
3	Assam	145	145	1.2	120	120	1.0	21	21	0.2
4	Bihar	5	5	0.0	8	8	0.0	0	0	0.0
5	Chhattisgarh	149	149	1.5	261	262	2.6	43	43	0.4
6	Goa	0	0	0.0	0	0	0.0	0	0	0.0
7	Gujarat	101	101	0.5	175	175	0.8	12	12	0.1
8	Haryana	89	89	1.0	126	126	1.4	19	19	0.2
9	Himachal Pradesh	0	0	0.0	1	1	0.0	0	0	0.0
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.0
11	Jharkhand	6	6	0.0	57	57	0.4	2	2	0.0
12	Karnataka	114	115	2.1	199	201	1.0	26	26	0.1
13	Kerala	37	37	0.4	198	221	2.1	28	28	0.3
14	Madhya Pradesh	11	11	0.0	720	720	2.4	4	4	0.0
15	Maharashtra	0	0	0.0	15	16	0.0	1	1	0.0
16	Manipur	5	5	0.5	4	4	0.4	0	0	0.0
17	Meghalaya	38	38	3.8	14	14	1.4	8	8	0.8
18	Mizoram	34	34	9.2	29	31	7.8	24	24	6.5
19	Nagaland	1	1	0.1	0	0	0.0	0	0	0.0
20	Odisha	2	2	0.0	14	14	0.1	2	2	0.0
21	Punjab	0	0	0.0	3	3	0.0	1	1	0.0
22	Rajasthan	17	17	0.1	11	11	0.0	3	3	0.0
23	Sikkim	10	10	4.9	14	15	6.9	0	0	0.0
24	Tamil Nadu	269	279	1.8	226	234	1.1	83	94	0.4
25	Telangana	25	25	0.2	37	37	0.3	5	5	0.0
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.0
27	Uttar Pradesh	104	104	0.1	1397	1397	1.6	16	16	0.0
28	Uttarakhand	5	5	0.1	30	30	0.8	0	0	0.0
29	West Bengal	425	425	1.4	86	86	0.3	16	16	0.1
TOTAL STATES		2094	2093	0.6	3760	3798	0.9	319	330	0.3
UNION TERRITORIES:										
30	A & N Islands	1	1	0.7	0	0	0.0	0	0	0.0
31	Chandigarh	0	0	0.0	0	0	0.0	0	0	0.0
32	Dadra & Nagar Haveli	3	3	2.4	0	0	0.0	0	0	0.0
33	Daman & Diu	1	1	1.1	0	0	0.0	0	0	0.0
34	Delhi	8	8	0.1	27	27	0.5	19	19	0.0
35	Lakshadweep	0	0	0.0	1	1	5.6	0	0	0.0
36	Puducherry	20	20	4.3	7	7	1.5	4	4	0.0
TOTAL UTs		38	38	0.5	35	35	0.5	23	23	0.0
TOTAL (STATES + UTs)		2132	2131	1.1	3795	3833	1.4	342	353	0.3

TABLE 6.2 - Page: 14 of

TABLE 6.2 (Continued)

Sl. No.	State/UT	Prevalence of Crime Against Women Sexual Offences/Avg. 2004/2005						Attempt to Commit Murder		
		Gender Satisfaction (G/S) Ratio			Offence					
		I	V	R	I	V	R	I	V	R
(1)	(2)	(143)	(144)	(145)	(146)	(147)	(148)	(149)	(150)	(151)
STATES:										
1	Andhra Pradesh	11	11	0.1	74	74	0.5	4	4	0.1
2	Andhra Pradesh	0	0	0.0	2	2	0.4	0	0	0.1
3	Assam	0	0	0.0	48	48	0.4	66	67	0.1
4	Bihar	0	0	0.0	10	10	0.0	7	7	0.1
5	Chhattisgarh	26	26	0.3	137	141	1.4	14	14	0.1
6	Goa	0	0	0.0	0	0	0.0	0	0	0.1
7	Gujarat	1	1	0.0	113	116	0.5	7	7	0.1
8	Haryana	3	3	0.0	68	68	0.7	15	15	0.1
9	Himachal Pradesh	0	0	0.0	2	2	0.1	3	3	0.1
10	Jammu & Kashmir	0	0	0.0	0	0	0.0	0	0	0.1
11	Jharkhand	17	17	0.1	2	2	0.0	19	19	0.1
12	Karnataka	7	9	0.0	175	181	0.9	6	6	0.1
13	Kerala	0	0	0.0	188	191	2.0	8	8	0.1
14	Madhya Pradesh	0	0	0.0	283	283	0.9	27	29	0.1
15	Maharashtra	0	0	0.0	7	10	0.0	44	45	0.1
16	Manipur	0	0	0.0	1	1	0.1	0	0	0.1
17	Meghalaya	0	0	0.0	5	5	0.5	1	1	0.1
18	Mizoram	0	0	0.0	5	5	1.3	0	0	0.1
19	Nagaland	1	1	0.1	0	0	0.0	1	1	0.1
20	Odisha	1	1	0.0	0	0	0.0	4	4	0.1
21	Punjab	0	0	0.0	14	14	0.2	4	5	0.1
22	Rajasthan	0	0	0.0	165	165	0.6	3	3	0.1
23	Sikkim	0	0	0.0	1	1	0.5	0	0	0.1
24	Tamil Nadu	8	8	0.0	154	177	0.8	2	2	0.1
25	Telangana	0	0	0.0	87	87	0.8	3	3	0.1
26	Tripura	0	0	0.0	0	0	0.0	0	0	0.1
27	Uttar Pradesh	19	19	0.0	206	206	0.2	7	7	0.1
28	Uttarakhand	0	0	0.0	17	17	0.4	0	0	0.1
29	West Bengal	0	0	0.0	81	81	0.3	18	19	0.1
TOTAL STATES		94	95	0.0	1845	1887	0.4	263	269	0.1
UNION TERRITORIES:										
30	Andaman & Nicobar	0	0	0.0	0	0	0.0	0	0	0.1
31	Chandigarh	0	0	0.0	1	1	0.3	1	1	0.1
32	Delhi	0	0	0.0	1	1	0.8	0	0	0.1
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.1
34	Dadra & Nagar Haveli	0	0	0.0	28	28	0.5	12	12	0.1
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.1
36	Puducherry	0	0	0.0	7	7	1.5	0	0	0.1
TOTAL UTs		0	0	0.0	37	37	0.5	13	13	0.1
TOTAL (A + B)		94	95	0.0	1882	1924	0.4	276	282	0.1

TABLE 6.2
Cases Reported (I), No. of Victims (V) and Rate(R) of Crimes Committed Against Children During 2015
(Concluded)

Sl. No.	State/UT	International Offences (Section 307 (IPC))			Kidnap (Section 363)			Other Crimes Committed Against Children			Total Crimes Against Children		
		I	V	R	I	V	R	I	V	R	I	V	R
		(151)	(152)	(153)	(154)	(155)	(156)	(157)	(158)	(159)	(160)	(161)	(162)
STATES:													
1	Andhra Pradesh	5	5	0.0	1	1	0.0	298	305	1.9	1992	2047	12.7
2	Andhra Pradesh	0	0	0.0	1	2	0.2	0	0	0.0	181	202	38.7
3	Assam	1	1	0.0	9	9	0.1	131	137	1.1	2835	2855	23.8
4	Bihar	7	7	0.0	27	120	0.1	55	55	0.1	1917	2010	4.3
5	Chhattisgarh	14	14	0.1	12	30	0.1	804	825	8.0	4469	4567	44.5
6	Goa	2	2	0.4	1	1	0.2	49	53	9.4	242	256	46.5
7	Gujarat	13	14	0.1	0	0	0.0	138	142	0.7	3623	3729	17.5
8	Haryana	63	63	0.7	7	7	0.1	574	590	6.2	3262	3388	35.1
9	Himachal Pradesh	4	4	0.2	0	0	0.0	5	5	0.2	477	500	22.1
10	Jammu & Kashmir	8	8	0.2	0	0	0.0	2	2	0.0	308	312	6.8
11	Jharkhand	1	1	0.0	0	0	0.0	10	10	0.1	406	409	3.1
12	Karnataka	7	7	0.0	7	7	0.0	409	461	2.1	3961	4267	20.2
13	Kerala	142	143	1.5	6	30	0.1	304	315	3.3	2384	2464	25.5
14	Madhya Pradesh	89	89	0.1	22	30	0.1	2542	2699	8.5	12859	13083	42.8
15	Maharashtra	116	116	0.3	5	11	0.0	1120	1279	3.0	13921	14480	36.8
16	Manipur	1	1	0.1	0	0	0.0	8	8	0.8	110	120	11.4
17	Meghalaya	0	0	0.0	0	0	0.0	15	15	1.5	257	259	25.6
18	Mizoram	0	0	0.0	0	0	0.0	1	1	0.3	186	215	50.1
19	Nagaland	1	1	0.1	0	0	0.0	1	1	0.1	61	63	9.1
20	Odisha	0	0	0.0	20	58	0.1	104	104	0.7	2562	2609	18.2
21	Punjab	48	48	0.5	2	2	0.0	54	54	0.6	1836	1899	20.9
22	Rajasthan	10	10	0.1	6	25	0.0	164	170	0.6	3689	4411	12.9
23	Sikkim	0	0	0.0	0	0	0.0	1	1	0.5	64	67	31.5
24	Tamil Nadu	1	1	0.0	3	3	0.0	396	485	2.0	2617	2880	13.0
25	Telangana	6	6	0.1	11	14	0.1	381	670	3.4	2697	3065	24.1
26	Tripura	1	1	0.1	0	0	0.0	7	7	0.6	255	261	20.6
27	Uttar Pradesh	179	179	0.2	3	3	0.0	231	232	0.3	11420	11462	12.9
28	Uttarakhand	2	2	0.1	4	4	0.1	2	2	0.1	635	663	16.5
29	West Bengal	12	12	0.0	15	15	0.1	237	250	0.8	4963	5083	16.9
TOTAL STATES		690	693	0.2	162	372	0.0	8041	8872	1.8	84139	87626	19.2
UNION TERRITORIES:													
30	A & N Islands	1	1	0.7	0	0	0.0	30	30	22.1	102	104	75.0
31	Chandigarh	11	11	2.8	2	2	0.5	2	2	0.5	271	296	67.8
32	Delhi	0	0	0.0	0	0	0.0	2	2	1.6	35	35	27.6
33	Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	28	32	30.8
34	Pondicherry	112	113	2.0	57	156	1.0	231	240	4.1	9489	10202	169.4
35	Lakshadweep	0	0	0.0	0	0	0.0	1	1	5.6	2	2	11.1
36	Puducherry	0	0	0.0	0	0	0.0	2	2	0.4	56	57	12.1
TOTAL UNION		124	125	0.8	59	159	0.9	268	275	3.9	9933	10728	146.7
TOTAL (STATES + UNION)		814	818	0.2	221	531	0.9	8309	9147	1.9	94172	98354	20.1

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Col. 157= Col. 4+ Col. 7 + Col. 10 + Col. 13 + Col. 31 + Col. 34 + Col. 52+ Col. 55+ Col. 58+ Col. 61+ Col. 64 + Col. 67 + Col. 70 + Col. 73 + Col. 76+ Col. 79 + Col. 106 + Col. 124 + Col. 127 + Col. 148 + Col. 151 + Col. 154

Col. 158= Col. 5+ Col. 8 + Col. 11 + Col. 14 + Col. 32 + Col. 35 + Col. 53+ Col. 56+ Col. 59+ Col. 62+ Col. 65 + Col. 68 + Col. 71+ Col. 74 + Col. 77+ Col. 80 + Col. 107 + Col. 125 + Col. 128 + Col. 149 + Col. 152 + Col. 155

'I' - refers to Cases Reported; 'V' refers to No. of Victims in registered cases; 'R' refers to Crime Rate.

TABLE 6.3

Disposal of Crime Committed Against Children Cases by Police During 2015

Sl. No.	Crime Category	Crimes Registered	Crimes Disposed	No. of Cases Withdrawn by the Police	Crimes Disposed by the Police	Crimes Disposed by the Police	Crimes Disposed by the Police	Crimes Disposed by the Police
		(a)	(b)	(c)	(d)	(e)	(f)	(g)
CRIME HEAD								
1	Murder	810	1758	0	8	0	2560	27
	1.1 Murder of Women	44	91	0	2	0	133	9
3	Rape	4187	10854	0	14	0	15027	287
	3.1 Rape on Women with Intention to Outrage Her Modesty	2317	8390	1	0	0	10706	256
4.1	Sexual Harassment	850	3350	1	0	0	4199	67
	4.2 Sexual Harassment on Women with Intention to Outrage Her Modesty	117	540	0	0	0	657	21
4.3	Voyeurism	28	51	0	0	0	79	3
	4.4 Voyeurism	240	1020	0	0	0	1260	23
4.5	Others assault	1082	3429	0	0	0	4511	147
	4.5.1 Assault on the Modesty of Women (Girls/Children)	137	348	0	0	0	480	9
6	Kidnapping & Abduction	20084	41893	23	58	19	61877	7317
	6.1 Kidnapping & Abduction	11423	23462	14	30	18	34823	4631
	6.2 Kidnapping & Abduction in Order to Murder	118	192	0	0	0	310	17
	6.3 Kidnapping for ransom	701	142	0	0	0	212	17
	6.4 Kidnapping & Abduction of Women to Compel her for Marriage	5079	12516	7	4	1	17583	1286
	6.5 Other Kidnapping	3394	6581	2	24	0	8949	1366
7	Feticide	44	97	0	0	0	141	
	7.1 Feticide of Fetus of Child	35	61	0	0	0	86	
9	Exposure and Abandonment	401	885	0	1	0	1285	4
	9.1 Exposure of Minors	1244	3087	0	1	0	4330	15
11	Importation of Girls from Foreign Country	0	2	0	0	0	2	
	11.1 Importation of Minors for Prostitution	40	11	0	0	0	51	
13	Selling of Minors for Prostitution	181	111	0	0	0	292	
	13.1 Selling of Child Marriage Act, 2006	158	293	0	5	0	446	1
15	Transplantation of Human Organs Act, 1994	1	0	0	0	0	1	
	15.1 Transplantation of Human Organs Act, 1994	102	251	0	0	0	353	
16.1	Offences committed against Migrant	29	53	0	0	0	82	
	16.1.1 Offences committed against ST Migrants	15	4	0	0	0	9	
16.1.2	Offences Committed against ST Migrants	0	1	0	0	0	1	
	16.1.2.1 Offences committed against other Migrants	24	48	0	0	0	72	
16.2	Offences Committed against Locals	73	198	0	0	0	271	
	16.2.1 Offences committed against ST Locals	0	2	0	0	0	9	
16.2.2	Offences Committed against Local STs	0	2	0	0	0	2	
	16.2.2.1 Offences committed against other Locals	73	187	0	0	0	260	
17	Immoral Traffic (Prevention) Act, 1956	63	58	0	0	0	121	
	17.1 Under ITP Section 3	20	39	0	0	0	53	
17.2	Under ITP Section 6	0	4	0	0	0	4	
	17.2.1 Under ITP Section 6	10	5	0	0	0	15	
17.4	Under ITP Section 8	1	1	0	0	0	2	
	17.4.1 Under ITP Section 8	32	15	0	0	0	47	
18	Juvenile Justice (Care and Protection of Children) Act, 2000	287	1457	0	3	0	1741	
	18.1 Under JJ Act Section 15	2736	14913	7	31	1	17610	17
19.1	Under POCSO Act Section 4	1476	6723	5	14	0	8180	
	19.1.1 Under POCSO Act Section 4	208	2077	1	10	1	2273	
19.3	Under POCSO Act Section 8	451	3795	1	3	0	4242	
	19.3.1 Under POCSO Act Section 8	63	342	0	10	0	405	
19.5	Under POCSO Act Sections 14 & 15	11	94	0	0	0	105	
	19.5.1 Under POCSO Act Sections 14 & 15	257	1882	0	14	0	2405	
20	Attempt to Commit Murder	477	276	0	2	0	751	
	20.1 Attempt to Commit Murder	266	814	0	0	0	980	
22	Human Trafficking (Section 370 & 370A IPC)	10	221	0	1	0	230	
	22.1 Human Trafficking (Section 370 & 370A IPC)	2402	8314	0	3	0	10710	4
	22.1.1 Human Trafficking (Section 370 & 370A IPC)	35921	94172	31	129	20	129913	87

TABLE 6.3 - Page: 1 c

TABLE 6.3 (Concluded)

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No.	Crime Head	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
1	Murder	19	19	1423	161	1649	911	89.8	35.5
2	Attempt to Murder	8	4	38	32	91	42	54.3	31.1
3	Rape	67	2	9755	119	10230	4797	98.8	31.5
	Assault on Women with Intent to Marry and Molestation	30	9	7093	149	7537	3159	97.9	29.6
4.1	Sexual Harassment	7	4	2943	71	3092	1107	97.6	26.4
4.2	Assault on Women with Intent to Molestation	7	0	436	11	475	182	97.5	27.7
4.3	Voyeurism	0	0	47	3	53	26	94.0	32.5
4.4	Stalking	4	0	773	7	804	456	99.1	36.2
4.5	Others assault	15	5	2894	57	3113	1398	98.1	31.0
	Sexual Abuse of Minor (Girl/Child)	3	0	285	8	305	175	97.3	36.5
6	Kidnapping & Abduction	7359	408	15054	7093	37226	24651	68.0	39.8
	Kidnapping & Abduction	5107	133	5536	4402	19814	15009	55.7	43.0
6.2	Kidnapping & Abduction in Order to Murder	24	0	135	41	211	99	76.7	31.9
	Kidnapping for Ransom	6	0	93	8	119	93	92.1	43.5
6.4	Kidnapping & Abduction of Women to Compel her for Marriage	1278	77	6896	1855	11390	6193	78.8	35.2
	Other Kidnapping	944	198	2394	787	5692	3257	75.3	36.3
7	Feticide	13	3	30	39	94	47	43.5	33.3
	Abandonment of Minor Child	0	0	52	2	56	30	96.3	34.5
9	Exposure and Abandonment	74	29	99	597	840	445	14.2	34.6
	Exposure of Minor	92	9	1348	421	2020	2310	76.2	53.3
11	Importation of Girls from Foreign Country	0	0	1	0	1	1	100.0	50.0
	Supply of Minor for Prostitution	0	0	10	0	10	41	100.0	80.4
13	Selling of Minors for Prostitution	0	0	119	3	122	170	97.5	58.2
	Child Labour (Prohibition & Regula- 2006	11	0	240	28	290	155	89.6	34.6
15	Transplantation of Human Organs Act, 1994	0	0	0	0	0	1	-	100.0
	Child Labour (Prohibition & Regula- 1986	1	0	152	1	155	198	99.3	56.1
16.1	Offences committed against Migrant	0	0	38	0	38	44	100.0	53.7
	Offences committed against ST Migrant	0	0	4	0	4	5	100.0	55.6
16.1.2	Offences Committed against ST Migrants	0	0	1	0	1	0	100.0	0.0
	Offences committed against Other Migrants	0	0	33	0	33	39	100.0	54.2
16.2	Offences Committed against Locals	1	0	114	1	117	154	99.1	56.8
	Offences committed against Local SC	0	0	6	0	7	2	100.0	22.7
16.2.2	Offences Committed against Local STs	0	0	2	0	2	0	100.0	0.0
	Offences committed against Other Locals	1	0	106	1	108	152	99.1	58.5
17	Immoral Traffic (Prevention) Act, 1956	0	0	48	6	54	67	88.9	55.4
	Immoral Traffic	0	0	23	5	28	25	82.1	47.7
17.2	Under ITP Section 6	0	0	1	0	1	3	100.0	75.0
	Under ITP Section 7	0	0	4	0	4	11	100.0	73.3
17.4	Under ITP Section 8	0	0	2	0	2	0	100.0	0.0
	Other Section of ITP	0	0	18	1	19	28	94.7	59.1
18	Juvenile Justice (Care and Protection of Children) Act, 2000	15	1	1049	31	1135	606	97.1	34.7
	Sexual Abuse of Children from Sexual Offences Act, 2012	120	1	42980	397	13682	3928	97.0	22.2
19.1	Under POCSO Act Section 4	58	0	6107	170	6396	1784	97.3	21.1
	Under POCSO Act Section 5	10	0	1632	34	1688	485	98.0	25.4
19.3	Under POCSO Act Section 8	21	1	3245	129	3451	791	96.2	18.1
	Under POCSO Act Section 10	3	0	260	1	270	135	99.6	33.2
19.5	Under POCSO Act Sections 14 & 15	0	0	82	1	83	22	98.8	21.1
	Other Act/Section	26	10	1554	62	1794	611	96.4	25.4
20	Attempt to Commit Murder	7	0	263	30	309	442	89.8	58.7
	Attempt to Commit Rape	17	0	636	29	696	284	95.6	29.1
22	Human Trafficking (Section 370 & 370A IPC)	2	0	132	5	141	89	96.4	38.2
	Other cases related to Trafficking Children	104	7	6732	552	7797	2913	92.4	27.7
	Other cases related to Trafficking Adults	7442	492	57539	9703	84440	45473	85.6	35.1

TABLE 6.3 - Page: 2 of 2

'U(C&PC)Act' - Juvenile Justice (Care and Protection of Children) Act, 2000; 'POCSO Act'- Protection of Children from Sexual Offences Act, 2012

TABLE 6.4

Disposal of Crimes Committed Against Children Cases by Courts During 2015

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No.	Crimes	No. of cases disposed by Magistrate	No. of cases disposed by Sessions Court	No. of cases disposed by District Court	No. of cases disposed by High Court	Total No. of cases disposed (2015-2015)	No. of cases disposed by Magistrate
	CRIME HEADS						
1	Murder	5834	1423	0	0	7257	2
	2.1 Rape	2152	38	0	0	190	2
3	Rape	31912	9755	0	0	41667	35
	4.1 Sexual Harassment	11591	7093	0	0	18684	162
	4.2 Assault on Women with intent to outrage modesty	4042	2943	0	0	6985	44
	4.3 Voyeurism	567	436	0	0	1003	4
	4.4 Others assault	58	47	0	0	105	1
	4.5 Others assault	6092	2894	0	0	8986	100
	6 Kidnapping & Abduction	756	285	0	0	1041	73
	6.1 Kidnaping & Abduction	41394	15054	6	0	56442	139
	6.2 Kidnaping & Abduction in Order to Murder	13279	5536	1	0	18814	41
	6.3 Kidnaping & Abduction in Order to Commit Offence	633	135	0	0	768	0
	6.4 Kidnaping & Abduction of Women to Compel her for Marriage	201	93	0	0	294	0
	6.5 Other Kidnaping	21157	6896	2	0	28051	69
	7 Foeticide	6124	2394	3	0	8515	29
	7.1 Foeticide	111	30	0	0	141	0
	7.2 Exposure and Abandonment	230	52	0	0	282	0
	9 Exposure and Abandonment	786	99	0	0	885	1
	10 Importation of Girls from Foreign Country	2457	1348	0	0	3805	17
	11 Importation of Girls from Foreign Country	1	1	0	0	2	0
	12 Selling of Minors for Prostitution	153	10	0	0	163	0
	13 Selling of Minors for Prostitution	404	119	0	0	523	0
	14 Transplantation of Human Organs Act, 1994	627	240	0	0	867	8
	15 Transplantation of Human Organs Act, 1994	0	0	0	0	0	0
	16.1 Offences committed against Migrant	109	152	0	0	261	1
	16.1.1 Offences committed against ST Migrants	14	38	0	0	52	0
	16.1.2 Offences Committed against ST Migrants	4	4	0	0	8	0
	16.1.3 Offences Committed against Local Migrants	0	1	0	0	1	0
	16.2 Offences Committed against Locals	10	33	0	0	43	0
	16.2.1 Offences Committed against Local STs	95	114	0	0	209	1
	16.2.2 Offences Committed against Local STs	11	5	0	0	16	0
	16.2.3 Offences Committed against Local STs	0	2	0	0	2	0
	16.2.4 Offences Committed against Local STs	94	106	0	0	200	1
	17 Immoral Traffic (Prevention) Act, 1956	323	48	0	0	371	0
	17.1 Under ITP Section 6	9	23	0	0	32	0
	17.2 Under ITP Section 6	10	1	0	0	11	0
	17.3 Under ITP Section 7	7	4	0	0	11	0
	17.4 Under ITP Section 8	5	2	0	0	7	0
	17.5 Under ITP Section 9	39	18	0	0	57	0
	18 Juvenile Justice (Care and Protection of Children) Act, 2000	1230	1049	0	0	2279	5
	18.1 Under JJ Act Section 4	7856	1280	1	0	20935	7
	18.2 Under JJ Act Section 5	3996	6107	0	0	10103	2
	18.3 Under JJ Act Section 6	1667	1632	0	0	2299	0
	18.4 Under JJ Act Section 7	1955	3245	0	0	5200	5
	18.5 Under JJ Act Section 8	189	260	0	0	449	0
	18.6 Under JJ Act Section 9	39	82	0	0	121	0
	18.7 Under JJ Act Section 10	1110	1654	1	0	2763	0
	20 Attempt to Commit Murder	1520	263	0	0	1783	0
	21 Human Trafficking (Section 370 & 370A IPC)	664	636	0	0	1300	0
	22 Human Trafficking (Section 370 & 370A IPC)	7	132	0	0	139	0
	23 Other Crimes committed against children	22994	6732	0	0	29026	334
	24 Other Crimes committed against children	130211	57539	7	0	188243	786

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TABLE 6.4 (Concluded)

5.4

Sl. No.	Offence	Offences committed against women	Offences committed against children	Offences committed against both women and children	Offences committed against both women and children (IPC/POCSO)	Offences committed against both women and children (IPC/POCSO)	Offences committed against both women and children (IPC/POCSO)
1	Murder	833	387	446	6422	46.5	88.1
2	Rape	5361	1843	3518	36271	34.4	87.1
3	Sexual Harassment	1030	390	640	5911	37.9	84.1
4	Voyeurism	8	3	5	96	37.5	91.1
5	Others assault	1592	560	1032	7294	35.2	81.1
6	Kidnapping & Abduction	5462	1691	3771	50841	31.0	90.1
6.1	Kidnapping & Abduction in Order to Murder	82	28	54	686	34.1	89.1
6.2	Kidnapping & Abduction in Order to Commit Offence	90	8	22	264	26.7	89.1
6.3	Kidnapping & Abduction of Women to Compel her for Marriage	2562	874	1688	25420	34.1	90.1
6.4	Other Kidnapping	913	232	681	7573	25.4	88.1
7	Feticide	14	2	12	127	14.3	90.1
8	Exposure and Abandonment	39	7	32	845	17.9	95.1
9	Importation of Girls from Foreign Country	0	0	0	2	-	100.1
10	Selling of Minors for Prostitution	25	9	16	498	36.0	95.1
11	Transplantation of Human Organs Act, 1994	0	0	0	0	-	-
12	Offences committed against Migrant	4	3	1	48	75.0	92.1
12.1	Offences committed against ST Migrants	0	0	0	1	-	100.1
12.2	Offences committed against Local STs	10	4	6	198	40.0	94.1
12.3	Offences committed against other Locals	2	0	2	5	0.0	71.1
12.4	Offences committed against other Locals	1	0	1	1	0.0	50.1
13	Immoral Traffic (Prevention) Act, 1956	17	6	11	354	35.3	95.1
13.1	Under ITP Section 6	0	0	0	11	-	100.1
13.2	Under ITP Section 8	0	0	0	7	-	100.1
13.3	Under ITP Section 10	6	1	5	151	16.7	96.1
14	Juvenile Justice (Care and Protection of Children) Act, 2000	292	159	133	1982	54.5	87.1
14.1	Under JJ Act Section 4	883	361	522	9218	40.9	91.1
14.2	Under JJ Act Section 8	501	241	260	4694	48.1	90.1
14.3	Under JJ Act Section 10	22	20	2	99	90.9	81.8
14.4	Under JJ Act Section 14 & 15	387	154	233	2376	39.8	86.0
15	Attempt to Commit Murder	184	73	111	1599	39.7	89.7
16	Human Trafficking (Section 370 & 370A IPC)	7	2	5	132	28.6	95.0
17	Others	3569	1387	2182	25123	38.9	86.6
18	Total	21604	7690	13914	165853	35.6	88.1

TABLE 6.4 - Page: 2 of 2

'JJ(C&P)Act' - Juvenile Justice (Care and Protection of Children) Act, 2000; 'POCSO Act' - Protection of Children from Sexual Offences Act, 2012

TABLE 6.7

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Age-Group-wise Cases & Victims reported under Section 4 & 6 of the POCSO Act(Incest Cases) During 2015

Sl. No.	State/UT	Number of Reported Cases	Relatives in Years	Number of Victims under Incest Cases			Total Victims
				Below 12 Years	12 Years & Above	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	0	0	0	0	0	0
2	Arundhachal Pradesh	0	0	0	0	0	0
3	Assam	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0
5	Chhattisgarh	9	0	1	3	5	9
6	Goa	0	0	0	0	0	0
7	Gujarat	6	0	2	2	2	6
8	Haryana	3	0	0	4	1	5
9	Himachal Pradesh	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0
12	Karnataka	44	1	7	16	21	45
13	Kerala	12	1	6	3	2	12
14	Madhya Pradesh	10	0	0	0	0	0
15	Maharashtra	1	0	0	1	0	1
16	Manipur	3	1	1	1	0	3
17	Meghalaya	5	0	1	4	0	5
18	Mizoram	3	3	2	2	1	8
19	Nagaland	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0
21	Punjab	0	0	0	0	0	0
22	Rajasthan	0	0	0	0	0	0
23	Sikkim	13	0	3	8	2	13
24	Tamil Nadu	9	0	5	3	2	10
25	Telangana	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	5	0	0	4	1	5
28	Uttarakhand	1	0	0	0	1	1
29	West Bengal	5	0	0	3	2	5
TOTAL STATES		126	6	23	34	40	128
UNION TERRITORIES:							
30	A & N Islands	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0
32	DC & N Haveli	1	0	1	0	0	1
33	Daman & Diu	1	0	1	0	0	1
34	Delhi	1	0	0	1	0	1
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	7	1	2	0	4	7
TOTAL UT		10	1	4	1	4	10
TOTAL (STATES & UT)		136	7	27	35	44	138

Note: Incest Rape include Rape by blood relatives like Grand Father/Father/Brother/Son etc.

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TABLE 6.7

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Age-Group-wise Cases & Victims reported under Section 4 & 6 of the POCSO Act (other than Incest Cases)

Sl. No.	State/UT	Number of Cases Reported other than Incest Cases	Number of Victims under other than Incest Cases				Total Victims
			Below 3 Years	3 Years & Above Below 12 Years	12 Years & Above Below 18 Years	18 Years & Above	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	132	6	22	59	45	132
2	Arunachal Pradesh	10	1	2	4	3	10
3	Assam	542	5	73	212	252	542
4	Bihar	42	6	13	5	31	45
5	Chhattisgarh	688	24	39	226	399	688
6	Goa	0	0	0	0	0	0
7	Gujarat	1109	20	57	473	564	1114
8	Haryana	249	15	37	101	70	223
9	Himachal Pradesh	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	63	1	7	31	24	63
12	Karnataka	1029	32	104	403	499	1038
13	Kerala	90	4	16	39	31	90
14	Madhya Pradesh	680	19	43	255	363	680
15	Maharashtra	2	1	1	0	0	2
16	Manipur	17	2	9	5	2	18
17	Meghalaya	86	14	38	26	8	86
18	Mizoram	48	7	18	13	10	48
19	Nagaland	4	0	0	4	0	4
20	Odisha	12	0	2	0	0	12
21	Punjab	0	0	0	0	0	0
22	Rajasthan	43	0	12	18	13	43
23	Sikkim	26	2	9	11	4	26
24	Tamil Nadu	1064	44	149	349	568	1064
25	Telangana	135	6	7	64	58	135
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	1435	52	202	513	668	1435
28	Uttarakhand	51	13	6	18	24	51
29	West Bengal	1101	37	145	499	420	1101
INDIAN CHINESE		8648	207	971	3328	4056	8648
UNION TERRITORIES:							
30	A & N Islands	0	0	0	1	0	1
31	Chandigarh	0	0	0	0	0	0
32	Delhi	10	0	3	5	3	11
33	Daman & Diu	3	0	0	0	3	3
34	Delhi UT	11	3	1	4	3	11
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	20	2	1	12	5	20
INDIAN CHINESE		46	5	5	22	14	46
INDIAN CHINESE		8694	212	976	3350	4070	8694

TABLE 5.9 - Page: 2

TABLE 6.7

Age-Group-wise Cases & Victims reported under Section 4 & 6 of the POCSO Act (Total)

57

Sl. No.	State/UT	Total Cases Reported under Section 4 & 6 of the POCSO Act	Total Victims under Section 4 & 6 of the POCSO Act				Total Victims
			Below 6 Years	6 Years & Above - Below 12 Years	12 Years & Above - Below 16 Years	16 Years & Above - Below 18 Years	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
STATES:							
1	Andhra Pradesh	132	6	22	59	45	132
2	Andhra Pradesh	10	4	2	4	3	10
3	Assam	542	5	73	212	252	542
4	Bihar	42	3	3	5	31	42
5	Chhattisgarh	697	24	40	229	404	697
6	Goa	0	0	0	0	0	0
7	Gujarat	1115	20	59	475	566	1120
8	Haryana	224	11	37	105	71	224
9	Himachal Pradesh	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0
11	Jharkhand	63	1	7	31	24	63
12	Karnataka	1073	33	111	419	520	1083
13	Kerala	102	5	22	42	33	102
14	Madhya Pradesh	680	19	43	255	363	680
15	Maharashtra	3	1	1	1	0	3
16	Manipur	20	3	10	6	2	21
17	Meghalaya	91	14	39	30	8	91
18	Mizoram	56	10	20	15	11	56
19	Nagaland	4	0	0	4	0	4
20	Odisha	2	0	2	0	0	2
21	Punjab	0	0	0	0	0	0
22	Rajasthan	43	0	12	18	13	43
23	Sikkim	39	2	12	19	6	39
24	Tamil Nadu	1079	44	124	352	570	1090
25	Telangana	135	6	7	64	58	135
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	1440	52	202	517	669	1440
28	Uttarakhand	52	3	6	18	25	52
29	West Bengal	1106	37	145	502	422	1106
TOTAL STATES		8744	300	999	3332	4095	8777
UNION TERRITORIES:							
30	A & N Islands	1	0	0	1	0	1
31	Chandigarh	0	0	0	0	0	0
32	Delhi	12	0	4	5	3	12
33	Daman & Diu	4	0	1	0	3	4
34	Delhi	12	3	1	5	3	12
35	Lakshadweep	0	0	0	0	0	0
36	Puducherry	27	3	3	12	9	27
TOTAL UTs		55	6	9	23	18	56
TOTAL (STATES & UTs)		8800	306	1008	3355	4113	8833

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TABLE 6.8

58

Offenders Relation and Proximity to victims reported under Section 4 & 6 of the POCSO Act During 2015

Sl. No.	State/UT	Offenders Relation and Proximity to victims reported under Section 4 & 6 of the POCSO Act During 2015									Percent are Share of Known Cases Total POCSO Cases
		POCSO Act (Section 4 & 6)	Not Known to Victim (Other)	Grand Father/ Father/ Son/ etc.	Close Family Members (Other than Grand)	Relatives (Other than Grand)	Neighbour	Employer/ Co-Workers	Other Known Persons	Offenders Not Identified by Victims	
STATES:											
1	Andhra Pradesh	132	129	0	2	8	53	47	19	3	97
2	Arunachal Pradesh	10	10	0	0	0	6	2	2	0	100
3	Assam	542	505	0	0	0	378	64	63	37	93
4	Bihar	42	42	0	1	2	16	0	23	0	100
5	Chhattisgarh	697	673	9	27	19	117	147	354	24	96
6	Goa	0	0	0	0	0	0	0	0	0	
7	Gujarat	1115	1109	6	34	66	248	542	213	6	99
8	Haryana	224	219	5	6	20	63	36	89	5	97
9	Himachal Pradesh	0	0	0	0	0	0	0	0	0	
10	Jammu & Kashmir	10	10	0	0	0	0	0	0	0	
11	Jharkhand	63	48	0	1	6	29	7	5	15	76
12	Karnataka	1073	1045	44	43	82	390	233	253	28	97
13	Kerala	102	101	12	5	13	19	19	33	1	99
14	Madhya Pradesh	680	628	0	23	73	194	166	172	52	92
15	Maharashtra	3	3	1	0	0	0	0	2	0	100
16	Manipur	20	20	3	2	0	3	2	10	0	100
17	Meghalaya	91	85	5	5	5	48	0	22	6	93
18	Mizoram	56	51	8	1	0	33	0	9	5	91
19	Nagaland	4	4	0	0	0	4	0	0	0	100
20	Odisha	2	2	0	0	0	0	0	2	0	100
21	Punjab	0	0	0	0	0	0	0	0	0	
22	Rajasthan	49	46	0	2	2	18	4	14	3	93
23	Sikkim	39	37	15	2	2	5	2	11	2	94
24	Tamil Nadu	973	1069	9	19	97	261	589	94	4	99
25	Telangana	135	134	0	0	0	46	44	44	1	99
26	Tripura	10	10	0	0	0	0	0	0	0	
27	Uttar Pradesh	1440	1399	5	29	120	623	312	310	41	97
28	Uttarakhand	52	51	1	0	2	23	0	25	1	98
29	West Bengal	1106	887	5	2	60	560	0	260	219	80
TOTAL STATES		8244	8200	143	204	577	3037	2246	2029	453	94
UNION TERRITORIES:											
30	ANDAMAN ISLANDS	1	1	0	1	0	0	0	0	0	100
31	Chandigarh	0	0	0	0	0	0	0	0	0	
32	DELI	12	12	2	2	1	1	6	0	0	100
33	Daman & Diu	4	4	0	0	0	1	0	3	0	100
34	DELHI	12	10	1	1	1	3	1	3	2	83
35	Lakshadweep	0	0	0	0	0	0	0	0	0	
36	Puducherry	24	23	7	2	2	7	4	1	4	85
TOTAL UT		56	50	10	5	4	12	11	7	6	89
TOTAL (ALL INDIA)		8300	8250	153	209	581	3049	2257	2036	459	94

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Free Gay

59
Amr. D-5
Sep 29, 2014

To,

The Registrar General
High Court of Delhi
At New Delhi.

Through:- The District & Sessions Judge (North) Rohini Courts, Delhi.

Respected Madam,

It is brought to the kind notice of your good self as under: -

1. That the undersigned (ASJ-01, North) is holding a designated court of Prevention of Children from Sexual Offences Act (in short POCSO Act) cases. Besides these cases, there are also other general sessions trial cases, cases under Maharashtra Control of Organized Crime Act 1999 (MCOCA Act) and cases under Drugs and Cosmetics Act.
2. Since, it is a designated POCSO court, daily a number of children come to the court for their deposition etc. In this scenario, it is not conducive and advisable to expose such children to the accused of MCOCA Act, who are generally brought to the court in hand cuffs and fetters. Hence, it is necessary to separate the cases of MCOCA Act from this court.
3. The offences against women and children are increasing day by day. Voices are being raised in society to expedite such cases, which is really the need of the hour, in my view as well. There is pendency of about 367 cases in the court and out of the these cases, the cases involving offences against women and children are about 260 in number. Vast number of cases pertain to penetrative sexual assault (Rape), which are very time consuming matters. Examination of child witness takes a lot of time and requires more sensitivity.

4. As per section 35 of POCSO Act, it is mandatory for this court to record evidence of child victims within 30 days of taking cognizance by this court and also to dispose of the case within a period of one year of taking the cognizance by this court. however, due to the heavy pendency of cases in this court, (total pendency is around 367 cases). It is not getting possible to adhere to said directions, which is the cause of concern. There is also fresh filing of POCSO cases every day and it is increasing day by day. Soon, a day would come when we would be needing at least two designated courts in each district to deal with the cases under POCSO Act.

In view of the above, it is requested that the cases under MCOCA Act, all other general sessions trial cases, cases under Drugs and Cosmetics Act be withdrawn from the court and be assigned to some other court of competent jurisdiction. The matter requires serious attention. It is expected that necessary directions are issued by your goodself at the earliest.

Thanking You

Sincerely yours

(Deepak Garg)
ASJ -01/North/Rohini Courts, Delhi

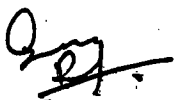
COURT OF THE DISTRICT & SESSIONS JUDGE (NORTH)
DISTRICT ROHINI COURT COMPLEX DELHI.

No. 1417/F2(6)/Judl/North/RC/14

Dated 01.10.2014

Forwarded in original alongwith its enclosure to the Registrar General, Hon'ble High Court of Delhi, New Delhi for information & necessary action.

(R. KIRAN NATH)
DISTRICT & SESSIONS JUDGE
(NORTH), ROHINI COURTS, DELHI



An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto. WHEREAS clause (3) of article 15 of the Constitution, inter alia, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed. BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement : (1) This Act may be called the Protection of Children from Sexual Offences Act 2012.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions : (1) In this Act, unless the context otherwise requires, —

- (a) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;
- (b) "aggravated sexual assault" has the same meaning as assigned to it in section 9;
- (c) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;
- (d) "child" means any person below the age of eighteen years;
- (e) "domestic relationship" shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005. 43 of 2005
- (f) "penetrative sexual assault" has the same meaning as assigned to it in section 3;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988. 41 of 1988
- (i) "sexual assault" has the same meaning as assigned to it in section 7;

(j) "sexual harassment" has the same meaning as assigned to it in section 11;

(k) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(l) "Special Court" means a court designated as such under section 28;

(m) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code or the Acts.

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CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A. PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR.

3. Penetrative sexual assault : A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR.

5. AGGRAVATED PENETRATIVE SEXUAL ASSAULT : (a) Whoever, being a police officer, commits penetrative sexual assault on a child —

(i) within the limits of the police station or premises at which he is appointed; or

(ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the forces or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

Explanation.—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(g) whoever commits gang penetrative sexual assault on a child.

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

14 of 1987

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or Infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated penetrative sexual assault.

6. Punishment for aggravated penetrative sexual assault : Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

C. SEXUAL ASSAULT AND PUNISHMENT THEREFOR.

7. Sexual assault : Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. Punishment for sexual assault : Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

D.-AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR.

9. Aggravated sexual assault : (a) Whoever, being a police officer, commits sexual assault on a child—

- (i) within the limits of the police station or premises where he is appointed; or
- (ii) in the premises of any station house whether or not situated in the police station to which appointed; or
- (iii) in the course of his duties or otherwise; or
- (iv) where he is known as, or identified as a police officer; or
- (b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—
 - (i) within the limits of the area to which the person is deployed; or
 - (ii) in any areas under the command of the security or armed forces; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where he is known or identified as a member of the security or armed forces; or
- (c) whoever being a public servant commits sexual assault on a child; or
- (d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or
- (e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or
- (f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or
- (g) whoever commits gang sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

- (h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
- (i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
- (j) whoever commits sexual assault on a child, which—
 - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 14 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
 - (ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
- (k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or
- (l) whoever commits sexual assault on the child more than once or repeatedly; or
- (m) whoever commits sexual assault on a child below twelve years; or
- (n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or
- (o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or
- (p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

- (q) whoever commits sexual assault on a child knowing the child is pregnant; or
- (r) whoever commits sexual assault on a child and attempts to murder the child; or
- (s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or
- (t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or
- (u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated sexual assault.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

11. Sexual harassment : A person is said to commit sexual harassment upon a child when such person with sexual intent,-

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
- (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- (iii) shows any object to a child in any form or media for pornographic purposes; or
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (vi) entices a child for pornographic purposes or gives gratification therefor.

12. Punishment for sexual harassment: Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be .

Explanation.—Any question which involves “sexual intent” shall be a question of fact and all also be liable to fine.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

13. Use of child for pornographic purposes : Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

- (a) representation of the sexual organs of a child;
- (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);
- (c) the indecent or obscene representation of a child, shall be guilty of the offence of using a child for pornographic purposes.

Explanation.—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. Punishment for using child for pornographic purposes : (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

(4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to ten years, and shall also be liable to fine.

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

15. Punishment for storage of pornographic material involving child : Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

16. Abetment of an offence: A person abets an offence, who—

First.—Instigates any person to do that offence; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

17. Punishment for abetment : Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. Punishment for attempt to commit an offence : Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

19. Reporting of offences : (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to.—

2 of 1974

(a) the Special Juvenile Police Unit; or

(b) the local police.

(2) Every report given under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing;

(b) be read over to the informant;

(c) shall be entered in a book to be kept by the Police Unit.

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(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1)

20. Obligation of media, studio and photographic facilities to report cases : Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

21. Punishment for failure to report or record a case : (1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

22. Punishment for false complaint or false information: (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

23. Procedure for media: (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child: Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

24. Recording of statement of a child : (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

- (2) The police officer while recording the statement of the child shall not be in uniform.
- (3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.
- (4) No child shall be detained in the police station in the night for any reason.
- (5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

25. Recording of statement of a child by Magistrate : (1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child: Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case. 2 of 1974

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

26. Additional provisions regarding statement to be recorded : (1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

27. Medical examination of a child : (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973. 2 of 1973

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any woman nominated by the head of the medical institution.

CHAPTER VII

SPECIAL COURTS

28. Designation of Special Courts : (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section. 4 of 2006

(2) While trying an offence under this Act, a Special Court shall also try an offence other than the offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973 be charged at the same trial. 2 of 1974

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online. 21 of 2000

29. Presumption as to certain offence : Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

30. Presumption of culpable mental state : (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in the prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

31. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court: Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 including the provisions as to bail and bonds shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor. 2 of 19

32. Special Public Prosecutors : (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor with the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and provision of that Code shall have effect accordingly. 2 of 1974

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33. Procedure and powers of Special Court : (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that the dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial: Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session. 2 of 1974

34. Procedure in case of commission of offence by child and determination of age by Special Court : (1) Where an offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. 56 of 2000

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

35. Period for recording of evidence of child and disposal of case : (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

36. Child not to see accused at the time of testifying : (1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

37. Trials to be conducted in camera : The Special Court shall try cases in camera and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973. 2 of 197

38. Assistance of an interpreter or expert while recording evidence of child : (1) wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX

MISCELLANEOUS

39. Guidelines for child to take assistance of experts, etc : Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

40. Right of child to take assistance of legal practitioner : Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act: 2 of 1974

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Service Authority shall provide a lawyer to them.

41. Provisions of sections 3 to 13 not to apply in certain cases : The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

¹ [42. Alternate punishment : Where an act or omission constitutes an offence punishable under this Act and also under section 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the Indian Penal Code, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.]

² [42A. Act not in derogation of any other law : The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.]

43. Public awareness about Act : The Central Government and every State Government, shall take all measures to ensure that—

- (a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;
- (b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

44. Monitoring of implementation Act : (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed

4 of 2006

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.

4 of 2006

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

4 of 2006

45. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (3) of section 26 and section 38
- (b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;
- (c) the payment of compensation under sub-section (8) of section 33;
- (d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

46. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

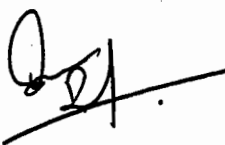
[See section 2(c)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

- (a) The Air Force Act, 1950 (45 of 1950);
- (b) The Army Act, 1950 (46 of 1950);
- (c) The Assam Rifles Act, 2006 (47 of 2006);
- (d) The Bombay Home Guard Act, 1947 (3 of 1947);
- (e) The Border Security Force Act, 1968 (47 of 1968);
- (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
- (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
- (h) The Coast Guard Act, 1978 (30 of 1978);
- (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
- (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
- (k) The Navy Act, 1957 (62 of 1957);
- (l) The National Investigation Agency Act, 2008 (34 of 2008);
- (m) The National Security Guard Act, 1986 (47 of 1986);
- (n) The Railway Protection Force Act, 1957 (23 of 1957);
- (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
- (p) The Special Protection Group Act, 1988 (34 of 1988);
- (q) The Territorial Army Act, 1948 (56 of 1948);
- (r) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

Footnotes:

1. Subs. by Act 13 of 2013, s. 29 for section 42 (w.e.f. 3-2-2013).
2. Ins. by s. 29, *ibid* (w.e.f. 3-2-2013).


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IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. _____ /OF 2017

IN

WRIT PETITION (CIVIL) NO. _____ /17

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF

**GAURAV KUMAR BANSAL
VERSUS
UNION OF INDIA & ORS**

.....PETITIONER

.....RESPONDENTS

TO

**THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
HON'BLE COMPANION JUDGES OF THE HON'BLE
SUPREME COURT OF INDIA.**

**The humble Application of
the Petitioner above named.**

APPLICATION FOR SEEKING

PERMISSION TO APPEAR AND

ARGUE THE PRESENT

PETITION IN PERSON

MOST RESPECTFULLY SHOWETH:

- 01.** That today the Petitioner has filed the accompanying Writ
Petition under Article 32 of the Constitution of India for the

issuance of Writ of Mandamus against the Respondents to appoint Independent Public Prosecutors as prescribed under Section 32 of the Protection of Children from Sexual Offences Act – 2012.

02. The facts giving rise to the filing of the present Application have been given in detail in the accompanying Writ Petition and for the sake of brevity the Petitioners seek indulgence of this Hon'ble Court to refer to and rely on the same for the purpose of hearing the present Application.
03. That by way of this application, petitioner is seeking permission to appear and argue the present petition in person and the reason for the same is that the petitioner is well conversant with the facts and circumstances of the present case and is also an advocate practicing law before this Hon'ble Court and thus is not willing to engage an advocate for the present Writ Petition filed in the Public Interest Litigation. Further the petitioner is not willing to accept an advocate who can be appointed to him by the Hon'ble Court.
04. That the balance of convenience is in favour of the petitioner and the ends of justice shall suffer if the relief as prayed is not granted by this Hon'ble Court.

PRAYER

In view of the above mentioned facts and circumstances this hon'ble Court may graciously be pleased to grant the permission to the petitioner to appear and argue his case in person.

AND FOR THIS ACT OF KINDNESS THE PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY.

DRAWN & FILED BY

**GAURAV KUMAR BANSAL
ADVOCATE
PETITIONER IN PERSON**

New Delhi

27/03/2017

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO _____ /OF 2017

IN

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IN THE MATTER OF A PUBLIC INTEREST LITIGATION

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UNION OF INDIA & ORS

.....PETITIONER

.....RESPONDENTS

AFFIDAVIT

I, Gaurav Kumar Bansal, S/o Sh. Vishnu Bansal, aged 27 years, presently at A-26, Jangpura Extension, New Delhi - 110016, do hereby solemnly affirms and declares:

01. That the deponent is the petitioner in the present affidavit and as such is well conversant with the facts and circumstances of the present case and hence competent to swear the present affidavit.
02. That the petitioner has no personal gain, private motive or oblique reason in filing the present Public Interest Litigation.
03. That the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT

Verified at New Delhi on this 27th day of March, 2017 that the contents of this Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ /17

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF

GAURAV KUMAR BANSAL

.....PETITIONER

VERSUS

UNION OF INDIA & ORS

.....RESPONDENTS

AFFIDAVIT OF NO PERSONAL GAIN

I, Gaurav Kumar Bansal, S/o Sh. Vishnu Bansal, aged 27 years, presently at A-26, Jangpura Extension, New Delhi - 110016, do hereby solemnly affirms and declares:

01. That the deponent is the petitioner in the present affidavit and as such is well conversant with the facts and circumstances of the present case and hence competent to swear the present affidavit.
02. That the petitioner has no personal gain, private motive or oblique reason in filing the present Public Interest Litigation.
03. That the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT

Verified at New Delhi on this 27th day of March, 2017 that the contents of this Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from nor any part of it is false.

DEPONENT