

ITEM NO.15

COURT NO.15

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Suo Moto Writ Petition (Cr1) No 1 of 2019

IN RE: ALARMING RISE IN THE NUMBER OF REPORTED CHILD RAPE INCIDENTS

(WITH IA No. 146230/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 135383/2019 - CLARIFICATION/DIRECTION

IA No. 132386/2019 - CLARIFICATION/DIRECTION

IA No. 132388/2019 - EXEMPTION FROM FILING O.T.

IA No. 38321/2020 - EXTENSION OF TIME

IA No. 143390/2019 - INTERVENTION APPLICATION

IA No. 34316/2020 - INTERVENTION/IMPLEADMENT

IA No. 132359/2019 - INTERVENTION/IMPLEADMENT

IA No. 27641/2020 - MODIFICATION OF COURT ORDER)

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

Mr. V. Giri, Sr. Advocate (A.C.)

Ms. Uttara Babbar, Adv.

Ms. Bhavana Duhoon, Adv.

Mr. Manan Bansal, Adv.

Mr. Krishna Dev Jagarlamudi, Adv.

Mr. Surinder S. Rathi, Registrar, SC

For Petitioner(s)

By Courts Motion

For Respondent(s)

Ms. Neela Gokhale, Adv.

Ms. Suhasini Sen, Adv.

Mr. S.S. Rebello, Adv.

Ms. Swati Ghildiyal, Adv.

Mr. N.K. Gokhale, Adv.

Mr. Rajat Nair, Adv.

Mr. B.V. Balaram Das, Adv.

Mr. G.S. Makker, Adv.

Mr. Manish, Adv.

Mr. Raj Bahadur Yadav, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. S.. Udaya Kumar Sagar, AOR

Ms. Swati Bhardwaj, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Rahul Raj Mishra, Adv.

Dr. Manish Singhvi, Sr. Adv.

Mr. Satyendra Kumar, Adv.

Mr. Arpit Prakash, Adv.

Mr. D.K. Devesh, Adv.

Mr. P. I. Jose, AOR

Mr. Prashant K. Sharma, Adv.

Mr. Jenis Francis, Adv.

Mr. Ravi Sagar, Adv.

Mr. Hari Kumar V., Adv.

Mr. V. N. Raghupathy, AOR

Mr. Manendra Pal Gupta, Adv.

Mr. Siddhesh Kotwal, Adv.

Ms. Bansuri Swaraj, Adv.

Ms. Astha Sharma, AOR

Ms. Arshiya Ghose, Adv.

Mr. Divyansh Tiwari, Adv.

Ms. Diksha Rai, Adv.

Mr. Palak Mahajan, Adv.

Mr. Vinay Arora, AOR

Mr. Harpuneet Singh Rai, Adv.

Mr. Kunal Chatterji, Adv.

Ms. Maitrayee Banerjee, Adv.

Mr. Pravar Veer Misra, Adv.

Mr. Sumeer Sodhi, AOR

Ms. Aarzo Aneja, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, AOR

Mr. Mrinal K. Mondal, Adv.

Mr. Sibor Sankar Mishra, AOR

Mr. Sunny Choudhary, AOR

Mr. M. Shoeb Alam, AOR

Mr. Mojahid Karim Khan, Adv.

Ms. Jaspreet Gogia, AOR

Ms. Deepanwita Priyanka, AOR

Mr. Ankit Goel, AOR

Mr. R.K. Gupta, Adv.

Mr. Abhinav Kaushik, Adv.

Mr. Renjith B. Marar, Adv.
Ms. Lakshmi N. Kaimal, AOR
Mr. A. Karthik, Adv.
Mr. Mahendra Kumawar, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Mr. Gopal Singh, AOR

Mr. V. G. Pragasam, AOR
Mr. S. Prabu Ramasubramanian, Adv.

Ms. Radhika Gautam, AOR

Mr. K. Parameshwar, AOR
Mr. M.V. Mukunda, Adv.

Mr. Avijit Mani Tripathi, AOR
Shaurya Sahay, Adv.
Mr. P.S. Negi, Adv.
Mr. T.K. Nayak, Adv.
Mr. S. Ram Kochar, Adv.
Mr. Chetan Joshi, Adv.
Mr. Upendra Mishra, Adv.
Mr. K.V. Kharlyngdoh, Adv.

Mr. Som Raj Choudhury, AOR
Ms. Shrutee Aradhana, Adv.
Mr. Prashant Kumar, Adv.

Mr. T. G. Narayanan Nair, AOR
Mr. Ramesh Babu, Adv.

Mr. R. P. Gupta, AOR

Mr. Jayanth Muth Raj, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
Ms. Uma Prasuna Bachu, Adv.

Mr. Sanjai Kumar Pathak, AOR
Ms. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.
Ms. Shubhali Pathak, Adv.

Mr. Sahil Tagotra, AOR

Mr. Arjun Garg, AOR
Mr. Devansh Srivastava, Adv.

Ms. Sneha Kalita, AOR

Intervenor-in-person

Mr. Arun R. Pedneker, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Mukti Chowdhary, AOR

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
M/S. Arputham Aruna And Co, AOR

Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Ms. Archana Kumari, Adv.
Mr. Rahul Pandey, Adv.

Mr. Pravin H. Parekh, Sr. Adv.
Ms. Tanya Chaudhary, Adv.
Ms. Nitika Pandey, Adv.
Mr. Nikhil Ramdev, Adv.
Ms. Ashna Bhatnagar, Adv.
M/S. Parekh & Co., AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Prem Sunder Jha, AOR

Mr. Naresh K. Sharma, AOR

Ms. Uttara Babbar, AOR

Mr. Rahul Kaushik, AOR
Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapriya Satyam, Adv.
Mr. Rahul Khatri, Adv.

Mr. Aniruddha P. Mayee, AOR
Mr. A. Rajarajan, Adv.

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Abishek Manchanda, Adv.
M/S. Plr Chambers And Co., AOR

Mr. Milind Kumar, AOR

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

Mr. Gopal Prasad, AOR

Mr. Jayesh Gaurav, Adv.
Ms. Shalya Agarwal, Adv.

Mr. G. N. Reddy, AOR
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Digvijay Harichandan, Adv.

Mr. Nikhil Goel, AOR
Mr. Vinay Mathew, Adv.
Mr. Dushyant Savne, Adv.

Mr. Sarvesh Baghel, Adv.
Mr. Dharendra Singh Parmar, Adv.
Ms. Harshita Raghuvanshi, Adv.
Mr. Srinivas Vishven, Adv.
Ms. Garima Prashad, AOR

Mr. Abhinav Mukerji, AOR
Mr. Samarth Khanna, Adv.
Mrs. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.

Mr. Anand Kr. Dubey, Adv.
Mr. Narendra Kumar, AOR

Mr. Annam D. N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Ms. Sangeetha MR, Adv.
Mr. Avni Sharma, Adv.
Mr. Ananya Kandelwal, Adv.
Mr. Amber Sachdeva, Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Dr. Monika Gusain, AOR

Mr. Subhasish Mohanty, AOR

Mr. Apoorv Kurup, AOR
Ms. Upma Bhattacharjee, Adv.
Mr. Siddharth, Adv.

Mr. Ashok Mathur, AOR

Mr. R. Nedumaran, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Himanshu Shekhar, AOR

Mr. Parth Shekhar, Adv.
Mr. Jamnesh Kumar, Adv.

Mr. Vikas Mahajan, AAG
Mr. Aakash Varma, Adv.
Mr. Vinod Sharma, AOR
Mr. Anil Kumar, Adv.

Mr. Sanjeev Kumar Jain, Adv.
Mr. S.K. Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Annikanissar Sayeed, Adv.

Mr. Ashwini Kr. Singla, Adv.
Mr. Chandra Bhusan Prasad, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. K.V. Kharlyngdoh, Adv.
Mr. Deniel Stone Lyngdoh, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv.
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.

Mr. Sachin Patil, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Geo Goseph, Adv.

Mr. D. Rama Krishna Reddy, Adv.
Ms. Poonam Kaushik, Adv.
Ms. Gagan Deep Kaur, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Despite our order dated 16th December, 2019, the States of Andhra Pradesh, Bihar, Gujarat, NCT of Delhi, Gujarat, Karnataka, Punjab and Rajasthan have not filed their affidavits so far. On behalf of the State of Punjab, it is stated that the State does not intend to file any further affidavit and relies on the affidavit filed by the Punjab and Haryana High Court. As far as other States are concerned, as prayed, ten days' time is granted to file the affidavit. In case the same is not

filed on or before 18th March, 2020, the Chief Secretary(s) of the concerned State(s) shall remain present on the next date of hearing.

List the matter on 24th March, 2020.

In the meantime, learned *amicus curiae* to prepare a comparative chart.

On the next date of hearing, we shall consider the issue of framing a national scheme for payment of compensation to victims of offences under the POCSO Act.

For this purpose, we request the Joint Secretary of the Ministry of Women and Child Development, Government of India to remain present in Court to assist us with regard to the formulation of scheme for payment of compensation to the victims.

Mr. V. Giri, learned *amicus curiae*, states that in some of the affidavits filed, there is a lack of clarity with regard to setting up of more than one exclusive POCSO Courts where the offences in a particular Districts are more than 300. He also submits that in a large number of affidavits filed, it is not clearly mentioned whether the Special Public Prosecutors have been exclusively appointed for the POCSO Courts or not.

We make it clear that in case there is a lack of clarity, we will assume that they have not been appointed exclusively and if any State wishes to clarify, it may clarify by 18th March, 2020.

IA No 27641/2020 (Application on behalf of the High Court of Madhya Pradesh)

This application has been filed on behalf of the High Court of Madhya Pradesh.

It is pointed out that there were POCSO cases which are being tried by the normal Additional Sessions Judge not in the District Headquarters, but in Tehsil Headquarters itself. It has been pointed out in the affidavit that in case the count is not district-wise, but court-wise, then the number of cases may be less than 100 in each Court.

We accede to the request of the High Court of Madhya Pradesh and allow the High Court of Madhya Pradesh to set up Courts by making calculation court-wise and not district-wise where the courts are at difference places. They need not set up non-exclusive Courts where the work in station is less than 100 cases.

The application is accordingly disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(PARVEEN KUMARI PASRICHA)
COURT MASTER