CHILD SEXUAL ABUSE

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MATERIAL BASED ON

- ***POCSO, A Welcome First Step*** by Advocate Michelle Mendonca published on Manupatra
- ***Module on Recording of Evidence in Rape Trials***, Maharashtra Judicial Academy
- ***Contributions and inputs of Professor B.T. Kaul***, Chairperson, Delhi Judicial Academy

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INTRODUCTION

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CHILDREN ARE SPECIAL

- Children have a special place in life which the law should reflect, ***May v. Anderson, 345 U.S. 528, 536 (1953)***

- ***Article 15(3)*** of the Constitution permits the State to make special provisions for children

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CHILDREN ARE SPECIAL

- ***Article 39 (e) and (f)*** mandates that the State protect children of tender age from abuse, to provide them equal opportunities and facilities to develop in a healthy manner and to protect them from exploitation and moral and material abandonment

- Children are a "supremely important national asset" and the future of the nation, ***Lakshmi Kant Pandey v. Union of India [1984] 2 SCR 795***

THEORY V. PRACTICE

- The Supreme Court acquitted police officers of raping a 16-year old though she promptly reported against her rapists who were inquiring into a complaint against her. Her sexual history was considered relevant, ***Tukaram v. State of Maharashtra, (1979) 2 SCC 143***

- Till 2012, India did not punish may crimes against children - the Supreme Court urged Parliament to punish child sex abuse after having to acquit a father who committed sex acts on his child with impunity, ***Sakshi v. Union of India, AIR 2004 SC 3566***

- The passing of POCSO created offences against children and created procedure that caters to their unique vulnerability.

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GROUP ACTIVITY

MANDATORY REPORTING

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RATIONALE

- Conspiracy of silence - 72% of children did not report child sex abuse to anyone and only 3% reported it to the police, ***MWCD Report on Child Abuse in India, 2007***

- Non-disclosure is a serious offence. Even if the perpetrator of the crime is a family member, action should be taken in consultation with the mother or other female family members based on the best interest of the child, ***Shankar Kisanrao Khade v. State of Maharashtra, 2013 CrLJ 2595 (SC)***

DISCLOSURE

- ***MWCD Model Guidelines*** for the use of professionals and experts under ***POCSO Section 39***
  - The obligation to report to the police cannot be discharged by reporting elsewhere.
  - Mandatory reporting protects children from further harm

WHY DON'T CHILDREN AND FAMILIES REPORT?

- Internal Conflicts (fear, stigma)

- Manipulative techniques by the offender like grooming which includes development of trust with child and adults, exploitation of that trust, gradual introduction of the child to sexual activity, lowering of the defenses of the child and a long-term abusive relationship

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WHY DON'T CHILDREN AND FAMILIES REPORT?

- Child Sexual Abuse Accommodation Syndrome which has dimensions like secrecy, helplessness, accommodation, delayed disclosure and retraction (***Summit, 1983***)

- Even if the child reports it to the family, the family may hesitate to trust the criminal justice system.

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WHY DON'T CHILDREN AND FAMILIES REPORT?

- Secondary victimization and courtroom trauma - justice and restoration are seen as competing goals
- Compassionate justice is a crucial component of the restorative process can promote vindication and healing for survivors

CHILD FRIENDLY JUSTICE SYSTEM

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CHILD-FRIENDLY JUSTICE SYSTEM

- ***POCSO Sections 23 (1 and 2) and 33 (7)*** protect the child's privacy
  - The child has a lifelong fundamental right to privacy, ***ABC v. Commissioner of Police, MANU/DE/0334/2013***
  - These guidelines must be widely disseminated and implemented, ***A.K. Asthana v. Union of India, W.P.(C) 787/2012***
- POCSO provides a child-friendly criminal justice system which is critical in the context of mandatory reporting

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TRAUMA

- The child's own trauma and perception of the system
- Anticipatory stress
- Courtroom trauma
- Adjournments

All of this impacts the demeanor, credibility and memory of the child

COURTS RECOGNIZE THESE CHALLENGES

The Delhi High Court acknowledged these challenges in ***State v. Sujeet Kumar, Criminal Application 1190 of 2014***:

- Young children's memory and recall differs from that of adults
- Emotional and mental trauma
- Fear of confrontation in an unfamiliar setting
- Fear of not being believed against the word of an adult
- Fear of exposure and embarrassment
- Fear of being scolded if they make mistakes

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COURTS RECOGNIZE THESE CHALLENGES

The Allahabad High Court addressed rape trauma syndrome in ***Bhopal Singh v State of UP , Criminal Appeal 1504 of 2013***:

- Rape is not just unwanted sex but organized social violence comparable to the combat of war and the symptoms of the consequent trauma are equally intense

- Rape trauma syndrome is not a mental illness but a natural result of rape

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MANDATE TO PROTECT CHILDREN / VICTIMS

- Effective measures at every stage of the criminal justice process to mitigate the rigor of the trial and promote reintegration, ***Khem Chand v. State of Delhi, ILR(2008)Supp.(5)Delhi 92***

- Children, especially girl children who face discrimination in the justice system, are entitled to special treatment appropriate to their age and life circumstances, ***State v. Sujeet Kumar, Criminal Application 1190 of 2014***, citing the United Nations Guidelines on Justice in matters involving Child Victims and Witnesses of Crime 2005

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MANDATE TO PROTECT CHILDREN / VICTIMS

- Criminal courts must adopt all reasonable precautions to help children testify truthfully and without being pressured into suppressing the truth by the atmosphere and circumstances of the courtroom, or the presence of the accused or even their parents, ***Ankush Kumar v. State, CRL.M.C. 4046/2015 & Crl.M.A. Nos.14412-14413/2015 (Delhi)***

- Courts must apply the "best interest of the child" standard and act in *parens patriae* for the child, ***Shankar Khade v. State of Maharashtra, 2013 (5) SCC 546***

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COMPASSIONATE DELIVERY OF JUSTICE

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GROUP ACTIVITY

SECTION 164 STATEMENT

POCSO Sections 25 and 26 lay down procedural safeguards:

- Verbatim recording of the statement in the presence of the parents of the child or of a trusted person and wherever possible, by audio-video electronic means
- No access to the advocate for the accused
- If necessary, the Magistrate may take the assistance of a translator or an interpreter or a special educator or expert or someone acquainted with the manner of communication of the child

SECTION 164 STATEMENT

The Delhi High Court issued these guidelines on the Section 164 statement, ***Court on its own motion v. State of Delhi, MANU/DE/8458/2007***

- The statement of the child victim shall be recorded promptly
  - In child friendly rooms within the Court
  - Through video-conferencing, wherever possible
  - In the presence of parents unless their presence will not serve justice

SECTION 164 STATEMENT

Guidelines (contd.)

- Adjournment shall be avoided
- If the child is hospitalized, the statement shall be recorded in the hospital

SPECIALIZATION

Special Courts and Prosecutors:

- Gain expertise and perspective
- Implement best practices
- Ensure female staffing, including conduct of trial by female judges as recommended in ***Virender v. State of NCT Delhi, MANU/DE/2606/2009***
- Ensure continuity of persons handling the trial as recommended in ***State v. Rahul, (2013) ILR III Delhi 861***

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COMMISSIONS AND IN CAMERA HEARINGS

- The Special Court examine a child at a place other than the court through a commission under CrPC Section 284, ***POCSO Section 37***
- The Special Court shall try cases ***in camera***. Apart from the public the court must also exclude:
  - Unconnected advocates, ***Varadaraju v. State, 2005 CrLJ 4180***
  - Junior lawyers whose seniors are cross-examining the victim, ***Sumeshwar Choudhury v. State, 1993/MANU/MP/0171***
  - Extra court staff, ***State v. Rahul, (2013) ILR III Delhi 1861***

IN CHAMBER HEARINGS

- Trial Judges may examine the child witness in-chamber so that the child, rather than being overawed by the court atmosphere, is examined in a congenial, cordial and friendly manner. Children can be called in the post-lunch session at the end of Board when the court is less crowded," ***Sheeba Abidi v. State, 113 (2004) DLT 125***

PRELIMINARY ENQUIRY

- Preliminary Inquiry or Competency Testing assesses whether the child understands questions; can provide rational answers; is influenced by tutoring; will testify truthfully; and understands the meaning of the oath, ***K. Venkateshwarlu v. State of Andhra Pradesh, (2012) 8 SCC 73***

- If the child does not understand the meaning of the oath, the testimony must be scrunitized more carefully, ***Jhinge v. State of Uttar Pradesh, MANU/UP/1008/2006***

PRELIMINARY ENQUIRY

The preliminary inquiry should determine:

- Intelligence and Memory- ability to observe, recall and communicate (recent and distant events and experiences)
- Understanding of truth and lie
- An appreciation of the meaning of the oath and the understanding of the consequence of not telling the truth

State v. Rahul, (2013) ILR III Delhi 1861

PRELIMINARY ENQUIRY

- The questions should be:
  - Creative rather than direct to ascertain if the they can understand the difference between the truth and a lie, ***State v. Rahul, (2013) ILR III Delhi 1861***
  - Appropriate to the child's age, developmental stage ,socio-economic background, education, capacity etc., ***State v. Rahul, (2013) ILR III Delhi 1861***

PRELIMINARY ENQUIRY

- In one case, the magistrate declined to take the 164 statement of a 3-year old child because she could not name her school or her standard or explain the difference between truth and a lie. On appeal, the Delhi High Court found that the trial evidence was clear that the child did not attend school; therefore the question was not appropriate, ***State v. Sujeet Kumar, Criminal Application 1190 of 2014 (Delhi)***

ACTIVITY WITH VOLUNTEERS

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SPEEDY TRIALS

Section 33 of POCSO requires that child victims should not be called repeatedly to testify in the court. Speedy trials (recording testimony within 30 days of taking cognizance of the offence):

- Help children move on with their life
- Ensure that justice promotes restoration. A decision for adjournment must factor its impact on the child, ***State v. Rahul, (2013) ILR III Delhi 861***
- Systemic obstacles do not justify violate the rights of the witness under CrPC Section 309, ***Association of Victims of Uphaar Tragedy v. State, 2002/MANU/DEL/0477***

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SPEEDY TRIALS

- Courts can direct disciplinary action against counsel who absent themselves without making arrangements for examination of witnesses, ***Dastane v. Shivde, AIR 2011 SC 2028***

- Witnesses must be examined on the day they are present:
  - The absent accused must exempt identification or his bail should be cancelled;
  - If adjournments are unavoidable, witnesses must be provided with adequate costs, ***State v. Shambhu Nath, AIR 2001 SC 1403***

SPEEDY TRIALS

- Adjournments should not be granted on grounds of:
  - Inconvenience to counsel, ***Akil v. State, 2013 CrLJ 57***
  - Counsel's lack of preparation, ***Delhi Administration v Vishwanath Lugnani, 1982 SCC (Cri) 139***

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SUPPORT PERSONS

- A friendly, neutral adult may accompany the child for testimony; this may include an expert who can support the child and in whom the child has confidence. However, such a person should not influence the child's testimony, ***State v. Rahul, (2013) ILR III Delhi 1861***

- If parents are the support persons as well as witnesses, then their testimony must be recorded first.

CONFRONTATION

- Use of video conferencing can protect the child from the confrontation with the defendant, ***Virender v. State of NCT of Delhi, Crl.A.No. 121/2008***

- Use of shields, curtains, single visibility mirrors (which balance the rights of the child and defendant) can protect the child from exposure to the defendant. The judge should be able to observe the witness, ***Virender v. State of NCT of Delhi, Crl.A.No. 121/2008***

- The defendant's rights should be able to hear the statement of the child and communicate with his advocate, ***POCSO, Section 36***

CROSS-EXAMINATION

Section 33 of POCSO lays down that:

- The court shall cross-examine the child based on questions submitted by the defense. See also ***Sakshi v. Union of India AIR 2004 SC 3566***

- A family member, a guardian, a friend or a relative, in whom the child has trust, to be present.

CROSS-EXAMINATION

The Court shall not permit:

- Aggressive questions or character assassination of the child
- Challenging a rape victim's moral character or sexual history to prove consent under IEA Section 155(4), ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013 (Bom).***
- Humiliating or degrading questions, ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013 (Bom)***

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CROSS-EXAMINATION

The Court shall not permit cross examination that:

- Will humiliate or harrass victims, ***State of Punjab v. Gurmit Singh, AIR 1996 SC 1393***
- Is aggressive, sarcastic sexually explicit or traumatizing, ***State v. Rahul, (2013) ILR III Delhi 1861***
- Contains a negative or double negative, ***Virender v. State of NCT of Delhi, Crl.A.No. 121/2008***

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PERMIT RE-EXAMINATION

- Ensure that prosecutors can resurrect testimony: prosecutors have the freedom and the right to re-examine witnesses not only about ambiguity but any other matters arising during cross examination or even to elicit additional information, ***Rammi v. State, AIR 1999 SC 3544***

COURT QUESTIONS

- Judges are active and effective instruments of justice rather than mere spectators or recording machines, ***Ram Chander v. State, AIR 1981 SC 1036***

- The judge can make up for the indifference of the prosecutor by actively eliciting evidence under IEA Section 165 and CrPC Section 311, ***State v. Rahul, (2013) ILR III Delhi 1861***

- A judge must elicit necessary contextual material from the witnesses. Judges should not remain passive when witnesses make errors. Nothing inhibits the power of the judge to ask court questions, ***State of Rajasthan v. Ani @ Hanif, AIR 1997 SC 1023***

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COURT QUESTIONS

The Court should:

- Ask the child questions unconnected to the case to build a rapport and alleviate fear or pressure
- Ensure that the child is not concealing evidence due to shame, fear or shyness.
- Ensure that the child has an opportunity to correct any error made due to stress or nervousness during cross examination

State v. Rahul, (2013) ILR III Delhi 1861

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COURT QUESTIONS

- A mentally challenged victim agreed to the defense suggestions that she was tutored by the complainant, that she was lying at the instance of the police and that there was no sexual abuse. Through court questions the trial judge clarified her evidence and brought the truth on the record. Accepting the evidence brought out through the court questions, the Court held that trial judge had the right to verify if the witness had truly understood the cross examination questions. Reasoning that the the survivor was under the total dominion of the defendant, the Court held that judges should actively ascertain the truth through court questions and neither party can object to court questions, ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013 (Bom.)***

BREAKS FOR THE CHILD

- POCSO Section 33 permits frequent breaks for the child as also recommended by the Supreme Court in Sakshi v. Union of India AIR 2004 SC 3566
  - Scheduled breaks may help

EMPATHETIC APPRECIATION OF EVIDENCE

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DELAYS IN REPORTING

- Courts should grant latitude in cases of delay in reporting of sexual offences. Victims take time to consult with their families, consider the stigma, social honor etc. before approaching the police, ***Bhawna Garg v. State, MANU/DE/0469/2014***

- Courts must expect delay in lodging of FIRs of sexual offences and appreciate these delays using different measures, ***Satpal Singh v. State, 2010 CrLJ 4283 (SC)***

- Courts can take judicial notice of the fact that delay in filing the FIR is because the prestige of the family is involved and the family feels the need to deliberate. ***Sushil Kumar v. State of Himachal Pradesh, Criminal Appeal No. 246 of 2014 (HP High Court)***

DELAYS IN REPORTING

- Fear and intimidation by the defendant is an acceptable reason for delay, ***Ram Singh v State of Himachal Pradesh, Criminal Appeal No. 115 of 2014 (HP High Court)***

- Courts can also consider the impact of grooming and Child Sexual Abuse Accommodation Syndrome

RELIABILITY OF CHILD WITNESSES

- Children are "incapable of having any malice or ill will against any person" and the defendant must lead to explain why the child would make a false implication, ***State of Madhya Pradesh v. Ramesh, (2011) 4 S.C.C. 786***

MEDICAL EVIDENCE: SEXUAL ABUSE

- Failing to medically examine a witness based on history that there was no sexual abuse is incorrect especially in cases where victims are physically and mentally challenged and under severe trauma. ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013 (Bom.).*** See also ***Mukesh v State of Chhatisgarh, MANU/SC/0874/2014***

- Absence of injuries on the private parts of the victims will not falsify rape nor can it indicate consent, ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013 (Bom)***

MEDICAL EVIDENCE: SEXUAL ABUSE

- Citing Modi's Medical Jurisprudence and Toxicology (21st edition), the Court reasoned that "rape is a legal term and not a diagnosis to be made by the medical officer treating the victim." Medical officers should only state whether there is evidence of recent sexual activity. Whether rape has occurred or not is a legal conclusion, not a medical one, ***Ram Singh v State of Himachal Pradesh, Criminal Appeal No. 115 of 2014 (HP)***

MEDICAL EVIDENCE: AGE

- The margin of error for age verification is 6 months, ***Narmada Govind Kamble, 2010 Cri. L.J. 1220 (Bom)***
- A medical opinion based on scientific tests is strong evidence having corroborative value, ***Rajesh Kumar Kuswaha v. State of M.P, MANU/MP/0564/2013***

DISCREPANCIES

- Courts should not expect an accurate resume of events from mentally / physically challenged victims who were under fear, psychological pressure and trauma. The discrepancies and inconsistencies in their evidence are natural, ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013***

- An 8-year old child's evidence inspired confidence despite minor discrepancies about the duration of the abuse - she had no motive to fabricate a case . The defendant had not led any evidence to probabilize his defense, ***Ram Singh v State of Himachal Pradesh, Criminal Appeal No. 115 of 2014 (HP High Court)***

SPECIAL VULNERABILITY

- Where an 11-year old rape victim admitted to tutoring by her advocate, the High Court found that the tutored part of the evidence was severable from the rest of her evidence, ***Sunil Kumar v. Delhi, 2009 MANU Del. 2340***

- Social workers testifying in cases will not be treated as professional witnesses, ***Shankar Kumar v. State, 2010/MANU/DEL/1723***

SPECIAL VULNERABILITY

- Courts can accept the evidence of experts like psychiatrists that physically and mentally challenged victims were sexually abused and consequently traumatized. The psychiatrist used methods like drawing, providing the girls with pictures of men and women to observe their reaction etc., ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013***

- Courts must take into account the length and nature of cross-examination – which, in this case, was a "battle between a mentally challenged girl and skilled lawyers." The evidence showed that repetitive questions left her confused, nervous, anxious, frustrated with the cross examination and her mental disability was no match for skilled cross examiners. Therefore, the court did not discard her evidence but scrutinized it carefully to ascertain if it was credible, ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013***

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SPECIAL VULNERABILITY

- Where the victims were speech-impaired, the defense challenged the interpreter's independence because she had assisted both the investigation in the 161 statements and the magistrate in the 164 statements. Though this was an irregularity, the defendant failed to show material prejudice and a failure of justice. The Court found that the interpreter was skilled, had spent several days with the victims to learn their sign language, had no personal interest in the matter and was under oath. The judge had recorded the material signs and gestures. The defense had not challenged the accuracy of the interpretation, her fairness or competence to interpret or proved any animus towards the accused. Hence, the court held that there was no proof of her bias or favour towards the prosecution. ***State of Maharashtra v R. S. Karanjule, Confirmation Case No. 03 of 2013***

PROTECT SURVIVORS OF INCEST

- Victim statements should not be recorded in the presence of parents, ***Dilip v. State of M.P, 2013(6) SCALE 264***

- These victims have no safe place to go to and face immense pressure to recant – if the father is accused, the mother may also abandon them unless they recant, ***Gajjan Singh v. State of U.T. 2013(4) RCR (Criminal) 1047***. See also ***Ram Prakash Sunar v. State of U.P, 2015 (88) ALLCC 503***

- They face criminal intimidation from the accused who is often their closest relative, ***Mohd. Salauddin v. State, Crl. A. 1366/2010 (Del)***

GO BEYOND THE LAW

- Include in the summons agencies of support – contact information of of DLSA
- Maintain respectful boundaries and use respectful language
- Make eye-contact and repeat instructions gently
- Repeat instructions
- Provide validation
- Ensure they don't regret the decision to testify

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COMPENSATION: INTERIM

- The Special Court may order interim compensation for the immediate medical needs of the child, for relief, or rehabilitation at any stage after the FIR is recorded, ***Rule 7, POCSO***

- Awarding Rs.3 lakhs as interim compensation, the Court held that victims need interim compensation due to lack of agencies that provide rehabilitation, counseling or vocational guidance. There is no need to wait till the conclusion of the trial, ***Shiva@Savaram v. State of Rajasthan, 2014 (1) Crimes 102 (Raj)***

COMPENSATION: FINAL

- Compensation acknowledges the role of the victim in the criminal justice process. Courts must record reasons not only for providing compensation but also for denying it, ***Ankush Gaikwad v. State of Maharashtra, AIR 2013 SC 2454***

- Without compensation "criminal justice will look hollow", ***State v. High Court of Gujarat, AIR 1998 SC 364***

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COMPENSATION: FINAL

Factors in determination of compensation

- Physical or mental trauma or immediate rehabilitation, ***POCSO Section 33(8)***

- Severity of the offence, medical expenditure, loss of education/employment opportunity, relationship with perpetrator, single/repeat offence, pregnancy, contraction of STD/ HIV, financial condition of victim and any other relevant factor, ***POCSO, Rule 7***

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COMPENSATION: FINAL

- The State Government is also liable to pay compensation under the Victims Compensation Fund or other schemes or funds under Cr.P.C. Section 357A within 30 days of the receipt of the order.

- Compensation should meet the needs and circumstances of the survivor: in a case of rape by false promise of marriage to a blind and illiterate woman of 37, the Supreme Court directed the State to pay a monthly sum of Rs. 8000 throughout her lifetime instead of a lumpsum which she would find difficult to manage. This was to be treated as interest on a fixed deposit of Rs. 10 lakhs, ***Tekan alias Tekram v. State of Madhya Pradesh (now Chhatisgarh), Criminal Appeal No. 884 of 2015 (Supreme Court)***

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MISCELLANEOUS

- The magistrate may make an order for the child's intermediate safe custody – in the best interest of the child rather than giving her custody to the claimants, ***The Director, Tamil Nadu State Judicial Academy v. State of Tamil Nadu, W.P.No.36807 of 2006 (Mad)***

- No action can be taken against false reporting by a child, ***Aiswarya v. Inspector of Police, MANU/KE/1262/2014***

- Courts should minimize the number of times a victim is required to recount the occurrence A multidisciplinary team involving the police, social services as well as the prosecutor should be created from the beginning for these cases, ***State v. Rahul, (2013) ILR IIIDelhi 1861***

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DISCUSSION

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REVERSAL OF THE BURDEN OF PROOF

- Section 29: Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3,5,7 and section 9, 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

- Section 30: In any prosecution under this Act which requires a culpable mental state, on the part of the accused, the Court shall presume the same, but it shall be a defence for the accused to prove the fact that he has no such mental state with respect to the act charged as an offence

- 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 belief in, or reason to believe, a fact.

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REVERSAL OF THE BURDEN OF PROOF

- Is it constitutional?
- The Supreme Court held that the presumption of innocence is a human rather than a fundamental right. The constitutionality of a provision reversing the burden of proof must be weighed against the State's responsibility to protect innocents, ***Noor Aga v. State of Punjab, (2008) 16 SCC 417***
- Note that the plain reading of POCSO goes against Noor Aga – it eliminates preponderance of probability. The accused must prove his case beyond a reasonable doubt. It also places both legal as well as evidentiary burden on the defendant

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POCSO AND JJ ACT

- The Child Welfare Committee instituted under the JJ Act is an implementing agency under POCSO
- A large number of POCSO crimes are registered against juveniles
- POCSO's mandatory minimum sentences clash with the JJ concept of rehabilitative justice

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REVIEW OF POCSO

- Conflict with IPC regarding criminal liability for husbands of 15-18 year olds.
- Lack of clarity of how to deal with sexual acts between children
- No judicial discretion
- Infrastructural lag: Mandatory reporting not supported by child protection systems
- Lack of special protection for victims of incest

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COMPARATIVE LAW REVIEW

- Anatomical Dolls: the Delhi High Court (citing Virender v. State) stated that, foreign courts have evolved several tools including anatomically correct figures….this approach should be scrutinized to assess if it may be a valuable tool to ensure that the complete truth is brought out, ***State v. Rahul, (2013) ILR IIIDelhi 1861***

- The hearsay rule (United States)

- Super Hero Island interactive game (Canada)