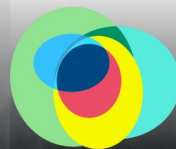


In the Best Interests of the Child?

POCSO implementation in Kerala: an institutional analysis

Kalyani Menon-Sen and PE Usha
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With support from Population Foundation of India



Gender
at work

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Special thanks also to Gautam Chaudhury for carrying out a meticulous scan of national newspapers over a six-month window during the study period, to help us in tracking media reports on POCSO cases.

Most of all, we thank our colleagues, friends and comrades in Mahila Samakhya and Nirbhaya. Our journeys together have given us a cause, a community and a political lens that continues to guide, challenge and motivate us.

Every conversation we have had in the course of this study has been enriching and illuminating for us. This exercise has strengthened our belief in the transformative power of dialogue in bridging differences of ideological positions and analytical lenses, bringing people together around a common vision of child rights.

We thank the Population Foundation of India for encouraging and supporting this study, and for their flexibility and responsiveness to the changed situation after January 2020, as Kerala responded to the Covid pandemic.

We dedicate this report to survivors of sexual abuse. We salute their ongoing struggles to step into their power and claim their rights and freedoms with joy and confidence. We look to their leadership in ensuring a safe, secure and dignified future for all children in Kerala.

1. Introduction

This study is an outcome of the many conversations that we have had over the last ten or more years that we have been friends and colleagues, brought together by a shared commitment to strengthening Mahila Samakhya as a feminist space. As part of this endeavour, our role has been to consciously push the MS team - and ourselves - to be more reflexive and self-critical, to ask difficult questions, confront uncomfortable issues, accept and own our mistakes and learn from our individual and collective failures.

Mahila Samakhya's engagement with POCSO has been two-fold. On the one hand, as an activist group committed to ending violence, MS has endeavoured to support survivors and their families in their struggles for justice. On the other hand, as an organisation responsible for running 11 of the 14 Nirbhaya homes in Kerala, MS is very much part of the POCSO system.

This study is our first step towards addressing a question that has become the "elephant in the room" for Mahila Samakhya: How has the MS presence in the POCSO space impacted the larger system for prevention of child sexual abuse? What are the critical questions and new approaches that MS has brought into the discourse and practice around child protection? Where and how has MS challenged and changed the system, and where and how has MS been changed by the system?

This study addresses the question:

" What will it take for institutions and mechanisms for the implementation of POCSO in Kerala to work effectively in protecting and promoting the best interests of the child?"

We have focused on three key domains of enquiry:

- The **perspectives, powers and capacities of state institutions** concerned with the protection of children.
- The **perspectives and approaches of non-State actors** - individuals and collectives who engage with POCSO implementation both within and outside the system.
- The social, political and cultural elements that shape the **larger discourse** of child rights in Kerala.

We have used an integral analytical framework¹ and an intersectional feminist lens to unpack the ways in which intersecting hierarchies of class, caste and gender impact vulnerability, safety and access to justice for children from marginalised and disadvantaged social groups.

1 Menon-Sen, Kalyani and Ray Gordezky. 2018. Organisational transformation for equality, justice and peace: A holistic approach. Gender At Work. <<https://genderatwork.org/portfolio-item/organisational-transformation-for-equality-justice-and-peace/>>

Methodology

The following activities were carried out as part of the study.

- **Analysis of judgements** for a representative sample of POCSO cases;
- Interviews with **key institutional actors** including police officers, members of Child Welfare Committees, lawyers, case workers, public prosecutors and families of both victims and accused persons.
- **Conversations with survivors** to hear their stories and understand their perspectives .

Apart from our use of feminist methodologies, we have tried to anchor this exercise in the following principles.

- **Respect for voice and agency of subjects.** We have foregrounded the voices and views of our informants using their exact words as far as possible given that all the interviews were conducted in Malayalam and have been translated by us. We have tried to present data and evidence as accurately as possible, without comment or judgement. Narratives of survivors are presented in the third person since they are compiled from their own accounts as well as from information provided by third parties including MS and Nirbhaya staff.
- **Respect for the privacy and security of our informants.** We have not disclosed the names and locations of any of our informants against the statements quoted in the text, except in the cases where the statements are part of publicly available documents such as statements made to the media or published writing. We have not used any information that was shared in confidence or inadvertently revealed in the course of our conversations. We have used our discretion to redact information that may endanger the professional standing or career of our informants. All names of survivors have been changed, except in the single instance where the survivor has chosen to use her own name.
- **Transparency on our own social/ideological locations.** The objectives and framework for this study were shared at the beginning of each interaction. Our own histories with Mahila Samakhya and our backgrounds as feminist activists and researchers were well-known to most of our informants. Almost all our interactions were open-ended conversations stretching to an hour or more, in the course of which our own views, politics and perspectives were explicitly shared or made known. Our voice, personal experiences and perspectives are presented in the final chapter of this report. We also acknowledge and accept that the research questions as well as the conceptual framework, structure and language of this report is shaped by our own understanding and feminist perspective.
- **Commitment to action for transformation.** We see this study not only as a piece of academic research but as a part of our personal commitment to deepening our feminist practice. and creating a world free of violence for everyone. The methodologies, data and findings of this study will continue to inform our future interactions with the POCSO system. We are committed to translating the highlights and findings of this study into Malayalam as well as into non-written materials that can be used by all those who are working to influence the system.

Limitations

This report does not claim to be comprehensive. We humbly acknowledge the following limitations.

- As we were writing this report, the Kerala government announced a comprehensive multisectoral plan for prevention of sexual violence against women and girls. The proposals include a redesign of the systems for child protection including restructuring of Nirbhaya Homes which will become shelter homes for women and children. We are in the process of collecting information on the specific proposals under this initiative and are yet to understand and analyse their implications for survivors. These will be included in the next iteration of this report.
- Our original intention was to analyse 80-100 POCSO judgements. However, we faced unexpected problems in accessing the full texts of a sufficient number and adequately diverse sample of judgements, as a result of which we have worked with a smaller sample of 46 judgements only. We are however continuing with the collection of judgements as we get access to them, and propose to update and expand this analysis.
- We started our field interviews in June 2019 and expected to complete them over several sessions spread over 10 months. However, the detection of Covid cases in Kerala in early January followed by the announcement of strict control measures upset our plans. Three field trips had to be postponed and several interviews (including our appointment with the Minister for Women and Children Ms Shylaja, who also holds the Health portfolio) could not be conducted. Our schedule of visits to families and group meetings with survivors also had to be curtailed. A proposed writing workshop with survivors to help them write their own stories could not be organised.
- The draft report and findings have not been shared and validated with our informants and relevant reference groups. We are hoping to organise online meetings as well as face-to-face interactions with survivors, families and communities after the lockdown is lifted.
- The report is in English and is therefore inaccessible to a large segment of our informants.

Our commitment

We see this study as an ongoing endeavour and this report as a first draft only. As soon as normalcy is restored and safe travel becomes possible, we plan to complete the above activities and organise meetings for a wider discussion on our findings, especially as they impinge on the proposal for restructuring of the child protection system.

Meanwhile, we propose to convene some webinars to share this report and significant findings with a wider audience. The feedback we receive will help us to strengthen the interviews that remain, and to produce a stronger and more detailed second iteration of this report, which we hope to produce in simultaneous Malayalam and English versions.

KALYANI and USHA

Protection of Children from Sexual Offences Act, 2019 (POCSO)

The Protection of Children from Sexual Offences (POCSO) Act came into force in 2012.

POCSO was introduced to address the legal lacunae and practical difficulties in using existing laws to address sexual abuse and sexual exploitation of children.

The Act provides less ambiguous and more stringent legal provisions to protect children from offences of sexual assault, sexual harassment and pornography and provides for the establishment of Special Courts for trial of such offences and related matters and incidents.

The Act was amended in 2019, to make provisions for enhanced punishments for various offences so as to deter perpetrators and better ensure safety, security and dignity for children.

Salient features of the amended Act

- *The Act is gender neutral and regards the best interests and welfare of the child as a matter of paramount importance at every stage so as to ensure the healthy physical, emotional, intellectual and social development of the child.*
- *The Act defines a child as any person below eighteen years of age.*
- *It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor.*
- *Trafficking of children for sexual purposes is also punishable under the provisions relating to abetment in the Act. The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.*
- *It defines "child pornography" as any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child;'*

Punishments for Offences covered in the Act

- *Penetrative Sexual Assault (Section 3) on a child - Not less than ten years which may extend to imprisonment for life, and fine (Section 4). Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine.*
- *Aggravated Penetrative Sexual Assault (Section 5) — Not less than twenty years which may extend to imprisonment for life, and fine (Section 6)*
- *Sexual Assault (Section 7) i.e. sexual contact without penetration — Not less than three years which may extend to five years, and fine (Section 8)*
- *Aggravated Sexual Assault (Section 9) by a person in authority — Not less than five years which may extend to seven years, and fine (Section 10)*
- *Sexual Harassment of the Child (Section 11) — Three years and fine (Section 12)*
- *Use of Child for Pornographic Purposes (Section 14) — Not less than Five years and fine and in the event of subsequent conviction, seven years and fine Section 14 (1)*
- *Use of child for pornographic purposes resulting in penetrative sexual assault : Not less than 10 years (in case of child below 16 years, not less than 20 years)*
- *Use of child for pornographic purposes resulting in aggravated penetrative sexual assault : Not less than 20 years and fine*
- *Use of child for pornographic purposes resulting in sexual assault : Not less than three years which may extend upto five years*
- *Use of child for pornographic purposes resulting in aggravated sexual assault : Not less than five years which may extend to seven years*
- *Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed*

with an intention to share or transmit child pornography - Fine of not less than Rs 5,000; in the event of second or subsequent offence, fine not less than Rs 10,000.

- Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description : Upto three years of imprisonment, or with fine, or both.*
- Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction : Not less than three years of imprisonment which may extend to five years; or with fine or with both. Second or subsequent conviction: not less than five years and upto seven years and also fine.*

Provisions related to conduct of trial of reported offences

- The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process.*
- The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences. These include:*
 - Recording the statement of the child at the residence of the child or at the place of her/his choice, preferably by a woman police officer not below the rank of sub-inspector.*
 - No child to be detained in the police station in the night for any reason.*
 - Police officer to not be in uniform while recording the statement of the child.*
 - The statement of the child to be recorded as spoken by the child.*
 - Assistance of an interpreter or translator or an expert as per the need of the child.*
 - Assistance of special educator or any person familiar with the manner of communication of the child in case child is disabled*

- *Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.*
 - *In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.*
 - *Frequent breaks for the child during trial. Child not to be called repeatedly to testify.*
 - *No aggressive questioning or character assassination of the child in-camera trial of cases.*
- *The Act recognizes that the Intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalized.*
 - *The attempt to commit an offence under the Act has been made liable for punishment for upto half the punishment prescribed for the commission of the offence.*
 - *The Act also provides for punishment for abetment of the offence, which is the same as for the commission of the offence.*
 - *The Act makes it mandatory to report commission of an offence and also the recording of complaint.*
 - *Failure to do so would make a person liable for punishment of imprisonment for six months or / and with fine. It is a punishable action if Police / Special Juvenile Police Unit fails to report a commission of the offence under this act [Section- 2141]*
 - *For the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault and Aggravated Sexual Assault, the burden of proof is shifted to the accused. This provision has been made keeping in view the greater vulnerability and innocence of children.*
 - *To prevent misuse of the law, punishment has been provided for making false complaint or proving false information with malicious intent. Such punishment has been kept relatively light (six months) to encourage reporting. If false complaint is made against a child, punishment is higher (one year) (Section 22).*

- *The media has been barred from disclosing the identity of the child without the permission of the Special Court. The punishment for breaching this provision by media may be from six months to one year (Section 23).*
- *For speedy trial, the Act provides for the evidence of the child to be recorded within a period of 30 days. Also, the Special Court is to complete the trial within a period of one year, as far as possible (Section 35).*
- *To provide for relief and rehabilitation of the child, as soon as the complaint is made to the Special Juvenile Police Unit (SJPU) or local police, these will make immediate arrangements to ensure the child's care and protection by admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report. The SJPU or the local police are also required to report the matter to the Child Welfare Committee within 24 hours of recording the complaint, for long term rehabilitation of the child.*
- *The Act casts a duty on the Central and State Governments to spread awareness 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.*
- *Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370,370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the Indian Penal Code (45 of 1860),then, notwithstanding anything contained in any law for the time being in force, 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."*
- *The Provisions of this Act is in addition to and not in derogation of any other provisions of any other Law. In case of any consistency the provisions of this act will have an overriding effect on any other provisions.*
- *The POCSO Act is only applicable to child survivors and adult offenders. In case two children have sexual relations with each other, or in case a child perpetrates a sexual offence on an adult, the Juvenile Justice (Care and Protection of Children) Act, 2000, will apply.*

2. State Institutions for Protection of Child Rights

Kerala State Commission for the Protection of Children's Rights

The Kerala State Commission for the Protection of Children's Rights (KeSCPCR or State Commission) is the designated body for oversight and monitoring of the status of child rights in Kerala.

Kerala State Commission for Protection of Child Rights

The Kerala State Commission for Protection of Child Rights came into existence on 3rd June 2013. Created under the provisions of the Commissions for Protection of Child Rights Act 2005, and the Kerala State Commission for Protection of Child Rights Rules 2012, with the objective of protecting the rights of children and promoting their best interests, the Commission seeks to ensure that all laws, policies and programmes in the State are in accordance with the Child Rights perspective enshrined in the Constitution of India and the UN Convention on the Rights of the Child (20th November 1989) to which India became a signatory in 1992. Children are individuals who fall between the ages 0 and 18. While the Commission gives equal importance to the rights of all children, it gives special attention to the issues of children who are from vulnerable communities.

To fulfil its mandate, the Commission seeks to work with Government, Police, Judiciary, Local Self Government Institutions, stakeholders in the voluntary sector, academic institutions, grass root organisations, the media and children. We strive to ensure that the rights based approach, reflected in programmes and projects, percolate down to every intended beneficiary. We focus on creating greater awareness about Child Rights in the State at all levels, and to reflect the voice of the children of Kerala in policies and programmes that affect their lives.

From the official website of the State Commission <<https://kescpcr.kerala.gov.in/about-kescpcr/>>

Apart from a Chairperson, the State Commission is constituted of six members. At the time of writing, only four members are in place. The newly-appointed Chairperson is the subject of a political controversy.²

2 Discussed in a later section of this report.

Mandate of the Commission

Under Section 44 of the Protection of Children from Sexual Offences (POCSO) Act and Rule 6 of POCSO Rules, 2012, the State Commission has several responsibilities in relation to POCSO implementation.

- *Monitor the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012;*
- *Monitor the designation of Special Courts by State Governments;*
- *Monitor the appointment of Public Prosecutors by State Governments*
- *Monitor the formulation of the guidelines described in section 39 of the Act by the State Government, for the 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, and to monitor the application of these guidelines;*
- *Monitor the designing and implementation of modules for training police personnel and other concerned persons, including officers of the Central and State Governments, for the effective discharge of their functions under the Act;*
- *Monitor and support the Central Government and State Government for the dissemination of information relating to the provisions of the Act through media including the television, radio and print media at regular intervals, so as to make the general public, children as well as their parents and guardians aware*
- *Call for a report on any specific case of child sexual abuse falling within the jurisdiction of a CWC;*
- *Collect information and data on its own or from the relevant agencies regarding reported cases of sexual abuse and their disposal under the processes established under the Act, including information on the following:- i. number and details of offences reported under the Act; ii. whether the procedures prescribed under the Act and rules were followed, including those regarding time-frames regarding assessment of the need for care and protection of a child by the concerned CWC in any specific case.*
- *Assess the implementation of the provisions of the Act and to include a report in a separate chapter in its Annual Report to the Assembly.*

From the website of the Commission <<https://kescpcr.kerala.gov.in/mandate-of-the-commission/>>

In order to fulfil these onerous responsibilities, the State Commission has set up a POCSO cell comprising of one Senior Technical Officer, two case workers and a data entry operator.

As of 30 June 2020, the website of the State Commission does not provide any substantive data either on POCSO cases or on the activities of the Commission. Links to datasets (POCSO cases 2014-15 and 2016-17) are provided, but they lead to blank pages. Links to annual reports, orders, action taken reports, reports of social audits and other documents also lead to blank pages. The website does not provide biodata or any other details about members.

Child Welfare Committees

The District Child Welfare Committees (CWCs) are the interface between the state system and the child in need of care and protection. CWCs are a statutory requirement under the Juvenile Justice Act, 2015 (amended from JJ Act 2000). Each district should have a CWC consisting of a Chairperson and four members, of whom at least one should be a woman and one a person with experience and expertise in child-related matters. The Chair and members are all expected to be people with an established track record in the field of child rights.

The CWC is expected to function as a Bench of Magistrates with the powers of a Metropolitan Magistrate. It is to be provided with an office and a small secretariat from the District Child Protection Officer's establishment.

The District Magistrate is charged with oversight of the functioning of the CWC and is also the grievance redressal authority for members of the public who are aggrieved by the decisions of the CWC.

Functions and responsibilities of CWCs

- (i) Taking cognizance of and receiving the children produced before it;*
- (ii) conducting inquiry on all issues relating to and affecting the safety and well-being of the children under this Act;*
- (iii) directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organisations to conduct social investigation and submit reports before the Committee;*
- (iv) conducting inquiry for declaring fit persons for care of children in need of care and protection;*
- (v) directing placement of a child in foster care; (vi) ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;*
- (vii) selecting registered institution for placement of each child requiring institutional support, based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution;*

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- (viii) conducting at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government;*
- (ix) certifying the execution of the surrender deed by the parents and ensuring that they are given time to reconsider their decision as well as making all efforts to keep the family together;*
- (x) ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process, as may be prescribed;*
- (xi) declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry;*
- (xii) taking suo motu cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;*
- (xiii) taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012;*
- (xiv) dealing with cases referred by the Board under sub-section (2) of section 17;*
- (xv) co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government;*
- (xvi) in case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the District Child Protection Unit or labour department or Childline services, as the case may be;*
- (xvii) accessing appropriate legal services for children;*
- (xviii) such other functions and responsibilities, as may be prescribed.*

In order to carry out this exhaustive list of functions, the CWC is expected to meet for 6-hour long sittings on at least 20 days in the month. The members are all individuals holding full-time jobs and are compensated with an honorarium for each sitting that they attend.

CWCs are supposed to function for a term of three years. The most recent reconstitution of CWCs in Kerala was notified in 2016 but was placed under a stay by the High Court and was finally carried out in March 2019, more than three years after it was due.

Nirbhaya Homes

Mandated under the Kerala government's Nirbhaya Policy for combating sexual violence, child sexual abuse and sex trafficking, Nirbhaya Homes are envisaged as protective shelters for child survivors of sexual abuse. Until recently, they were under the Nirbhaya Cell in the Department of Social Justice.

After the creation of the Department of Women and Child Development Department in 2017, the Nirbhaya Cell was shifted to DWCD.

The first Nirbhaya Home in Trivandrum was set up by Mahila Samakhya, which developed a set of minimum standards of care for its management. These standards were subsequently adopted as official minimum standards for all Care Homes.

Guiding principles for standards of care

- *All human rights of children to be respected and upheld, particularly
 - right to development
 - right to care safety and protection
 - right to dignity
 - right to not be re-traumatised or victimised
 - right to informed choices, privacy and confidentiality
 - right to participation and self-determination*
- *Individualised and comprehensive care to meet the varying needs of children of different ages.*
- *Equitable and participatory systems of management without any discrimination on grounds of caste, class, religion, background and abilities.*
- *Sensitive and responsive to gender-based vulnerabilities and risks, and focused on the physical and emotional health and holistic development of survivors.*
- *Accountable and open to public scrutiny through regular audits.*

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A detailed list of benchmarks and protocols based on the above principles was developed³ to guide the management of Nirbhaya Homes.

Since evaluation and audit reports for Nirbhaya Homes are not available in the public domain, there is no information on whether and how accountability to these principles and standards was ensured.

Coordination mechanism

Until recently, the Department of Social Justice was the nodal department for POCSO. In 2017, the responsibility for POCSO was transferred to the newly-constituted Department for Women and Children. The district-level implementation mechanism was also restructured to conform with the requirements of the Integrated Child Protection Scheme (ICPS), a centrally sponsored scheme aimed at building a protective environment for vulnerable children, through partnerships between government and civil society. ICPS is intended to bring together multiple existing child protection schemes under one comprehensive umbrella, and integrates additional interventions for protection and preventing harm.

The reorganisation has led to major changes in staffing. Project Officers of the erstwhile Integrated Child Development Scheme (ICDS) have replaced officers from the Social Justice Department as District Child Protection Officers (CDPOs).

The new appointees are from a child development background and do not have technical knowledge or experience of the JJ Act and POCSO which are the two major legal instruments for child protection. They are also handicapped by lack of clarity in defining their roles vis-a-vis the CWCs, leading to conflicts and contradictions in decision-making on individual cases.

As a result, established systems of coordination between agencies involved in child protection (DCPOs, CWCs, the police, shelter homes and other district-level agencies) have been disrupted.

The Government of Kerala has now announced a comprehensive restructuring of the care and protection component of the POCSO system. Since the term "Nirbhaya" is felt to be stigmatising because it is widely associated with child abuse, it is proposed to re-christen Nirbhaya Homes as Integrated Women and Children's Homes. These will be treated as entry-level short-stay homes where children will be assessed, segregated by age and transferred either to special schools or to vocational training centres.

³ See minimum Standards of Care document at <http://swd.kerala.gov.in/DOCUMENTS/Order_new/GOs/NIRBHAYA%20Policy-Minimum%20Standards%20of%20Care%20in%20Shelter%20Home%20for%20survival%20of%20sexual%20violence.pdf>

"Do you have to die to get justice....."

Hira is a young girl from a northern district of Kerala. When she was nine years old, her father left her mother, accusing her of an extra-marital relationship. Her mother moved in with this other man, taking Hira and her little brother (only four at the time) with her.

When Hira was 12, she was brutally raped by her stepfather when her mother was out. When she told her mother what had happened, she was told that she should not make a fuss because the whole family was now dependent on this man for survival. Her mother warned Hira that she should not be seen crying, but should go on as if nothing had happened. Hira says that was the point she decided that she would never trust anyone again.

Things soon got worse. Every few days the family used to go out in their car, on the pretext of going for a film or a meal at a restaurant. But Hira would be dropped off at a lodge or a stranger's house, where some men would be waiting to have sex with her. The family would come back after a while and pick her up as if nothing had happened. The men would pay her stepfather. This routine continued for several years. Hira was forced to drop out of school.

In the summer of 2008 when H was around 15, she managed to convince her mother to let her go and spend time with her father. She was seeing her father after years and was hesitant to speak to him but finally burst out and confided in her stepmother. This was a turning point in her life.

Hira's father and stepmother immediately took her to the MS district office, where the team helped in reporting the case to the police. After giving her statement and undergoing a medical exam, Hira was brought to Trivandrum and enrolled in the MS Mahila Shikshana Kendra, where she took up her studies again and completed her school-leaving exam. When the MS Nirbhaya centre opened in 2012, Hira was one of the first girls to move in.

Since Hira was being harassed by her family and some of the powerful people she had named as her abusers, it was not safe for her to join a regular college course. She shifted to Open School and started on a computer course.

At this time, Hira's biological father (who had probably been paid off by some of the accused) approached the High Court with a habeas corpus petition, claiming that she had been influenced and misled into naming some innocent people in her complaint. MS was asked to produce Hira before the judge. This was in the days before POCSO came into force, but the judge was a sensitive person and

spoke to her privately in his chamber. Hira reiterated the statement that she given to the police and the magistrate, and told the judge that she had spoken the truth. The judge issued an order debarring her family from visiting her and rule that she would remain in the care of MS till further orders.

Nearly ten years later, Hira is still in the care of MS.

Realising that it was not possible to frighten Hira into changing her statement or withdrawing the complaint, the accused persons changed their strategy. For the last few years, they have used every possible means to prolong the case. Several times over the years, the accused have approached the High Court with some trivial excuse for postponement of hearings, perhaps with the passive collusion of the prosecutors.

In 2016, MS approached the Home Secretary and petitioned him for a special prosecutor to be appointed for following up on Hira's case. But problems persisted even after this, as successive prosecutors dropped out of the case, possibly bought off by the accused. In 2017, MS approached the Law Secretary, who was moved by Hira's plight and took it up with the High Court, which gave an order for the speedy disposal of her case.

Meanwhile, Hira completed her Plus2 exam and applied for a job with MS. After working in MS for two years, she decided to continue her studies and graduated from a government college in 2018. Hira is now working with a disability rights organisation as a special educator. Although still under the care of MS, she has now got a loving local guardian with whom she has been living - her first taste of freedom after 8 years in the MS Nirbhaya home.

Hira's case is still in the court, and her family still tries to contact her and get her to compromise. Hira refuses to meet any of them.

When the Valayar case broke in the media, to outrage and shock from the public, Hira commented sadly "So you have to die for people to call for justice!"

3. Intersecting Hierarchies: Cultures of Collusion

Time and again during the process of this study, we were confronted with intricate alliances between patriarchy, caste, class, sexual orientation, and religious or political affiliation. The stories we heard laid bare the ways in which these intersecting hierarchies create the enabling circumstances for abuse, and shape the the social and systemic responses to the child's situation.

The family: an enduring citadel

The family is the site where these intersectional dynamics are most starkly visible. Many of our interlocutors were "POCSO veterans" who had handled hundreds of cases and were well aware of the statistics: that most cases of abuse were perpetrated by family members, that offences perpetrated by strangers in public spaces were often less vicious and less sustained than those that took place within the home. Yet, many still felt that the family was ultimately the safest place for the child.

The MS team described several cases where this uncritical and rosy view of the family influenced decisions taken by individuals and institutions tasked with POCSO implementation such as CWCs and courts, with long-term and severe harms for the concerned children.

From the Mahila Samakhya case files

Two sisters (aged 7 and 12) were systematically abused by "friends" of their parents over a period of time, allegedly with the knowledge and connivance of the parents. Both children were sent to the MS Nirbhaya home. The CWC allowed the mother to visit them in the home. The mother insisted on following the children to the counselling session and was present when the police recorded their statements. As a result, the children were unable to speak freely. The accused were let off by the police. The children are still at the home but their grandfather has gone to the High Court for their custody.

A 10-year-old girl was sent to the Nirbhaya home after being sexually abused by her sister's husband. Her mother, sisters and their husbands began visiting the home regularly to meet her and persuade her to withdraw the case and return to the family. The child was kidnapped from school and admitted to a mental hospital, with the family claiming

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that she was mentally ill and her statements were not reliable. She was released and sent back to the home after MS filed a complaint with the district police chief.

In a case where a minor girl had become pregnant after being raped by a relative, the mother and family members had tried their best to get her to withdraw the case. The CWC allowed the mother to take the child back home after the delivery, on the grounds that "It is customary and natural for a girl to be cared for by her mother after delivery."

In another well-known case, activists from Mahila Samakhya who responded to a desperate plea for help from a child and rescued her from an abusive family situation, were charged with kidnapping and subjected to an official enquiry by the KCPCR based on a complaint by the child's father.

A rescue morphs into a "kidnapping"

The father of a 17-year-old abuse survivor in the care of an MS Nirbhaya Home turned up one day demanding that she be allowed to go back home with him to attend the marriage of her elder sister.

The Nirbhaya staff refused to give him custody of the child, pointing out that she would be forced to meet her abuser (a rich planter with whom her mother had a relationship) and her mother (who was in fact the second accused in the case). The Home Manager even offered to escort the child to and from the ceremony, but the father insisted on taking the child away for a week. The child herself refused to go with her father, who was drunk at the time. When he was asked to leave, he created a scene, abusing and threatening the Nirbhaya staff.

A short while after the man left, the Nirbhaya Home Manager received phone calls from the CWC Chairman and a member of the KSCPCR, ordering her to release the child to her father's custody. Significantly, both calls were made from the father's mobile phone. Unable to refuse a direct order, the Home Manager released the unwilling child to go with her father.

A few days later, the girl called the MS Director late at night, saying that she had been raped again by the same person, and begging to be rescued. Two activists from MS immediately drove to her home district and managed to

rescue the child with the help of the District Collector and the police. A POCSO case was registered at the local police station based on the child's statement, and she was brought back to Nirbhaya in a physically and emotionally traumatised state.

Once again, the child's father complained to the State Commission which went on the warpath against MS. The MS team that had rushed to the child's rescue were accused of "humiliating the family" by bringing the police to their door during a family celebration, and of violating the JJ Act by invoking the powers of the District Collector under the POCSO Act. A police complaint was filed against one MS staff member, charging her with kidnapping and removing the child from the jurisdiction of the CWC in her home district.

The MS Director and her colleague were asked to appear before the State Commission and explain their actions. The process did not follow any norms or rules of procedure, It was a humiliating experience. The MS Director describes it as a no-holds-barred attack against MS, with members questioning her intentions, distorting her assertions and trying to shout her down. She says she was given space to speak only when she threatened to walk out. The enquiry committee threatened to "take action" against MS by closing down the MS Nirbhaya Home, but nothing more has been heard about this case.

The case was extensively covered in the media. The CWC Chairman defended his decision on the grounds that "An abused child too has a right to attend the marriage of her sister. I acted within the framework of law." When asked whether it was right to send an abused child back to the place where she had been abused, he responded that it was impossible to protect all vulnerable children by keeping them in a shelter home.⁴

Ironically, the MS Director had sent a query to the State Commission in 2016, asking for guidance on how to proceed if a decision taken by a particular CWC is in violation of POCSO as well as manifestly against the best interests of the child. Even more ironically, this query, which was never answered by the Commission, was also related to the same child and her father's repeated attempts to bring her back to the family.

The MS team feels that the girl's father is taking advantage of his religious identity to gain access to the CWC Chairman and certain KCPCR members to lobby against MS.

4 <<https://timesofindia.indiatimes.com/city/thiruvananthapuram/nirbhaya-inmate-alleges-sexual-assault-at-parental-home/articleshow/64688103.cms>>

Casteism: unspoken but ever-present

It is now well-accepted that, despite its much-publicised history of social reform, progressive political movements and impressive performance on development indicators, casteism is alive and well in Kerala. We were frequently brought face-to-face with the “patriarchy plus” character of POCSO institutions, where systemic misogyny is smoothly blended with caste and class biases.

“In these Dalit colonies, the parents are both contract workers in factories in Coimbatore – they go out early in the morning in the factory bus and come back at night. The children are left alone. Most of the abusers are old men who no longer work.”

CWC member

“Many of these mothers are greedy for money - they put their children at risk to earn some extra money. They don't care even if their daughter gets pregnant.....they use it to blackmail the man by threatening a POCSO case.”

Woman police officer

“Some mothers make their daughters complain of trivial things like someone pinching their cheek or taking a selfie with them. Sometimes a POCSO case gets registered just to harass the person concerned.”

Former CWC member

From Usha's MS diary

A young man accused of three cases of sexual abuse, and a known anti-social of the area, managed to evade arrest in a POCSO case for a considerable time.

This man entered the house of a Dalit girl when she was alone, raped her and left. When the girl's mother tried to register a case, the police refused to take action saying that the girl must have enticed him. The fact that her older sister had become sexually involved with someone at an early age was cited as proof that immorality ran in the family and this girl too must have been in a relationship with the accused.

Instead of recognising the vulnerability of these two sisters from an extremely poor Dalit family, left alone while the adults went out to work, the police chose to spin a story about the sexual immorality of "colony girls".

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The parents of the accused were from a forward caste and also has close links with the police. As a result, the police did not see any problem with the morals of a young man who was already named in two previous cases of sexual assault, being named in a third case.

It was only after a lot of pushing from Mahila Samakhya that the police finally registered a POCSO case. It took even more pushing to get them to add charges under the SC/ST Act.

Even after all this effort in filing the case, the accused was not arrested. We were told that he was absconding while others in the area said he had gone to Sabarimala on a pilgrimage.

One fine morning several months later, I got a call from the police asking how many cases had been filed by MS against this particular accused.

It turned out that the man had finally been arrested from another place, where he was in a sexual relationship with a minor and was living with her. He had been arrested based on a POCSO complaint filed by the people of that area, where his family influence did not work.

The unholy alliance between caste and patriarchy is even more obvious when it comes to Adivasis. MS staff and social activists working in tribal areas told us that the police and CWCs have made a practice of using POCSO to intimidate and criminalise tribal youth, thus reinforcing the mainstream narrative of Adivasis as "immoral".

"In Adivasi communities, there is a very high rate of pregnancy in the 13-15 age group. These girls don't want to go to school - they go to the forest and then they come back pregnant."

CWC member

"The police always behave very badly with Adivasis. If they get a chance to slap a POCSO case on an Adivasi boy, they make it an excuse to come to the settlement, harass the family, ask obscene questions and sometimes even molest the women and girls."

MS staff member

"As far as the police is concerned, all tribal boys are Maoists. The media also fuels this stereotype with concocted stories. Actually these Adivasi boys do not fit the macho masculine stereotype. They are cruelly mocked for their rapper-style haircuts, forced to shave their heads when they go to school."

MS staff member

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"I have been working as a healer and alternative medicine practitioner in Wayanad for several years now. When I started working here, I came to know that 20 or so Adivasi boys had been arrested and charged with child marriage two years ago and were in jail on remand ever since, with no one to speak for them. I went and met the boys in jail. When I heard their stories, I realised that they had merely followed their customary practice of adolescents living together as sexual partners. I mobilised human rights defenders, journalists, tribal activists - we formed an action committee to get the boys released. We convinced the Collector that, as the arbiter of Adivasi rights at the district level, he should recognise the injustice of applying POCSO in these cases, which should at best attract the provisions of the Child Marriage Act, which is less serious. We were able to use the Collector's order to get the boys released on bail. Some cases are closed, some are still dragging on. I have been attacked by the CWC and accused of being a Maoist sympathiser."

Dr Hari, tribal rights activist, Wayanad

"The prejudice against Adivasis and lack of awareness or respect for Adivasi customs is pervasive. One tribal couple went to meet the doctor for a routine pre-natal checkup. When she gave her age as 17, the doctor called the police. The boy was arrested and the girl was taken to the Nirbhaya home. Yes, the doctor was technically in the right, but I wonder if he would have done the same thing if the couple were Hindus from an affluent background."

MS staff member

"Yes, when I was posted in a tribal district, I have given convictions in POCSO cases of adolescent tribal boys and girls living together. It is true that this is a customary practice and these youngsters are adolescents, often on the borderline of adulthood. But as a judge I have to go by the law. I asked for a clarification from the High Court Committee and was told that, as a law that applies to everyone, POCSO overrides customary practice."

Former POCSO judge

"I have filed RTIs asking the police to give me the data on tribal boys in custody under POCSO - they have said the data is not available. I have seen the Childline records - they have a large number of such cases."

Adivasi rights activist, Wayanad

"The same police and CWC who tried their best to save a rapist like Robin Vadakkanchery will pursue these Adivasi boys as if they are big criminals. They need to get their priorities straight."

Former CWC member, Wayanad

Conversation with the MS team

POCSO and caste: the MS experience

The official data on sexual violence against women and children is not disaggregated by caste. Police also do not record caste in the FIR, even if the caste is known. As a result, the provisions of the SC/ST Atrocities Act are not applied even if they are called for.

However, records maintained by MS Nirbhaya homes show that the overwhelming majority of children in their care belong to the SC (28%), ST (18%) and OBC (43%) categories, indicating the increased vulnerability of Dalit and Adivasi children to sexual abuse. As a result of meticulous recording of caste data, MS has been able to get the police to include charges under the SC/ST Atrocities Act in addition to POCSO in the final charge-sheet.

The police make their caste biases clear at every stage in the process. As soon as we ask for the SC/ST Atrocities Act to be invoked in the case, they ask the child's family to produce a caste certificate. Once they know that the child is from a Dalit or Adivasi community they construct a story without any serious investigation, based on their assumptions about the low morals of those who live in "colonies". If the accused person is from a savarna caste, they try to save them from the Atrocities Act by not recording the caste of the child. They will try to establish a storyline of "an innocent boy led astray by an immoral girl".

One positive consequence of getting the police to record the caste status of the victim is that the child gets some money as immediate relief from the government. The money is credited to the child's account without much delay and without the child having to present herself at the office.

The caste bias of the police creates hurdles to the process of getting compensation. Sometimes they do not inform the concerned department that the POCSO case has also been registered under the SC/ST Atrocities Act. we have to follow up and push them to ensure that the information is conveyed. In some cases, the police have even tried to convince us that since POCSO attracts more stringent penalties than the Atrocities Act, there is no need to invoke any other Act in POCSO cases.

The power of organised religion

The Robin Vadakkanchery case⁵ was cited by several people to illustrate the ways in which individuals come together to preserve the image of religious institutions even if this means putting their own credibility at risk.

Robin Vadakancherry case

In February 2019, a Special POCSO Court in Kannur sentenced Mathew Vadakancherry (formerly Fr Robin Vadakancherry, a parish priest) to 20 years in prison for the rape of a 16-year old schoolgirl.

Vadakkanchery's colleagues went to extraordinary lengths to "manage" the situation and avoid a scandal. The girl's parents were persuaded to keep her pregnancy secret until the baby was born. The delivery was carried out in a private hospital, with Vadakkanchery making a large donation to cover the costs. Immediately after the birth, a group of nuns, claiming to have permission from the CWC Chairman, took away the newborn to an orphanage in Trichur. The girl was discharged and returned home with her parents.

When Childline (acting on information from the hospital) contacted the girl, she initially accused her father of raping her. It was only when he was arrested and interrogated that the father finally named Vadakkanchery as the abuser. Vadakkanchery was arrested as he was about to board a flight to Canada.

The case went through several ups and downs, with the victim and her parents turning hostile in court, claiming that the relationship was consensual. Conviction was obtained on the basis of evidence given by the hospital staff and a DNA test that confirmed paternity.

Both the Bishop and the Chairman of the Wayanad CWC (also a priest) were informed of the case by Childline at the same time as the police complaint was filed. However, no action was taken until Vadakkanchery was arrested, at which point a formal statement suspending him from the priesthood was issued by the church authorities. After his conviction, Vadakkanchery was formally defrocked by the Pope on the recommendation of the concerned church authorities in Kerala.

⁵ <https://indianexpress.com/article/explained/recalled-the-story-of-a-childs-rape-and-a-kerala-priests-defrocking-6296159/>

Vadakkanchery is now serving his prison sentence. The six other accused in the case – the CWC Chairman who did not act even when informed about the complaint, the nuns who removed the baby from the hospital and the nuns who ran the orphanage – were acquitted of charges of conspiracy and forgery of documents. Despite statements from the police that the acquittal would be challenged, no appeal has been filed by the state. No action has been taken to review irregularities in the functioning of the orphanage or the CWC.

The Vadakkanchery case created a public furore, coming as it did on the heels of allegations of rape and systematic sexual abuse of nuns by a senior Bishop. Perhaps for the first time, women and men from within the system spoke out on these issues. The resulting conversations spanned a range of political and social spaces and have shifted the focus from individual cases to the underlying systemic issues.

“The incidents which happened in the Church recently are of serious nature and include rape, murder, attempt to destroy evidence and threatening victims to not to report the offences to others.....Popular analyses of this crisis conclude that these offences are isolated and are committed by few frustrated and sexually deprived priests, as these priests are forced to follow celibacy against their will and interest. To them, a long- term solution to this crisis could be letting the Catholic priests to get married.....This popular analysis of the crisis is baseless primarily because sexual offences are only part of the symptoms of a grave and entrenched problem in the community.....It needs radical changes in terms of democratising church institutions and encouraging priests to un-learn their patriarchal catechisms and reform their feudal mindsets.”

Sebastian Kandathil, development professional⁶

“The Indian Christian Women’s Movement expresses its anger, pain and shame at the silence of the Catholic hierarchy and their refusal to make the accused step down from office while the police investigation is ongoing. ICWM questions the credibility of the hierarchy in promoting a policy to address sexual harassment in the Church when it has failed to institute an ecclesiastical enquiry against an accused bishop The ICWM is outraged at the religio-political nexus in Kerala which is serving to safeguard the criminal, and the way the resources of the Church are being used to protect the accused and divert the course of the police investigation.”

ICWM press statement, 11 September 2018⁷

Although the Mulakkal case is not a POCSO case, we are citing it here because it exposed the power of the “religio-political nexus” referred to in the above statement, highlighting the lengths to which individuals in positions of power can go to discredit complainants and protect offenders.

⁶ <https://countercurrents.org/2017/03/resolving-the-crisis-in-the-catholic-church-in-indias-gods-own-country/>

⁷ <https://www.icwmindia.org/press-release-kerala-rape-case>

Franco Mulakkal case

Independent MLA PC George held a press conference to claim that Bishop Franco was being framed by the complainant whom he characterised as “a prostitute” and “not a real nun”.⁸

CPI(M) State Secretary Kodyeri Balakrishnan attacked the nuns who sat on dharna to demand that the arrest of the Bishop. “There’s an ulterior motive behind the agitation,” Kodyeri said, adding, “It was part of a political campaign against the government.”⁹

“The Kerala Police arrested Bishop Franco Mulakkal almost three months after an FIR was registered.... It seemed the cops were under pressure from their political “masters” to adopt an easy-going and cautious approach, lest they somehow offend the powerful Christian vote bank in the state. While the Communists have had a history of run-ins with the Catholic Church in times gone by, things stand completely different today. With the emergence of the BJP as a third pole, the Marxists are now engaged in the active pursuit of the Syrian-Christian vote to make up for their shifting vote banks.....The policy of appeasement and vote-bank politics applies equally to all political parties. It has to be noted here that neither the Congress-led United Democratic Front (UDF), nor the BJP expressed solidarity with the nuns. Some leaders did turn up at the protest site in their individual capacities, but prominent leaders kept away and even refused to comment on the issue.”¹⁰

“Marching orders issued to Vaikom DySP K Subhash and Kottayam district police chief (DPC) Hari Sankar, the investigating officer and the monitoring authority respectively in the investigation into the rape case against Bishop Franco Mulakkal, have kicked up a controversy with the victim and the prime witnesses coming out against the decision.....Hari Sankar and Subhash, who investigated the nun’s rape complaint against the bishop, had ensured a foolproof inquiry, leading to the arrest of the accused. It is the first case in the state in which the Witness Protection Scheme (WPS), laid down by the Supreme Court in December 2018, was implemented to ensure security of prime witnesses.....“There is no doubt the DPC and the investigating officer took a lot of effort to bring the accused before the law. Transferring both the officers will definitely affect the trial. There are 90 witnesses and they should be

8 <https://www.dnaindia.com/india/report-no-doubt-nun-is-a-prostitute-kerala-mla-pc-george-hits-new-levels-of-misogyny-by-victim-shaming-rape-survivor-2661069>

9 <https://www.firstpost.com/india/kerala-nun-rape-case-cpm-fears-support-for-protest-seeking-arrest-of-bishop-franco-politically-motivated-to-tarnish-left-govt-5233051.html>

10 <https://www.dailyo.in/politics/bishop-franco-mulakkal-rape-case-kerala-police-cpim-vote-bank-politics-the-church/story/1/26857.html>

presented before the court whenever the prosecution demands. This process will be affected when the new officers, unaware of the developments in the case, take charge,” said a lawyer on condition of anonymity.”¹¹

Press report, 13 June 2019¹²

The increasingly vociferous presence of Hindu right-wing groups in public and social media spaces has led to shifts in the power dynamics at the intersection of gender, politics and religion. Despite an insignificant presence in elected bodies, these groups have on several occasions tapped into the casteist and communal biases of upper-caste Hindus to fuel Islamophobia and demonisation of Muslims.

Yateemkhana case

In May 2014, the police intercepted a group of 500 children at Palakkad railway station. The children were found to be from various parts of North India and were headed to a Muslim orphanage. A case of child smuggling was registered against the concerned orphanage and the children were sent back to their states of origin.

The case was widely reported in the media as proof of the existence of a large-scale child smuggling operation that had been going on for a long time. A concerted social media campaign by the Hindu right whipped up public anger against Muslim orphanages with accusations that children were being radicalised and sent to terrorist camps. The narrative of an international conspiracy gained traction and was supported by some civil society organisations.

The Ministry for Women and Child Development took cognisance of the case and demanded a CBI enquiry on the basis of a case registered in Jharkhand. The State Human Rights Commission and the Juvenile Justice Board also demanded a probe by central agencies. In July 2015, a division bench of Kerala High Court ordered a CBI enquiry into the matter to determine the facts of the case. The Court expressed concern that minor children, most of them girls, had been separated from their parents and brought to Kerala.

In February 2018, the Supreme Court, acting suo motu on complaints of mistreatment and sexual abuse of children in care homes, ordered that all such facilities should be registered under the JJ Act. In response, yateemkhanas in

11 <https://www.dailyo.in/politics/bishop-franco-mulakkal-rape-case-kerala-police-cpim-vote-bank-politics-the-church/story/1/26857.html>

12 <https://www.newindianexpress.com/states/kerala/2019/jun/13/transfer-of-top-cops-may-affect-bishop-franco-case-1989485.html>

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Kerala pleaded that this would be contrary to their aims and purpose of providing religious education to Muslim children who were orphaned or whose families were too poor to care for them.

In September 2019, the Bihar government filed an affidavit in the Supreme Court stating that the children were taken to Kerala for education. The case registered in Jharkhand against the orphanage in Mukkam had already been cancelled by the Jharkhand HC.

The CBI finally submitted its report in October 2019. The CBI found that the cases were registered on the basis of false allegations. The children, all of them from poor Muslim families, had been brought to Kerala for education. There is no legal bar on admitting children from other states to orphanages, and that cannot be deemed as child trafficking. The report recommended withdrawal of the cases since the children and parents were satisfied with the standard of education and care provided.

<https://english.madhyamam.com/en/editorial/2019/oct/18/orphanage-case-keralas-post-truth-lesson>

Although there have been several instances of POCSO cases against Hindu priests, these have not been treated as anything other than crimes of individuals. Media reporting has generally been restrained and fact-based.¹³

“It is not that we are against POCSO. But all of us should not be judged by the actions of a few. we are apprehensive that right-wing groups will use it to file false cases against us and make it a stick to attack the religion itself. We run a number of schools and come into daily contact with children, so we really need to understand the law, set very strict norms for ourselves like never being alone with a child. These things are difficult in practice.”

Christian priest, speaking at a training programme on POCSO

The "political factor"

Kerala is well-known to be a highly politicised state, with intense party loyalties and sharply polarised public opinions on many issues. It is no surprise that the issue of political power and the “takeover” of POCSO institutions by the ruling Left Front came up in almost all of our conversations. Appointments to the State

¹³ See for instance

<https://www.deccanchronicle.com/nation/crime/040417/kerala-temple-priest-held-for-rape-of-girl-suicide.html>

<https://keralakaumudi.com/en/news/news.php?id=245657&u=priest-arrested-for-sexually-abusing-minor-girl>

<https://www.timesnownews.com/mirror-now/crime/article/befriend-facebook-kerala-priest-dhanawanthari-temple-vaikkom-arrest-rape-15-year-old-class-10-student/267323>

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Commission and CWCs have always been “political” in the sense that they are made by the government of the day. The disquiet is because individuals who are closely affiliated to the ruling party now dominate all these bodies.

“The POCSO mechanisms were set up when the UDF was in power. The first round of State Commission members were all people with a professional background of working with children, if not always from a rights perspective. It is true that there were a lot of Christian priests and nuns in the Commission and in CWCs, but they were also people with experience in running schools and orphanages, or working as teachers and counsellors.”

Former Chair, KCPCR

“Most of the CWC Chairs are lawyers, many members are party organisers with no experience of working with children and no orientation to child rights or POCSO. The last Chair of the Child Rights Commission has himself been investigated for his action in the Kottiyoor rape case, and has embarrassed the government by making public statements that reveal his ignorance of child rights.”

Journalist and child rights activist

“The previous government had put a lot of religious people into CWCs. The present government has replaced them with party members. The common feature of the religious appointees and the political appointees is their insensitive approach to child rights and gender issues. The difference is that the religious people still command some respect in the community, while political people are seen as biased.”

Child rights activist

“When POCSO first came, no one had any idea what a powerful law it was. Now everyone in Kerala knows that being accused in a POCSO case can destroy your life. Membership of the CWCs is important because POCSO has become a political weapon that can be used to smear political opponents while protecting people from one's own fraternity.”

Former CWC member

The Chairperson of the State Women's Commission is quoted as saying “I may be the Chairperson of the State Women's Commission, but I am from the communist party. No other party, other than mine, will take stern action in cases against women....Our party is court and a police station.”¹⁴

“In one case, a CDPO was being harassed and took her complaint to the local committee of her party instead of the official mechanism. They intervened and justified it by saying that it was a grievance brought by one comrade against another.”

Former CWC Chair

The recent controversy around the actions of the Palakkad CWC Chairman, a lawyer who appeared for the accused in a POCSO case, was cited as an example of how political appointees are undermining the credibility of CWCs.

¹⁴ https://www.huffingtonpost.in/entry/kerala-gang-rape-case-womens-panel-cpim_in_5eddd316c5b6bd197e14835e?utm_hp_ref=in-homepage

In the Best Interests of the Child?

A high-level government inquiry into the Child Welfare Committee chairman appearing in the court for the accused in rape and death of two girl children in Walayar has recommended framing of a law that will permanently ban all such persons who have acted in favour of the accused in any manner, including appearing for the accused in the court, from holding child welfare related posts.

The probe jointly conducted by Director (Social Justice) Sheeba George and Jt Secretary (Social Justice) Bindu KK (the report of which has been accessed by TOI), has confirmed that the allegations against former child welfare committee chairman of Palakkad N Rajesh, that he had been regularly appearing as the lawyer for accused in POCSO cases, including for the accused in Walayar case, are true. "After he applied for the post of CWC chairman and till he took over on March 8, 2019, he appeared for the accused in 14 POCSO cases," the report said.

Five days after taking charge as the CWC chairman, he participated in the management committee meeting of women and children's home, Palakkad, during which he suggested sending a POCSO survivor back to the custody of her mother and grandmother, who are the accused in the case. In that case too, Rajesh was the advocate for the accused persons, the report found.

Of the six cases that were registered in the court in connection with the Walayar case, N Rajesh was the counsel for Pradeep Kumar, one of the accused, in two of the cases. Rajesh had claimed that by the time he appeared for the accused, the probe was completed in the case and chargesheet was filed. Even though his junior appeared for the accused when the case was taken up for hearing, the court document says that counsel for the accused was not present, citing that he is the chairman of the child welfare committee and since there was sitting of the committee, he was engaged there.

"It is a serious matter that a person who is holding a responsible post like CWC chairman for upholding the rights of children himself is appearing for accused in POCSO cases. It is against the very essence of the Juvenile Justice Act and the best interests of children. Not only he should be removed from the post, but he should be permanently banned from being considered for any such post that are meant for the protecting the interests of children," the report said. The report also recommended that an act also should be framed that will permanently ban such people from becoming members of bodies like child welfare committees and juvenile justice boards.

After allegations about Rajesh surfaced that he was the counsel for the accused in the Walayar case, he was asked by the government to step aside from the post of CWC chairman, and the government had asked the director of social justice department to undertake a detailed probe.

*From a report in the Times Of India, 24 January 2020*¹⁵

“Initially, when Rajesh was confronted with this charge by women activists and the media, he denied that there was any conflict of interest. He also got support from the Bar Association. It took a media campaign, a formal complaint to the KCPRC and an Opposition walk-out in the Assembly for the government to remove Rajesh from his post and initiate a probe.”

Former Public Prosecutor

“I was pressurised by the Bar Council to give a press statement in favour of Adv Rajesh. I refused”

Member CWC

The Kerala High Court on Monday ordered the arrest of four men whose acquittal last year by a POCSO court in the case of the death of two minor siblings in Walayar triggered outrage in the state. The HC order came after a hearing of a petition of the state government and mother of the victims questioning the acquittal.....The government in its appeal said the lower court’s verdict was “unsustainable and uncalled for.” The government conceded that the police failed to conduct a foolproof investigation and there were many lapses on their part. The government had earlier sacked the public prosecutor who handled the case.

*from a report in The Hindustan Times, 16 March 2020*¹⁶

As we were finalising the report, the government has just fuelled a fresh controversy with their announcement of a new Chair for the Child Rights Commission.

The State government has appointed CPI (M) nominee K V Manoj Kumar as chairman of the Kerala State Commission for Protection of Child Rights,... Manoj Kumar was appointed discarding the applications of more than half a dozen well-qualified candidates with outstanding credentials including two district judges who have made significant contributions to POCSO jurisprudence.

¹⁵ <https://timesofindia.indiatimes.com/city/thiruvananthapuram/keep-those-aiding-accused-out-of-posts/articleshowprint/73582656.cms>

¹⁶ <https://www.hindustantimes.com/india-news/kerala-hc-orders-arrest-of-4-accused-acquitted-by-pocso-court-in-minor-siblings-death/story-QaFaEWTQayhrPbW4lgXJeO.html>

In the Best Interests of the Child?

A panel headed by Health minister K K Shailaja replaced the Kerala State Commission for Protection of Child Rules 2012 with the Commission for the Protection of Child Rights Act 2005, to appoint Manoj Kumar, who is the son of a CPI (M) leader in Kannur. Manoj Kumar is the President of the Parent-Teacher Association of Brennen HSS Thalassery School and has made no remarkable contribution to children's welfare.

Speaking to media persons, Leader of Opposition Ramesh Chennithala said that the appointment of an unqualified person as the chairperson of the Kerala State Child Rights Protection Commission is a sign of arrogance and anarchy.

From news reports¹⁷

Most if not all of the controversies around political interference in POCSO implementation involve the police in some way or other. The police are a vital element in the POCSO system, and are envisaged as a bridge between the child in the community and the larger institutional framework for child protection. Most of our interlocutors were cynical about the idea.

While acknowledging the exemplary work of some senior officers, the stories we heard from our interlocutors were very much in line with the usual portrayal of policemen in Malayalam films - misogynistic, violent, corrupt and controlled by politicians and mafia.

“Politicisation of the police force in Kerala is not a recent phenomenon. The leaders of the police association that belongs to the ruling party decide everything..... Nothing other than what has been pronounced by the association will be implemented locally. Both the top police leadership and the associations have destroyed independent and judicious functioning of the state's police force. The leaders of such associations are leaders of the ruling party in uniform.....Almost half of the Kerala police, directly or indirectly, support the views of the RSS and the Sangh Parivar, from bottom to the top. (The first-of-its-kind arrest of former DGP T.P. Senkumar for hate speech against Muslims in 2017 and his subsequent veer towards the BJP is telling.) The rest of them are either in CPI(M) or with the Congress. If magisterial powers are conferred to this force, imagine the consequences.”

George Pulikuthiyil, Jananeethi¹⁸

“Why are officers not registering FIR after cognizable offences are reported? Officers are awaiting approval from the local party secretary before booking an influential accused. Some officer from the association is ruling the station,”

Retired police officer George Joseph quoted in a newspaper report¹⁹

We also interviewed the team at the special child-friendly police station in Trivandrum, who gave us their side of the story.

¹⁷ <https://tv.mathrubhumi.com/en/news/kerala/kvm-1.52043> and <https://www.youtube.com/watch?v=AyCVkZn6vE>

¹⁸ Politicisation tarnishes image of Kerala Police <<https://www.outlookindia.com/magazine/story/india-news-politicisation-tarnishes-efficient-image-of-kerala-police-how-absurd-can-it-get/302643>>

¹⁹ Tol report

POCSO and the police: a view from the inside

The POCSO team meets us in their office, annexed to the Fort PS in Trivandrum. The annexe is a bright and friendly-looking space, walls decorated with children's paintings. The eight-member team, three of whom are women, is headed by an SSI and has five SIs (three of them women) and two SPCs.

Chatting with us over tea and vadas, the team was warm, welcoming, open and honest about the challenges they face.

About their mission

"This police station is not meant only to handle POCSO cases - the idea is to bring the police closer to the community and convey to children that they don't have to fear the police, who are there to help."

"We now have children reaching out to us for help in cases of domestic violence, or alerting us to drug peddling and petty crime in their areas. We respond immediately, go with the child and sort out whatever is happening."

"We have a school-based programme to orient senior classes to community policing issues. Being part of these Student Police squads is very motivating for kids - this is the age at which they can easily turn to drugs or crime."

On POCSO cases

"They say Kerala has a greater incidence of child abuse but I think this is probably because more cases are reported and recorded. We get only six or seven POCSO cases in the year in this station, but in general, more cases are recorded in child-friendly and women-friendly police stations."

"If you look at the state-wide data, it seems that there are more cases from North Kerala. This may be because relationships between adolescents in tribal areas are recorded as POCSO cases."

"We don't see many POCSO cases registered for boys, but we know very well that there are cases of boys being abused in religious schools in some areas....."

"In some instances, the cases are filed directly by Childline without the knowledge or consent of the child or the family."

"We do see instances of false cases, probably about 10% of cases where there are property issues or marital disputes. Most of the POCSO complaints are true. It costs a lot for the girl to speak up, they don't do it lightly."

"A good number of cases are basically consensual relationships between adolescents. But if the parents find out they make it a POCSO case. Sometimes if the girl gets pregnant then it gets reported as rape."

On protocols

"POCSO victims are usually not brought to the station but they may have to come at some point - if so, we ensure privacy, safety and protection."

"Statements are taken by women SIs in plain clothes, at the child's place - our women SIs have been trained in how to speak to children."

"In all cases, not only if we suspect that it is a false case, we make arrests only after recording the statement, doing the preliminary investigation, getting the medical done...."

On prosecutions and convictions

"Many of the failed prosecutions are because of victims turning hostile. Sometimes it is because of money or threat to the girl or the family."

"Some cases come to trial long after the abuse so the girl herself feels it is better to close the issue, forget the history and go on with her life. Mothers also feel like this, they want to close the chapter and see their daughters married."

"Medical evidence is also not clinching - the doctor only says it may be rape, never with certainty."

"DNA evidence is hard to get because the complaint is made long after the incident."

"If cases were tried speedily, we would get more convictions - the delay always helps the offender."

"it is because of these long delays and the additional trauma for the girl and the family that people sometimes don't even bother to file a case. They mete out their own rough justice, beat up the accused on the spot."

On what needs to change

"We definitely need sex education in schools. Religious groups are opposing this proposal but they should be over-ruled. Children get half-baked ideas about sex from all kinds of sources - friends, porn videos - and then they get into all kinds of trouble. Some religious schools give pre-marriage counselling but that is more about family values, it is not enough."

"What is the point talking about privacy and dignity in sexual relationships when people have to live in a house of 300 square feet? The parents encourage the children to spend time outside on the streets, because that is the only way they can get some privacy for themselves. How can we blame these boys if they turn to violence?"

"Children are much more aware of their rights now. Sometimes girls come and complain that parents are restricting their movement, controlling their friendships....I tell them that until they are 18, parents have to look after them and when the parents are over 60, they have to look after the parents. In the years between, girls can live as they want, like a free bird- this should be a part of education."

"Parents should be trained to be alert - if they are careless the child will get abused. We find that girls who live alone and away from home are more alert and careful than girls who live at home."

"Police are over-worked - people expect us to do everything from clearing drains to removing fallen trees. If the municipality would do its job, we could concentrate on policing."

"Every police station should have a two-person unit to deal with POCSO cases."

"We could also mobilise and train our student police volunteers to give awareness to their peers on POCSO."

"Case filing has a deterrent effect but prevention needs awareness and information."

On accusations that police are violent and misuse their powers

"These stereotypes are created by Malayalam movies. Cops may have been like that in the past but now everyone has a cellphone and we are constantly under scrutiny."

"Kerala is the only state where height and weight are not the primary criteria for recruitment. Our recruitment is through the PSC and education is the priority criterion. All the SIs in this team are post graduates, many have been part of social movements in their college days."

"Our training is also different. They literally drum it into our heads that the police do not have a role in punishment - that is only for the courts."

"We understand and respect human rights but sometimes it is hard to deal with situations on the ground. Sometimes we have to arrest violent drunks who attack us and force us to throw a punch or two in self-defence. Custodial torture and third-degree during interrogations is rare now, although this used to be a common thing in the past."

"Sometimes this non-violent approach rebounds. For instance, in a recent case, we nabbed a man who had stolen some anklets from a child. By the time we caught him, he had sold off the anklets. The Child Rights Commission criticised us for not recovering the anklets. We knew that if we had given him a couple of slaps he would have told us the name of the person to whom he had sold the anklets. But if we had done that, he would have run to the Human Rights Commission and accused us of custodial violence."

Patriarchal solidarity

A common theme surfacing across almost all our conversations was the tendency of people to rationalise, trivialise and undermine complaints and complainants. We heard innumerable stories of this instinctive "patriarchal solidarity" from both men and women. Blaming the mother and blaming the victim are frequent tropes.

Ironically, while the mother is seen as the "natural custodian" of the child, she is also reviled as the one at fault for "allowing the child to be abused". Many feel that working mothers (which is almost all women from working-class backgrounds) are not able to keep watch over their children and transmit the right moral lessons (*samskaram*). Similarly, in cases where the child has been abused by the mother's lover or second husband, the mother's immorality is considered as the root cause of the abuse.

In the Best Interests of the Child?

There is public support for the theory that a majority of POCSO cases are brought by women seeking to target particular men.

"In a TV debate on POCSO, a retired police officer claimed that POCSO was a dangerous and useless Act. He said that such things have always happened and no-one made such a fuss about them."

Former Chairperson, KCPCR

"A majority of cases involve children from broken homes; they are more vulnerable because the mother can't guide and protect them adequately."

CWC member

"Offenders are mostly single men or men with marital problems - probably because they are not getting sexual satisfaction at home."

Police officer

"These are all concocted allegations - it is biologically not possible for a father to rape his own daughter."

POCSO judge

"These girls are very bold, they watch all kinds of porn and they are the ones who spoil innocent boys."

Mother of accused

"So many cases that I took up during my time in the CWC fell apart at the end because the whole system stands behind the abuser."

Former Chair, CWC

"I think that these girls are making up these stories to get attention, or their mothers are tutoring them to target people."

Woman lawyer

"Some school counsellors keep poking the children - Does your grandfather kiss you? Does your father give you a bath? The child gets confused and sometimes just answers at random, and then gets tagged as an abused child."

Police officer

"We know so many cases where the mother knew that her lover was abusing the daughter, but kept silent because she did not want to lose the relationship."

Childline member

"The Child Rights Commission were silent on the Walayar case but took suo motu notice when a child died of snakebite in Wayanad. The Chairperson even told the press that it was a POCSO case. They have no concern for children's rights - they give more priority to protecting the rights of the accused."

Former CWC member

The "false cases" theory has recently received support from the High Court, which has ruled that Family Courts adjudicating custody cases where POCSO has been invoked should not make mere filing of the case a ground for rejecting the father's custody plea. While such a caution is perhaps warranted, the statement that filing of false cases is a "growing tendency" is not supported by the data.

“False Case”: the HC's view

“There is a growing tendency to misuse the provisions of the POCSO Act to foist false cases of sexual abuse against biological fathers when custody battles come before Family Courts, observed the High Court.

Dismissing an appeal filed by the grandparents of a five-year-old girl who sought permanent custody of the child, HC observed that Family Courts should act cautiously while initiating proceedings under the POCSO Act. While the father claimed he had been taking care of the child since the death of his wife, the grandparents alleged the father was abusing the girl.

A Division Bench comprising Justice K Harilal and T V Anilkumar observed that allegations levelled against the biological father can be true in rare cases and can be wholly false too.

The Family Court must apply its mind and endeavour to find out the true circumstances behind the registration of the crime. “Unless a very cautious approach is adopted by the Family Court to ensure that information on which the crime was registered was not frivolous and vexatious, many an innocent father fighting for the custody of his ward will become a victim of false implication of crimes under the POCSO Act,” the Bench held.

The Bench made it clear that unless there are reliable materials to convince the allegation of sexual abuse, mere registration of the case shall not be reckoned as a ground for rejecting the father’s claim for custody.

The Indian Express, 19 May 2019²⁰

20 <https://www.newindianexpress.com/states/kerala/2019/may/16/kerala-hc-decries-tendency-to-misuse-pocso-act-1977400.html>

No place in the system for those who don't fit

Kamala is from a tribal community. Although very bright, she dropped out of school at the age of nine and started working, doing occasional odd jobs for some of the local landowners.

Kamala's settlement is very close to the main road and therefore easily accessible to groups of loitering young men. Kamala made many friends among them, joining in drinking sessions and even going on long trips with groups of men.

Kamala's parents saw no danger in these friendships. What they did not realise was that Kamala was becoming addicted to alcohol and was also being sexually exploited by several of the men. Others in the settlement were disturbed to see Kamala standing in the queue outside the liquor shop, buying liquor for the group. They were also aware that she was being sexually used by at least one man.

The elders of the tribe warned the parents about what was happening and spoke to Kamala, who refused to listen to their words. Her dependence on alcohol kept her tied to her friends, putting up with the abuse in return for drinks. She was punished by being ostracised by the tribe.

For some time, this 12 year old child lived alone outdoors, eating and sleeping in the open. Soon enough, she was picked up by a non-tribal man who took her to the house of a woman, also an Adivasi, with whom he had a relationship. Here, the girl was tied hand and foot, restrained with a heavy log of wood, force-fed with liquor and brutally raped by the man.

Some tribal youth informed the media of the incident, which became sensational news. The case became an exemplar for the systematic exploitation of tribal girls by outsiders, and was given wide coverage.

The POCSO system woke up after the media reported the case. The police filed an FIR, Kamala was produced before the CWC and sent to the MS Nirbhaya Home. Very soon, she was back before the CWC. The Nirbhaya team explained that they were not able to cope with Kamala's withdrawal symptoms and her violent attempts at self-harm. As a child who had been drinking since the age of nine, she needed to be admitted to a de-addiction centre and also needed psychiatric intervention for her mental health issues such as self-harming and explosions of violence.

The CWC ignored the Nirbhaya team's recommendation and opined that drinking was not an issue since it was "a normal part of tribal culture". Kamala was entrusted back to the care of her mother against a bond of Rs 25000/.

Kamala's mother, illiterate, herself an alcoholic and chronically ill, put her thumb impression on the bond document without any idea of what it implied. She took Kamala back to her village. Again, it was others in the tribe who intervened, shocked that the child had been brought back to the site of her violation. Kamala's mother finally took her away to her grandmother's place in another settlement.

Meanwhile, the visibility of Kamala's case in the media had a big impact. The settlement became the focus of attention for various human rights institutions, activists and researchers who saw the whole community as "victims". The settlement was flooded with visitors who barged into people's houses and snooped on their lives with little concern for their privacy or consent.

Apart from the disruption of their daily lives, the community was worried about a possible backlash against the settlement and a counter-attack from the non-tribal community who were now being stigmatised as abusers and exploiters. They took a collective decision to send away all the young girls for their safety. Inevitably, these girls ended up as domestic workers in urban households. Their education was disrupted and their chances of making a life for themselves was destroyed.

The Mahila Samakhya was able to intervene and bring back some of these girls and enrol them in the Mahila Shikshana Kendra. Some completed their studies while some dropped out and went back home.

All this while, Kamala was living with her grandmother and uncle. One evening, when she and her uncle were returning from the local grocery shop, a group of non-tribal people caught hold of them and started questioning them about the case. When the girl resisted, she was manhandled but finally allowed to leave. Terrified, Kamala called the Nirbhaya Home, the only people she knew who might help her. The team rushed to the village, rescued her and brought her back to the Home. She was admitted to a de-addiction centre and started getting better.

However, this good phase did not last long. Kamala was not able to adjust to life in the home, the unfamiliar food, the strange ways, and most of all, the confinement. Her parents were also being alternately bribed and threatened by people acting for the accused and were frightened and confused.

Since Kamala's case had been registered under the SC/ST Atrocities Act, she got an immediate relief of 90,000/- from the Tribal Department. Since she was a minor, the money was in a fixed deposit with the Home Manager as a joint signatory. The parents were being brainwashed by various people in the community, who convinced them that Kamala was being kept in the Home so that this money could be taken away from her.

The parents kept coming back to the CWC to ask for custody of their daughter. When they were told tht she would have to be in the home until she was 18 years old, they came back with an age certificate. Although the case documents and medical records showed that she was nowhere near majority, the CWC did not cross-check and once again handed her over to her parents. The very next day, the Nirbhaya Manager was informed by the bank that the FD had been broken and the entire amount had been withdrawn.

The Nirbhaya team went to the settlement to meet Kamala and reassure themselves about her safety, but she was not in her parents' home. The parents simply said that she was married and living "somewhere" with her husband.

4. The Legal Process: Uncertain Justice?

The letter of the law

The POCSO Act lays down clear specifications for the judicial process in cases of child sexual abuse, including several provisions aimed at minimising the trauma that it may cause for the child.

Special Courts and Special Public Prosecutors

- *The Act mandates the designation of a Sessions Court (or a pre-existing Children's Court under the CPC Act) as a Special Court for trial of offences under the POCSO Act.*
- *The Act also mandates the appointment of Special Public Prosecutors for prosecution of POCSO cases on behalf of the state.*
- *The Act upholds the right of the child to legal representation. If the child's family or guardian cannot afford to engage a lawyer of their choice, the District Legal Services Authority is required to provide a lawyer.*
- *The child's lawyer is empowered to submit written arguments with the permission of the Special Court. In case the Special Public Prosecutor is unavailable for some reason, the Court can call on the child's lawyer to step in.*

Speedy trial

- *The police are required to inform the Special Court within 24 hours of the registration of an FIR under the POCSO Act.*
- *The Special Court should complete recording the child's evidence within 30 days of taking cognisance of the offence.*
- *The trial should be completed within one year of the Special Court taking cognizance of the offence.*

Child-friendly court proceedings

- *The Act provides for in-camera trials.*

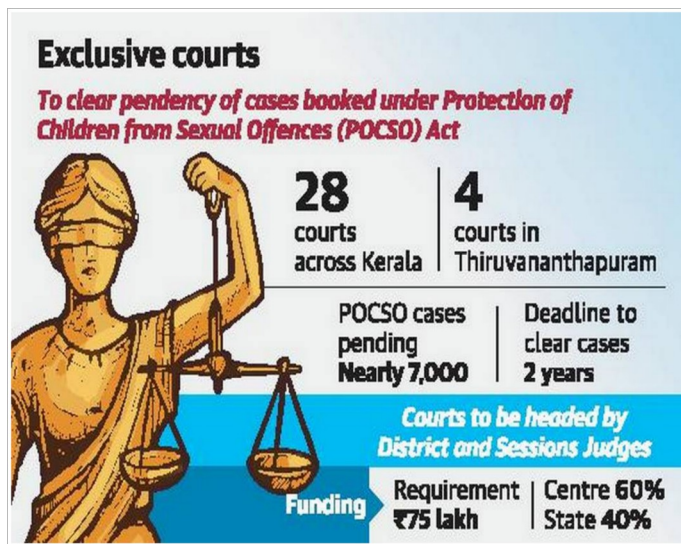
In the Best Interests of the Child?

- *The child's parents, guardian, or any other person in whom the child has trust and confidence can accompany and support the child to depose without fear. The Special Court should reimburse the costs involved in travel for the child and the accompanying support person.*
- *If considered essential, the child can also be examined in a place other than the Special Court (eg through a Commission).*
- *The examination-in-chief and cross-examination of the child should be completed in a single day, so that the child does not have to appear in Court more than once.*
- *If the child is unable to be present in court on a particular date, the Special Court can adjourn the matter to a convenient date.*
- *The court should allow frequent breaks during recording of evidence, so that the child is not unduly traumatised.*
- *Screens, curtains, one-way mirrors or video conferencing should be used to protect the child from being exposed to the accused in any way during recording of evidence.*
- *The accused should be positioned in such a way that he can hear the statement of the child and communicate with his advocate.*
- *The defence counsel cannot directly question the child. Questions should be submitted to the court, and will be put to the child by the Court in a way that does not frighten or confuse the child.*
- *The Court should ensure that the child's dignity is not compromised at any point during the trial. The Court should not allow aggressive questioning or character assassination of the child, and can forbid indecent and scandalous questions, questions intended to insult or annoy and questions that are needlessly offensive.*
- *In cases of penetrative sexual assault or aggravated sexual assault, as well as in cases of abetment and attempts to commit such offences, the burden of proof is placed upon the accused who can therefore be required to lead evidence in his favour.*
- *Similarly, when an offence requires a 'culpable mental state' on the part of the accused, the Special Court will presume that the accused had a sexual intent. It is for the accused to lead evidence to rebut this presumption.*

The reality in the courts

Our interviews with children, lawyers, judges, child rights activists and others involved in POCSO cases highlighted several gaps between the ideal situation as laid out in the POCSO Act and the way POCSO cases play out in reality.

Some concerns that surfaced during these conversations are highlighted below.



Special Courts

- At the time of writing Kerala has only three Special POCSO Courts (in Ernakulam, Palakkad and Trivandrum). In the other districts, the First Additional District and Sessions Courts are designated Special Courts that also handle POCSO cases. As a result, there are nearly 7000 POCSO cases that are pending adjudication.
- The Government of Kerala has received funds from the Government of India for setting up 28 new fast-track Special Courts. A total of 17 Special Courts were inaugurated on 30 June 2020.

- The government had initially planned to appoint retired judges on contract to head the new Special Courts. Many of the people we spoke to were agitated by this proposal, on the grounds that it would dilute the accountability of the state for justice delivery. This proposal has been dropped after it was opposed by the High Court JJ Committee and the Judicial Officers' Association. The Special Courts will now be headed by District and Sessions Judges, with Presiding Officers promoted from among the senior judiciary.
- The budget for setting up a Special Court has been set at Rs.75 lakhs, with 60% of this sum coming from the Centre's Nirbhaya Fund and 40% contributed by the State Government. Some of our interviewees pointed out that the State Government was currently facing a serious financial crisis and struggling even to pay salaries. Given this situation, there is some scepticism about the announcement that the Special Courts will start functioning by March 2020.
- The infrastructure at the existing Special Courts falls short of the standards set out in the POCSO Act.

"The POCSO Court is at the end of a corridor lined with court rooms. The child has to pass through the crowd gathered before each court, followed by comments and speculation about her case."

Lawyer, CWC member

"The police who escort the child to the court have no concern for privacy. They casually gossip about the case while waiting outside the courtroom."

Lawyer, Member CWC

"Sometimes, the child comes face-to-face with the accused and his supporters outside the courtroom. The police look the other way when these people threaten and intimidate the child."

Nirbhaya lawyer

In the Best Interests of the Child?

“When the accused is a family member, the mother tries to corner the child outside the court and pressurise her or threaten her to remain silent in court. In one such case, when I tried to protect the child, the defence lawyer accused me of violating the child’s right to speak to her mother.”

Nirbhaya lawyer

“It is only when she is giving her statement inside the courtroom that the child is behind a screen. The rest of the time, she is visible to everyone.”

Nirbhaya lawyer

“In one case, the accused grabbed the child’s arm, threatened her and pinched her so hard that she was bruised and cried out. This happened in full public view, in the corridor outside the courtroom.”

APP

“There is no separate waiting room for the child. I ask the police to bring her straight to my chamber and wait there until the case is called.”

POCSO Judge

“We do have a panel of support persons but it has not been updated. Also, not everyone has the same level of competence or commitment.”

CWC Chair

“The support persons should be lawyers or at least have some understanding of legal issues, so that they can intervene if there are procedural violations during trial.”

Lawyer, legal aid NGO

Special Prosecutors

- In contrast to other Public Prosecutors in Kerala where a minimum of 10 years of experience is required, Special Prosecutors for POCSO cases are required to have only seven years of experience.
- While appreciating the competence, commitment and outstanding performance of some POCSO PPs, several of our interviewees also had unhappy experiences to share. Most people took the pragmatic view that the “political factor” could never be completely excluded in such appointments, but were disappointed at the devaluation of competence and experience in the selection process. One instance, of a lawyer who was appointed as a Special PP despite never having argued a case in court, was mentioned by everyone.
- There seem to be several instances of lawyers working as juniors to defence counsel having been appointed as Special PPs.
- We heard several allegations of corruption, with POCSO PPs accused of colluding with accused persons either for financial gain or political considerations. Collusion between Special PPs and the police also came up in most conversations.

In the Best Interests of the Child?

“These are political appointments – a lot of pressure is brought to bear in favour of some people. One such appointee was working as a junior to the defence lawyer in a high-profile POCSO case. Another person was appointed as a special PP even though she had not argued a single case in court.”

former Special Prosecutor

“Some Special Prosecutors doesn’t even give us time to brief them about the case. They ask us to brief them a few minutes before going into court. They have no connect with the child, they hardly know the case, so how can they argue effectively? Many times they don’t even turn up in court because they give priority to high-paying clients.”

Nirbhaya lawyer

“Some of these Special Prosecutors didn’t even know the provisions of the POCSO Act. They don’t oppose bail to the accused, They don’t object when courts order the child to be returned to an abusive family.”

CWC Chair

“In one case, the Special PP kept trying to persuade the child to change her statement – I had to intervene to protect the child.”

former CWC Chair

“Prosecutors are confused – they don’t know POCSO so they go by the provisions of the JJ Act in POCSO cases. Awareness and support are sorely needed.”

CWC Chair

“In some cases, I have had to pull up the Special PP for not protecting the interests of the child, and instruct them in the POCSO provisions.”

POCSO judge

"I know of several cases where the Public Prosecutor is a junior of the defence lawyer - what can you expect in such a situation?"

Woman lawyer, former public prosecutor

“The selection and appointment process definitely needs to be reviewed and tightened. A basic understanding of laws relating to child rights should be the criterion.”

Member, State Child Rights Commission

- We also spoke to some Special Prosecutors who had their own side of the story to share.

“It is true that these are political appointments. When a new government comes in, it appoints new PPs. So the person who knows the case and prepares the argument may not be the person who argues it in court.”

Former POCSO PP

“In most cases, the Special PP doesn’t have anything to do with the case until it reaches the court. The police frames the charges on their own. Even if a senior officer signs off on it, the scrutiny is not done through the lens of the law.”

APP

In the Best Interests of the Child?

“The police like to keep control of the case. They often side with the accused, especially if they are politically powerful, and pressurise the child to withdraw the complaint. They have a vested interest in keeping us out from engaging with the child.”

Former POCSO PP

“Many POCSO PPs are competent but they need support in order to ensure conviction. In cases where Samakhya and Nirbhaya lawyers have worked closely with the PP, the results have been excellent.”

Secretary KELSA

“These Nirbhaya people are inexperienced – they have no idea of how a case moves through the court. They just blindly support the victim.”

CWC member

“One Special Prosecutor was so strong and committed that the defence lawyers used to try and get her to send her juniors instead of coming to court herself.”

Nirbhaya lawyers

“In my 25 years of practising criminal law, I did not need to study the JJ Act or POCSO until I took up this role. This is the situation with most Special PPs also. They need sensitisation and training.”

CWC Chair

Judges

- All those we interviewed felt that the outcome of a POCSO case depends on the approach and attitude of the judge. Certain judges were identified as having “a hostile mindset” as evidenced by their conduct of trials and their comments in open court.
- Concerns were expressed that, despite training and sensitisation on POCSO by the Legal Services Authority (KELSA), POCSO judgements continue to ignore or misinterpret key provisions related to bail, privacy, burden of proof, compensation and sentencing.

“One particular judge abuses victims in open court – he calls them child prostitutes, asks us why we are bringing cases on their behalf. He refuses to believe that a father could be an abuser, accuses the child of lying.”

Childline staff

“Some judges have a particular antagonism to adolescent girls – the things they say in open court often cross the bounds of decency.”

Former CWC Chair

“Even though the POCSO Act expressly forbids direct questioning of the child by the defence lawyer, there are many judges who allow it. They don’t stop defence lawyers from heckling the child.”

Nirbhaya lawyer

In the Best Interests of the Child?

“It is shocking to hear judges openly making sexist and casteist comments about children. One has a history of castigating the girl in cases of inter-caste elopement.”

CWC member

“POCSO emphasises protection of the child’s privacy and dignity. But there are many judgements where personal identifiers are disclosed, either through ignorance or carelessness.”

Lawyer, child rights activist

“One judge used to openly encourage the parties to settle the case outside the court. He used to overrule our opinion and order that children be sent back home even in cases where a family member was the abuser.”

CWC Member

“Many judges take the view that compensation is not needed because the child is in a shelter and her needs are taken care of by the government. This is a misinterpretation. Compensation is a recognition that injustice has been done to the child.”

Secretary, KELSA

“The HC has a committee on juvenile justice. We have organised training for POCSO judges in all districts but we don’t have the power to monitor court proceedings. If there are violations of norms, they have to be challenged in appeal – that is how norms can be reinforced.”

Judge, member HC Committee on Juvenile Justice

- Our detailed analysis of 44 POCSO judgements from five districts corroborates many of the stories we heard from our interviewees, and give cause for concern about the rationale applied by the judges.

POCSO judgements: undermining the intent of the law?²¹

- *Although the POCSO Act mandates in camera trials, only 13 of the 44 judgements examined explicitly mention that the survivor’s testimony was recorded in camera.*
- *Protection of the child’s privacy is mandated by POCSO, which emphasises that revealing the child’s name is not permissible under any circumstances. Despite this clear prohibition, the child’s name is revealed in 24 out of the 44 judgements reviewed. In another case, the child’s name is mentioned while discussing the evidence.*

²¹ A detailed report of the case analysis is placed at Annexure 2

- *In six cases, the banned “two-finger test” has been performed as part of the medical examination discussed in the judgement. In another case, even though the “two-finger test” has not been mentioned in the medical report, it is still discussed in the judgement.*
- *It is a settled law that the character and morality of the prosecutrix cannot be questioned. This is also a violation of the POCSO principle of respect for the privacy and dignity of the child. In one of the cases studied, the judgement indicates that the defence was allowed to cast aspersions on the character of the survivor.*
- *In seven of the cases where the accused has been convicted, the language of the judgements does not accord the survivor the dignity of a rights-bearer. Instead, sexual assault is termed “a fate worse than death” and the survivor is portrayed as someone to be pitied for the damage she has suffered and the social cost she will have to pay. However well-intentioned it may be, this approach stigmatises the survivor by validating the notion that sexual assault leaves an indelible stain that can never be washed away.*
- *Even though the caste of the survivor is specifically mentioned in seven cases, the SC/ST Prevention of Atrocities Act has not been invoked in a single case.*
- *In one case, the judge took the view that since the child was only three years old at the time of the occurrence, her memory could not be relied on. The accused was acquitted because of a lack of direct evidence. This violates the settled principle of criminal law that, since such crimes are usually not perpetrated in front of witnesses, the evidence of the prosecutrix is sufficient for conviction. The judgement also ignored the fact that the child had given her statement to a magistrate who was satisfied of her capacity to narrate the facts. It is noteworthy that the accused in this case was the father of the child, and is also facing another POCSO case.*
- *The judgements reflect an inconsistent approach to the issue of compensation. In some cases, the order states that compensation is to be paid from the fine amount. In others, payment of compensation by the state is specifically mentioned. The amount of compensation seems to be decided arbitrarily.*
- *In 19 of the 23 cases that have resulted in acquittal, the prosecutrix and witnesses are stated to have turned hostile. In four cases, the prosecutrix has married the accused.*
- *There is also no consistency in sentencing - each judge seems to have a different idea about the severity of various offences (from sexual harassment to penetrative sexual assault) and proportionality of sentence.*

The Walayar case was very much in the news when we were carrying out our interviews, and several of our informants cited it as an example of how embedded systemic weaknesses combine with the biases and prejudices of different actors to sabotage the judicial process.

Walayar case – “shoddy prosecution” derails justice²²

Two sisters from a Dalit family - one 12 years old and the other 9 years old - were found hanging within a short period of two months (the first on 13 January and the younger sister on 4 March 2017) at their home in Walayar, Palakkad. Medical reports confirmed that both children had been repeatedly abused and had been subjected to anal intercourse. Police said that the trauma of sustained abuse had led them to commit suicide.

Five persons, one of them a minor, were charged under POCSO. Two of the accused were related to the children's mother, one worked with the father and stayed with the family for a few years. The fourth accused and the minor were neighbours of the family.

After a trial that lasted more than a year, the additional sessions court acquitted all the accused saying that the prosecution and investigating officers had failed to present clinching evidence against them.

The acquittals led to an uproar, with allegations of the investigation having been deliberately sabotaged. Opposition parties accused the Left Front government of complicity in sabotaging the case, pointing out that local CPM leaders had been openly supporting some of the accused. Moreover, a lawyer who had been representing one of the accused in this case, had been appointed as the Chairman of the Child Welfare Committee during the pendency of the trial and only relinquished the brief well after his appointment.

With Opposition parties demanding a CBI enquiry, the Chief Minister stated on the floor of the assembly that the government would investigate the lapses and take a decision on re-investigation or CBI probe.

The order

The order of September 30 that acquitted one of the four adults accused (a neighbour of the family) pertains to the case of the elder girl. The Additional Sessions court noted that there is no direct evidence regarding the involvement

²² [Case analysis by Adv Gayatri Korgaonkar, Citizens for Justice and Peace, 30 October 2019. https://cjp.org.in/walayar-child-rape-case-shoddy-prosecution-prevents-bringing-the-accused-to-justice/](https://cjp.org.in/walayar-child-rape-case-shoddy-prosecution-prevents-bringing-the-accused-to-justice/)

of the accused in sexual assault committed on the two girls and that the prosecution is only relying on circumstantial evidence in making these claims. Referring to the Supreme Court judgement in Hemant Nargundkar v. State of Madhya Pradesh, Justice S. Muralee Krishna noted “when only circumstantial evidence is available against the accused, then the chain of circumstances must in all probability lead towards the guilt of the accused.” He noted that

from the statements made by the witnesses, the prosecution made the case that the accused resided near the house of the victim and that she had been visiting his house to attend classes. The prosecution claimed that this presented the accused with the opportunity to assault the victim.

Three of the prosecution witnesses stated that the victim had confided in each of them about being abused by the accused. The father of the victim told the court that two of these witnesses had told him that the accused had stripped naked before the child, but the judge held his statement to be based on hearsay.

The main witness told the court that the victim described to her how the accused locked his door, stripped naked and asked her to take pictures on his mobile phone, but opened the door when she shouted aloud. This witness said that the victim had hidden herself behind the witness when she saw the accused, saying that he was ‘not a good man’. This witness confirmed that she had told the police that the accused had exhibited himself to the victim.

Another witness confirmed the incident of the victim getting scared upon seeing the accused but denied ever giving a statement claiming that the accused had exhibited nudity to the victim.

Contradictions in the dates cited by the two witnesses for the incidents cited led the judge concluded that the statements of all these witnesses were falsified to prove the prosecution’s case.

The judge also noted, “no semen or spermatozoa could be collected either from the specimen collected from the deceased girl or from the dresses of the accused. There is absolute absence of scientific evidence to connect the accused with the alleged offence.”

The judge also quoted the expert opinion of the doctor who conducted the autopsy of the elder child, that the injuries noted in the anal canal of the girl could be due either to anal penetration or because of infection, and held that there was no conclusive proof to say that the girl was sexually assaulted.

The Senior Police Surgeon and forensic medicine expert, Dr PB Gujaral who conducted the autopsy of the younger sister said, “We have informed the police that there was clear evidence of rape on multiple occasions. There was also evidence of unnatural sex in both the cases. So, the culprit or culprits must be the same person or persons.”

POCSO’s Reverse Onus Clause Ignored?

Although the final police report has charged the accused with aggravated penetrative sexual assault (Section 5(1) read with Section 6), as well as sexual assault (Section 7(1) read with Section 8), it is apparent from the judgement that POCSO’s Section 29 has not been considered in deciding the matter.

Section 29 of POCSO reverses the “innocent till proven guilty” presumption generally followed in criminal cases. The Section states that where a person is prosecuted for committing or abetting or attempting to commit penetrative sexual assault against a minor, “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”. Despite the provision, the focus of the judgement seems to have been on exclusively evaluating the prosecution’s case.

The consequences for justice

- Our conversations with key informants and our analysis of POCSO judgements provides evidence of a wide gap between precepts and practice, with potentially devastating consequences for justice and rule of law in Kerala.
- According to recent data collected by Childline²³, Kerala has the lowest rate of convictions in POCSO cases as compared to other states. Out of 1,255 cases registered between 2013 and 2018, only 230 (18.5%) resulted in convictions.
- Different explanations were advanced to explain these figures. Most people felt that Kerala has a much higher level of awareness than other States, and POCSO complaints are actually filed instead of being turned away by the police. Many of these complaints are resolved or “settled” between the parties before reaching the trial stage. Since withdrawal of the case is not possible after a complaint is filed, these cases do eventually reach the court but result in acquittals because the complainant and prosecution witnesses turn hostile and refuse to corroborate their earlier statements.

23 <https://www.thehindu.com/news/national/kerala/pocso-conviction-rate-low-in-state/article29835360.ece>

In the Best Interests of the Child?

- Our detailed review of judgements in 44 selected cases, of which 23 ended in acquittal, lends support to this explanation. Of the 23 acquittals, 19 (82%) were on the grounds of the prosecutrix and prosecution witnesses turning hostile.
- However, our discussions with the Mahila Samakhya team reveal a more complicated back-story, with multiple and often conflicting pulls and pressures that influence the child to change her statement or drop the case. These include pressure from parents and others to protect the social standing and reputation of the family; pressure from political parties or *savarna* power holders to protect their affiliates and friends; threats of further harm to the child and family; large financial “settlements”; offer of marriage from the accused or the survivor’s own desire to forget the issue and move on with life.

From MS Case Records

Anitha was 13 and studying in Class 9 when she was taken to the doctor with a complaint of persistent nausea. Although she was first treated for jaundice, the doctor soon realised that she was pregnant. After repeated conversations with a counselor, she said she had been abused by a classmate. However, the doctor who conducted the mandatory medical examination was of the opinion that the abuser could not have been a child. It was only when confronted with this report that Anitha finally admitted that the abuser was her paternal uncle. However, when giving her statement to the police, Anitha once again changed her story: this time, she said she had been raped by the conductor of her school bus. This version too crumbled when the conductor was able to provide a solid alibi. It was only many days later, when she began to trust us, that Anitha revealed that her mother had tutored her to name the classmate as the abuser, telling her that he would not be punished since he was also a child. Anitha’s statement was recorded before a magistrate and the police charged her uncle under POCSO, but Anitha changed her statement in court and her mother too turned hostile. The court reserved judgement. Soon after Anitha gave birth, her mother approached the CWC and demanded custody of her daughter. Ignoring the fact that the abuser was living in the same house, the CWC allowed Anitha’s mother to take her away on the logic that “a girl needs her mother’s care after delivery” - even though we told them that the mother had not even visited Anitha while she was pregnant. Some months later, one of the Nirbhaya staff saw Anitha and her mother waiting in a queue outside a mental hospital. We are still waiting for the judgement in her case.

Vijaya was only nine years old when she was gang-raped. The rapists were convicted but she was ruthlessly stigmatised and targeted by local people. Her family was forced to leave their village and move to another place. But Vijaya’s life took another terrible turn when her father was killed. Vijaya was sent to live with her grandmother. Some

young men in the neighbourhood took advantage of Vijaya's traumatised state and sexually abused her. A POCSO case was filed and Vijaya was moved to a Nirbhaya home. However, Vijaya was unable to adjust to life in the home. She ran away several times and was brought back, but continued to be very unhappy. Finally, her mother came and took Vijaya back to their native village. Vijaya seemed to be happier – she met a boy she liked and married him. Meanwhile, we were following up her case. One of our staff even went to the police station to give her statement in the case. But once they heard about Vijaya's marriage, the police refused to proceed with the case. Later, we were informed that the matter has been "settled" out of court. The police refused to answer when we asked them how a POCSO case could be settled out of court.

Adira was living with her mother and married sister when she was abused by her brother-in-law. Adira's father had died young and this brother-in-law was the breadwinner. A POCSO case was filed and the CWC sent Adira to the Nirbhaya home. However, her mother kept petitioning the CWC to release her. Even though the CWC was initially reluctant to send the child back to live in the same house as the abuser, the mother was insistent and finally managed to take her away. Sure enough, Adira was again abused by the brother-in-law. Adira's mother was terrified of destroying her older daughter's marriage, and, unable or unwilling to intervene in the abusive situation, took her back to the CWC. It was only when she was sent back to the Nirbhaya Home that Adira revealed that she had been abused a second time. Once again, a case was registered. By that time, the trial in the first case had started. Adira's sister came to the court with her little children and confronted Adira, saying that if her husband was convicted, she would kill her children and herself. Moved by her sister's tears and her mother's entreaties, Adira "turned hostile" and refused to corroborate her earlier statements to the police and before the magistrate.

It was only when Vasanthi got pregnant that her parents realised that she had been abused. When Vasanthi's pregnancy became obvious, the family was ostracised by the community. She stopped going to school and her father stopped going to work. Her mother was distressed and unable to cope. Vasanthi was already 27 weeks pregnant – too late for a termination – and decided to go ahead with her pregnancy. However, she developed some complications and the baby was still-born. Vasanthi was able to overcome this trauma and move on with her life, with a determination to complete her studies. Her abuser had absconded and was untraceable for a long time. When the case finally came up for trial, the abuser's supporters pressurised Vasanthi's father not to proceed – the family should accept that what happened cannot be undone, and remember that they have to live in this community. The police called up all the other prosecution witnesses and informed them that they no longer needed to record their statements since the case had been settled out of court.

Conversations with MS teams: what does it takes to ensure justice?

Survivors and the activists who have walked with them highlight the effort required to propel these journeys towards justice.

"The abuse itself is terrifying and traumatic for a child, but the journey from the moment the complaint is lodged, recording the statement, undergoing the medical exam, the court process - it is like reliving the trauma a hundred times. It is impossible for any child to go through this without minute-to-minute support - physical, mental emotional."

"We are committed to supporting the child and pursuing the case. That is why cases pursued by MS are more likely to result in convictions. We feel burnt out but we tell ourselves that if it is so traumatic for us, how much more so it would be for the child."

"The system considers us a nuisance because we know the law and we are not bothered about being seen as good women. We have to fight every step of the way - against the police, against the family, against the abuser, against the court....."

"We don't hesitate to use all the goodwill and credibility that MS has gained with senior bureaucrats and the public to argue for the child's interest. When police or CWCs are hostile, they know we can go straight to the higher authorities and get them to intervene. That makes them resent us. Many of them refer to us as feminist family-breakers."

"Some cases have been successful only because of the special efforts of one or two good people in the system - a sensitive policeman, a committed CWC member, a responsible doctor, a judge who understands the spirit of POCSO....."

"We are also not able to provide this kind of feminist support in a consistent manner. Everyone is not equally willing to go the extra mile to stand with abused children - caste and patriarchal biases come in the way. Our resources are limited - we are not able to recruit trained and experienced counsellors as home managers because the salary is so small. Living and working with traumatised children is not easy, not everyone can do it with the same passion and commitment."

"We have learnt the importance of building personal relationships with the key people involved in the case. Often, a CWC member or police officer who are initially negative and suspicious of us, will change their minds after they engage with us. Of course this doesn't happen if they have a vested interest in scuttling the case."

The judges, CWC members and lawyers we spoke to also had several suggestions and recommendations .

What needs to change

The selection process

"Prosecutors and CWC members should be very carefully selected, and should match up to rigorous professional standards. Their attitudes should also be assessed during the selection process."

Former member, KCPCR

The training process

"Newly-appointed CWC members need intensive training. The present modules by KELSA and the High Court are too short and sketchy. It is not enough to focus on the letter of the law - they should also understand and be sensitised to the spirit of the law. They should be taught how to deal respectfully with children."

CWC Chairman

"POCSO judges need rigorous training and sensitisation. Just appointing retired judges to POCSO courts is not enough - this law has several special aspects (like reverse burden of proof) that they need to understand."

District judge

Accountability mechanisms

"CWC members should be held accountable for violations that endanger the child. An annual review of all decisions by an independent body is needed."

Former member, KCPCR

Support systems

"We should build a strong support system for victims - we know that CWCs, Childline, police have formed a good alliance and ensured justice in certain cases. This should be institutionalised."

Former CWC Chairman

"The State Commission should review and strengthen the support system. Women's groups like MS should be involved in setting up child-centred support systems and in building capacities of support institutions."

KELSA Secretary

"There should be a full-time support person assigned to every CWC and POCSO court. As of now, we depend on NGOs. We have no resources for support to children."

CWC Chairman

"There should be at least one senior lawyer who can advise the CWC and the prosecutors in difficult cases."

CWC Chairman

In the Best Interests of the Child?

Coordination mechanisms

"There should be some formal system of interaction and coordination between different CWCs – a lot of cross-learning can happen if CWCs can meet regularly."

Former CWC member

"There should be clarity on the roles of the CWC and the DCPO. There should be a quick resolution of conflicts."

Child rights activist

Oversight

"There should be a legal advisory committee at the State level. Senior lawyers should be involved in advising the government on securing convictions in difficult cases. This may also help to counter attempts at political interference."

Former PP

Nirbhaya lawyers reflect on the POCSO legal process

We have to fight patriarchy every step of the way.....

"It starts from the very first step - recording the survivor's statement before the magistrate. We are legal advisors to Nirbhaya so we are in the role of a support person for the survivor. Under POCSO rules, we should accompany them in this process. But some of the CJMs are very suspicious of us because we are lawyers and will spot lacunae in the process. They refuse to let us come into the room. After much argument, they might allow the Nirbhaya staff to accompany the child. "

"On the other hand, the mother of the child is often present when the child gives her statement, even in cases where the police complaint clearly states that the mother has colluded in the abuse. If we protest, the answer is that the mother is there to support the child. But in actual fact, all of them get together to pressurise the child to change her statement or withdraw the case. The magistrates also join in with "Don't you want to get married? Why are you disgracing your family? How can you say such obscene things against your father?"

"There are many magistrates who refuse to record the statement as spoken by the child. They try to sanitise the language and distort what the child says. The child says clearly 'He put his penis inside me' and the magistrate records it as 'He touched me inappropriately.' The intention is to weaken the case."

"We know that a lot of money changes hands - the police are of course involved. They are the ones who broker the deals between the accused and the family of the child. We can't really blame the families - they are usually poor and 50,000/- is a big sum for them. They don't believe us when we say that they can get 2-3 lakhs compensation from the government if they pursue the case. The police also advice them to take whatever they can get and close the matter, get the girl married or go away somewhere."

"If the abuser agrees to marry the girl, the case ends right there. No one is bothered that she is marrying someone who has shown the capacity to be violent. Where is the guarantee that he will not violate her again, especially since he has been forced to marry her when that may not have been his intention."

"When the case comes to court, we always get the summons at the last minute. The summons come to the police station but they let us know only the day before - in a couple of cases, on the same day. We don't get time to meet and brief the PP, prepare the child for the ordeal. In one district, we spoke to the

SP and got him to issue and order that the summons should be delivered to Nirbhaya on the same day that it comes to the police station."

"We also have to fight the PP even though we are supposed to be on the same side. They are mostly men and they feel very threatened by young women lawyers. Most of them refer to us as "paralegals" even though they know perfectly well that we are all qualified lawyers with our own practice. They give us five minutes to brief them, don't look at our notes - no surprise when they go into court and don't even bother to say anything, let alone make a strong case."

"The court proceedings depend completely on the judge who is the lord of the courtroom. There are some judges who understand the spirit of POCSO, who are sensitive to the child's fear and trauma and will reprimand the defence for making insinuations that she is at fault. But there are some who allow the defence lawyer to do the same aggressive cross-questioning that is allowed in other cases, ignoring the POCSO protocols for child-friendly procedures."

"There is no concern for privacy. There are only two or three courts where the judge ensures that the survivor is behind a screen while giving her testimony. We have seen the terror of the abused child when faced with the abuser. In one case, the little girl had been repeatedly abused by her father and was trembling and collapsing at the thought of having to see him and be seen by him. He was waiting in the corridor with other relatives, all of whom were cursing and abusing her for bringing the family into disrepute. I was so furious - I grabbed her hand and said "Baby, you have not done anything wrong. Why should you be afraid of these people? They can't hurt us. Let's hold our heads high and just ignore them." The child took my hand and we walked quickly past the police and the mob, into the courtroom where she gave a very clear and precise testimony. We got a conviction in that case."

"Apart from violating POCSO rules in various ways, the judges also have no reservations about parading their own regressive mindsets and anti-women prejudices. There is one judge who abuses survivors in open court, calling them "balaveshya" and accusing them of making up stories and telling lies. It is not just the survivor who is humiliated by such remarks - the intention is clearly to humiliate all of us women who are standing with her. If anyone tries to argue, they are ordered to leave the courtroom. They display the full power of patriarchy....."

"Everyone colludes to quickly get rid of POCSO cases. As soon as the hearing starts, the judge will ask if it is a "settled case" and then tell us that we are wasting his time by bringing such matters to the court. In one case, the judge specifically told me not to interfere if the family wanted to settle the matter. I

said I was doing my duty and ensuring that the child's rights were not sold away by the family. This was not appreciated....."

"Based n MS case records, we can say confidently that every case where the survivor has been released on bail has ended in an acquittal. These cases, where the acquittal is on the basis of the prosecutrix and witness turning hostile, are all added to the tally of false cases. A forced settlement is made into a false case - what a joke!"

"This experience has taught us that simply having women judges is not enough - women and men both have the same moralistic patriarchal mindset."

5. Dilemmas and Contradictions

Putting the institutional mechanism for POCSO implementation under a feminist lens has thrown into sharp relief the dilemmas and contradictions that emerge from our location as feminist activists working within a state system. These questions, and the challenges of addressing them within the boundaries of POCSO, are discussed in this section.

Criminalisation of adolescent sexuality

Like all civil laws, POCSO is framed in terms of absolutes and does not recognise the nuances of real situations on the ground. Since the intention is to protect all children from exposure to sex in any form, all sexual activity with anyone under the age of 18 (the legal age of consent) is deemed a crime, regardless of whether it is forced or consensual.

The criminalisation of adolescent sex under POCSO has several implications. The adolescent girl (the designated "victim") will be sent to a Nirbhaya Home where she will have to stay until the completion of the case or until the age of 18, whichever is earlier. The "offender" will be charged under POCSO and sent to judicial custody or a juvenile home if he is a minor. These decisions will have long-term consequences for both parties and their families.

The situations of adolescent girls who have been sent to MS Nirbhaya Homes over the years follow some familiar trajectories.

- Girls and young women who have been in consensual relationships without the knowledge or consent of their parents, who have been "caught" and forcibly separated from the boyfriend (who may also be an adolescent). In some cases, parents file cases of abduction against the boyfriend without realising that POCSO will be applied and their daughter automatically sent to a Nirbhaya Home.
- Girls and young women who have eloped with a partner of a similar age but different religion or caste. In many such cases, one or both sets of parents file missing person complaints. When located by the police, both the adolescents are arrested and brought back. The boy is charged under POCSO and the girl sent to a Nirbhaya Home.
- Adolescents who have entered into consensual relationships with the promise or expectation of marriage, who have themselves gone to the police upon being abandoned or becoming pregnant. Again, many of these complainants simply want the "betrayal" punished and have no idea that they themselves will be sent off to a Nirbhaya Home.

In the Best Interests of the Child?

- Cases that fall unambiguously in the domain of POCSO - adolescent girls who have been abused by family members, who have been abducted, or who have been coerced or enticed into exploitative and abusive relationships.

Most of the people we spoke to - officials as well as activists - were strongly opposed to the criminalisation and stigmatisation of consensual and non-violent adolescent relationships. Officials and CWC members were of the view that these "love cases" should not be sent to the Nirbhaya Homes but entrusted to the custody of their parents.

"These adolescent love cases are not genuine POCSO cases. They should not be treated the same way. We have ordered these girls to be sent home, so that the Homes will have space and resources to take care of the genuine victims."

Secretary, Social Justice Department

"These girls are just waiting to turn 18 - the day they are released, they will go back to the same guy and marry him. If that is what they want, why should we oppose it? After all so many girls get married at 16.....are they all arrested?"

CWC Chairman

Although the notion of decriminalising "love cases" might seem liberal at first glance, the motivation is disquiet at the notion of girls - especially girls who have become sexually active - being removed from the control of their families. This disquiet is expressed by both women and men.

"Sending these girls to Nirbhaya is dangerous. They have experienced sex as a pleasure and they teach this to other girls also.....this should not be encouraged in the name of feminism."

CWC member

"Some CWC members speak as if Nirbhaya is a jail, a place of correction. They don't understand the notion of protection under POCSO. They are more bothered about protecting the family than about protecting the child."

MS District Coordinator

"It is disgusting to hear the questions some of these CWC members ask adolescent girls - it is voyeurism thinly disguised as concern."

MS legal counsellor

"These MS Nirbhaya homes are so crowded, it encourages homosexuality. It is better to send these children to homes run by religious institutions where the infrastructure is much better."

Senior official, Social Justice Department

In the Best Interests of the Child?

Those who have themselves worked with children have a very different view and have pointed out that the issue was not so simple, and that adolescents in consensual love relationships are no less vulnerable than so-called "genuine victims".

"CWCs think that girls rescued from love affairs are better off with their families than in the Nirbhaya Home. They don't realise that very often these girls are left at the mercy of their parents who are angry and resentful and punish her by restricting her mobility, stopping her education or even beating and starving her."

Clinical psychologist, former CWC member

"Calling these relationships love-affairs is such a misnomer. Very often the girl is very unhappy in her home, and sees the affair as a way to escape her circumstances. They may be very aware that the relationship may turn bad, but the choice is between one abusive situation and another."

Director Childline

"These girls have a completely unreal notion of love, they see themselves like movie heroines. They imagine that their lovers will wait for them and they will be happily married when the case is over. But the fact is that the boy has also been remanded, suffered humiliation, his family is stigmatised - he blames all this on the girl and turns against her."

MS Nirbhaya staff member

"It is very painful for these girls to accept that their boyfriends have exploited them and betrayed their trust....they go through terrible mental and emotional trauma, become suicidal. They need special support. MS tries to provide that even though their resources are insufficient. But families prefer to hide the issue and get them married as soon as possible."

Child psychologist

"For some of these girls, being with us is the only chance they have of continuing their education, learning something that will help them be economically independent, experience a few more years of childhood before getting married and having a baby...."

MS Nirbhaya counsellor

It has not been easy for MS to negotiate the inherent contradictions between the "letter of the law" on POCSO and a feminist approach to sexuality. Given that control and disciplining of female sexuality are central to the patriarchal narrative, it is not surprising that MS has faced hostility on this issue and has been attacked for "giving children wrong ideas".

From conversations with MS state and district teams

"MS has faced several accusations around our approach to sexuality. We have had surprise visits where the girls are questioned about being sexually molested by older girls....we have been told that we should control and police interactions between younger children and older girls involved in love cases. They believe free interaction will lead to lesbian relationships."

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"In my district, the CWC took a decision to release nine girls back to their parents. The DCPO came to the Nirbhaya home and asked the children to raise their hands if they wanted to go back home. Naturally most of the kids raised their hands. When I pointed out that many of these girls would be married off as soon as the families got them back, one CWC member responded that his own mother had been married at 13 and had not come to any harm."

"If a girl is pregnant, the CWC thinks it is her duty to give birth. We have so many instances where the CWCs have opposed abortions on religious grounds, even in cases of very young children who have suffered rape or incest. We have to fight to assert the point that a pregnant child is still a child and also has her rights, which includes the right to childhood."

"Some of our staff are also prone to moral policing and feel that girls who have had pre-marital sex are ruined for life. We have had many conversations around this but the influence of religion and upbringing is very strong."

"If CWC members come for monitoring and ask them if they want to stay in the home or get married, the girls will all say they want to get married. This is interpreted as an indication that they are unhappy and that we are keeping them in Nirbhaya against their will."

"We try and break the silence and shame around sex and sexuality. We try to get the children to understand that this is a natural process. At the same time, we explain the consequences of getting married or having children while they are still in their teens, before completing their education or becoming economically independent. But of course we are still accused of being anti-marriage and anti-family....."

"We have had cases filed against us by parents who are furious at losing control of their daughters. Even though they may be used to better living standards than we can provide in Nirbhaya, many girls don't want to go home because they know their parents will force them to marry someone else."

"The present Chair of the State Commission said in public that Nirbhaya Homes should be abolished, the family and community should be responsible for abused children. He is not even considering the issue of the child's safety, the chances of repeated abuse, the need of pursuing justice, the stigmatising attitudes in the community...."

"There are a lot of people who would like to see us fail - every mishap in an MS Nirbhaya Home is turned into a scandal by the media and the self-appointed upholders of Malayali morality....."

MS and Nirbhaya: Contestations around feminist spaces

The Kerala Government's Nirbhaya Policy to Combat Sexual Violence and Sex Trafficking of Women and Children²⁴ was inaugurated in March 2012 (well before the so-called Nirbhaya rape case in Delhi in December 2012 - the correspondence in name is purely a coincidence).

24 http://sjd.kerala.gov.in/DOCUMENTS/Policy/State%20Policy/nirbhaya_eng_1458712855.pdf

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Starting from the first Nirbhaya Home in January 2013, MS today runs 11 of the 14 Nirbhaya Homes in Kerala. MS is also a member of the Executive Committee for Nirbhaya, and has helped to draft the rules and standards of care for safe spaces under the policy.

When the Nirbhaya Policy was notified, MS was already running Mahila Shikshana Kendras in the five districts where it was working at the time. The MSKs were designed to be a route back into the education system for girls who had dropped out of school. Unsurprisingly, the learners were mostly children from Dalit, Adivasi or minority communities.

Several of the MSK children turned out to be survivors of sexual abuse. Since there were no special protection homes for children who had been subjected to sexual abuse, two of the MSKs (in Malappuram and Trivandrum) were designated as MSKs for abused children in 2008. POCSO was not yet in place. Even though resources were tight, the MS teams managed to get cases registered and followed through with the protracted legal process.

The MS team remembers the early days

Kerala has seen several very public scandals around child abuse and child sex trafficking, starting with the so-called "Ice Cream Parlour case". Most of these cases had unhappy trajectories. The private news channels made cases into TRP fodder but also exposed several scandals. But the legal process dragged on for years and new issues took over the public space. Victims (and sometimes their families) committed suicide.

Once the news got around that MS was supporting abused children, various organisations and departments started sending us the cases they came across in their work. It was not just children - it would be a child, her mother and her three siblings, or a child with her mother and grandmother, or three sisters.....all of them were in desperate need, with nowhere to go for help. Soon, MS became the go to place for all kinds of cases of violence. We were struggling to deal with them despite very limited resources.

Along with individual cases, MS also developed institutional mechanisms for prevention of child abuse. As part of their mandate to address gender issues in education, MS started a help-desk system in schools and gave training to teachers in recognising the signs of abuse and responding appropriately to troubled children. This gave school teachers the courage and motivation to start reporting cases of sexual violence. These children were also brought to MSKs.

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Thus MSKs became the default shelter for abuse victims. But the sad thing was, once the child or woman was sent to MS, the agency concerned forgot about them. No one ever came back to ask about the case or offer help for rehabilitation. The media would raise an initial hue and cry and then fall silent. Local people who had supported the victim would also forget about her when she was no longer living in the area.

It was as if once they came to MS, these women and girls were forgotten.

MS has had a fraught relationship with the CWCs. Set up in 2006 under the JJ Act, the CWCs were dominated by people from institutions running orphanages and educational institutions. In 2012, the remit of the CWCs was widened from the JJ Act and "children in conflict with the law" to include "children in need of care and protection". Despite being an officially recognised part of the POCSO implementation system, the process of establishing a working relationship with CWCs was not easy for MS.

From Usha's MS diary

Most of the CWC Chairpersons and members came from a child welfare background. Many were also from religious institutions. It was difficult for us to convince them with rights-based arguments even though this is also the approach of POCSO. We often came into conflict when we pointed out the gender, caste and class biases in their functioning, and took some of these arguments to higher authorities.

The other issue in relating to CWCs was their notion of hierarchy. They expected us to dumbly follow their orders and were threatened if we asserted ourselves. They would question our locus standi - "Who are you to tell us what to do? You are just another NGO and we are a bench of magistrates!" was the challenge thrown at us when we intervened to challenge the CWCs actions in POCSO cases. CWCs were unwilling to accept that we were very much part of the official POCSO implementation structure and were mandated by the government to protect the interests and rights of girls and women. We still face these kind of questions even after all these years.

In some cases, it has become an open confrontation. One CWC even filed a complaint with the Lok Adalat against an MS Nirbhaya Home. Fortunately, the judicial officer who visited the Home was an unbiased and sensitive person and filed a report in our favour. We have also faced an enquiry by the State Commission which accused us of kidnapping a child we had rescued from an abusive family situation.

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We also understand that CWCs are functioning with very minimal resources and hardly any technical support. There was no effort to set up systems and ensure that everyone was on the same page with regard to the rules and protocols. Members would disagree with each other and give conflicting orders. Sometimes a single member would pass an order and expect it to be honoured. Some people were themselves running institutions and therefore had a vested interest in decisions. There have been several instances where members have been subjected to enquiries for violations and Chairpersons have been removed. In two cases, the whole CWC was removed.

The CWCs have slowly come into their own and are now recognised as the official body for ensuring child rights. Yes, they are political appointees but many of them are sensitive and are trying to do justice to the children. There are many instances where MS teams and CWCs have established a good alliance and coordination, and have been able to secure the best interests of the child.

Despite the gradual evolution of a working relationship, there are still major differences between MS and the CWCs in the understanding of what constitutes "the best interests of the child". These gendered conflicts become sharply visible when issues of sexuality, motherhood and paternity come into play.

Reflections from the MS team

"One very young girl who had been raped and had become pregnant was sent to Nirbhaya. She was still in the early stages of pregnancy and we admitted her to the government hospital for termination of pregnancy. The hospital authorities need a letter from the CWC authorising the procedure, along with consent from the victim and her mother. Everything was ready but we were still waiting for the CWC authorisation. When the CWC office was contacted to ask why the delay, we were told that they were waiting for a woman member to come and sign the letter. Later we discovered that the Chairperson had refused to sign the authorisation because abortion was against his religious beliefs."

"In another case, a CWC member refused to authorise the abortion, saying that the CWC was set up to care for children, not to destroy them. When we said that the child herself had a right to choose to terminate the pregnancy, her answer was that we could take the risk of going ahead without the consent of the CWC."

"What is frustrating about these situations is that while we argue, the pregnancy is advancing and termination becomes more and more risky and traumatising for the child. We have to deal with the mental and emotional distress caused to a small child by an unwanted pregnancy."

"The hospital staff also tend towards moralistic attitudes. In one case, a girl who had been raped and made pregnant. We got authorisation for a termination and took her into the hospital. The doctors were initially resistant because the pregnancy was quite advanced, but finally agreed to do the procedure. The nurses behaved very roughly with the girl, making snide remarks about her condition. Afterwards, one of the

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nurses took it on herself to bring the aborted foetus and show it to the girl, telling her that she had destroyed a life.....you can imagine what that did to the girl, who was already severely traumatised."

"We also have to fight with hospital staff when they insist that a child who has given birth should feed the baby. An abused child usually doesn't want anything to do with a baby born out of rape or incest. People think that just because she has given birth she should automatically have motherly feelings - they forget that the child is 12 years old. They complain that these girls are stubborn and inhuman. How can they even expect a 12-year old to breastfeed a baby that was forced on her?"

"There are tussles when it comes to authorising the hospital to take a blood sample from the newborn before beginning the adoption procedure. Some CWC members feel that the baby's new life after adoption will be compromised unless the past history is completely erased from the records. Others say their religion does not permit it. They are unwilling to look at it from the larger perspective of justice for the abused girl. The DNA sample is an important piece of evidence in the POCSO case as proof of paternity. If rape results in pregnancy, it is an aggravated offence under POCSO."

"We feel that the baby also has a right to information about its parentage - the information must be provided if asked for at a later stage. There are so many stories of adopted children wanting to find out their roots when they become adults. But we have never been able to convince CWCs about this."

In the 12 years of their existence, MS Nirbhaya Homes have handled 89 deliveries and 49 medical terminations of pregnancies. The other three Nirbhaya Homes in Kerala follow a procedure of transferring pregnant children to so-called "foundling homes" and bringing them back after the birth.

For the MS team, ensuring a quick and safe termination of pregnancy or - if the pregnancy is already advanced or the survivor refuses the termination - to see her safely through pregnancy and childbirth, is part of their commitment to the child. The process has been by turns traumatic and life-changing, and has forced all those involved into questioning the patriarchal myth of motherhood as a natural and biological phenomenon.

Usha's reflections

Motherhood doesn't feel like a blessing for these girls

As feminist women, we have gone through a lot of emotional tension, turmoil and pain in supporting abused children through pregnancy and childbirth.

To start with, even the word "pregnancy" has no meaning for some of these very young girls, many of whom have barely started menstruating. They are not able to connect the sexual abuse with what is happening to them now.

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Sometimes, this is because of ignorance about the working of their own bodies, Sometimes, it is like a mental fog - they may have been told by the abuser that nothing will happen, or threatened with further violence if they ever speak about what happened to them.

It is this fear or ignorance that traps the child into becoming a mother. By the time the pregnancy is detected, the case is filed, her statement is recorded and she is sent to Nirbhaya, the pregnancy is well advanced and much too late for termination. She has no option but to give birth.

It is very painful for the child to accept that she will have to keep this intruder in her body for many weeks more. All she wants is to be free of this thing that continuously reminds her of the abuse. She can't understand that she has to take care of herself - the anger she feels towards the abuser is sometimes turned on her own body. We have to convince her that taking care of herself and having a safe delivery is not for the baby - as our culture insists on teaching her - but for herself, for a future when she can be happy and healthy and move on with life, leaving behind her unhappy past.

How can we leave the child to go through all this alone and unsupported? We can't just consign her to some foundling home where there is no security and her abuser and her family can come and harass her.

We have to walk with her every step of the way all the way to the labour room where we have to hold her hand and keep her spirits up. I remember the case of a 12 year old girl who had been abused over an extended period by her uncle. Her pregnancy was discovered only when she was taken to the doctor because she was vomiting continuously. When she was being prepped for delivery by the nurses, she was genuinely puzzled that they were putting medicines "down there" and not in her navel, which was where she thought the baby was going to come out from!

In most cases, the child and her family surrender the baby for adoption. But the adoption procedure sometimes take time and the doctors and nurses keep telling the child to breast-feed the baby, which is a disgusting idea for abused children who see the baby as something toxic planted in their body by the abuser. Having expelled it from their body, they don't want to have anything more to do with it. We have to really fight to get people to understand this - they all think that the mere act of giving birth is enough to turn the child into a mother. We finally had to move the State Commission to get a clear direction that abuse victims who give birth are not to be compelled to feed the baby.

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MS has struggled to make Nirbhaya Homes into spaces where children can move beyond their histories, discard their victimhood, overcome their trauma, experience freedom and embrace the opportunity to shape beautiful lives for themselves. It was very affirming to find some of the people we spoke to eloquently supporting this vision.

"We should help them to completely discard the victim attitude. They should not define themselves by the abuse. They should claim their right to lead a good and happy life. Nirbhaya is a space where they should get safety, security, support, solidarity, counselling, mentoring. It should not feel like a group of wounded girls together. It should be like a university hostel - a place where they should be free to do what they want, make their own mistakes, experiment with relationships, plan for a career or marriage if that is what they choose....."

Chairperson, MS

"The most important thing is to make Nirbhaya into a safe a loving space. Adolescents who have been abused need special support to negotiate their confused feeling around sex, to understand their own sexuality.....in most families, this is an ignored aspect, whereas Nirbhaya provides this support."

Clinical psychologist, former CWC member

"The Homes should not be spaces for experiencing victimhood, where children are drawn into an unending cycle of reliving the abuse. When we say the Home should be like a family, it should not be the controlling and hierarchical family they have known earlier. They should be spaces for collective living, building each others' confidence, showing solidarity. It should be a space where the older children are happy to come back and mentor the younger ones."

Director, Childline

However, within the larger system, Nirbhaya Homes are still seen as "correctional institutions" where children can be "reformed" and reintegrated into the mainstream, with marriage as the only possible happy ending.

"We have taken a policy decision that Nirbhayas will be entry-level homes. Children will be moved to an institution in Trichur, a very large campus with a vocational training facility where they can learn some skills and become self-employed....."

Secretary Social Justice, GoK

"Adolescent girls in love cases are already traumatised by the break-up of the affair and the thought of being imprisoned in a Nirbhaya for long years is even more traumatising for them. They will come out with the stigma of having been in a Nirbhaya Home. It is much better for them to be in the family where they can get married without being stigmatised."

CWC member

"Children in MS Nirbhaya Homes are given too much freedom. There is no discipline. The staff is very young - they play with the children, can't correct them. The girls all get into undesirable relationships in school, they become alienated from the family."

CWC member

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MS is confronted with the dilemma of balancing the notion of "freedom" with the discipline required for collective living. There are many obvious gaps between the feminist vision of Nirbhaya and the reality.

"It is true that our Nirbhaya staff are very young and inexperienced. They don't really have any idea of how to handle normal children, what to speak of traumatised children. Many of them have a strong control impulse, they don't understand that children of that age are naturally rebellious and will push back if you try to control them. We can't get mature and experienced people for the low salary we offer. We need to build up the people we have with training and mentoring."

MS District Coordinator

"It is hard to explain to children that we need to enforce some rules for their own safety. For instance, we don't allow them to keep mobile phones. It's a security issue - there are cases where the accused person has called and threatened or cajoled the child to withdraw the complaint. When we check their bags for phones, we are violating their privacy, betraying their trust.....our own children have phones, can we do this to them?"

MS District Coordinator

"A lot of these children have serious mental health issues - severe depression, suicidal tendencies, self-harming, bipolar.....with the best of intentions, MS is not able to give them the intensive mental health care they need. Very often, community living has an adverse effect - the child's behaviour irritates the other children and they begin to torment and exclude her."

Child psychologist

"It is so ironic that even though these children have been abused or abandoned by their families, they still want to go back to them. I still remember one little child in an MS Nirbhaya whose mother was an accused in her case, weeping and saying "Why won't you let me go home? I want my mother to hold me and pat me to sleep."

Former Chairperson, State Commission

"These children can't stay in the Nirbhaya Home for ever, yet they have nowhere to go when they turn 18. Even though they are supposed to be in the care of the state, the state doesn't give them any options other than returning to a violent home or marriage, which may also be equally violent."

Secretary, KELSA

"Nirbhaya Homes have several special needs children including those with developmental and learning disabilities. The staff does the best from their standpoint but they do not have the skills needed to deal with these children."

Childline staff member

"Our Homes are very crowded and we are not able to pay for additional space. We use government facilities wherever we can but these are also not well maintained. There are some homes in new government buildings and they are really beautiful spaces with bright rooms and modern kitchens and bathrooms. But this is not the case everywhere."

Nirbhaya staff member

Usha and Kalyani reflect on the MS Nirbhaya experience

Translating a feminist vision: How successful have we been?

Violence against women has been a concern for Mahila Samakhya from the very beginning of the programme. When we started the Nirbhaya Homes, we were building on our earlier experiences and our analysis of violence as a systemic phenomenon, with patriarchy as the root cause, compounded by caste, class, religion and - particular to Kerala - political affiliation of the accused.

Our primary aim was to create a physically and emotionally safe space for the abused child, who was vulnerable to multiple pressures from the accused, the family, politicians, the legal system, the media. At the same time, we wanted a space that would not be not like a jail or a reformatory.

We wanted abused children to understand that they are not in the wrong - it is society that needs to be reformed. We wanted these girls to discard their victimhood and realise a new sense of self. We wanted them to discover their own potentials and to explore the possibilities of realising their dreams. We did not want them to be trapped in their family histories or become vehicles for their family's expectations. We wanted them to feel confident in making their own choices and standing on their own feet. We wanted them to know that marriage is not the only goal, that there are many other possibilities in life.

We realised very soon that this feminist dream cannot be achieved without a great deal of hard work and very intensive support and hand-holding for the children. Building relationships of equality and trust is at the centre of building feminist consciousness. Sometimes it seems that we have achieved this in some part of our Nirbhaya network, but the next minute things may fall apart.

There are many children of different ages and they are all traumatised in different ways - they all demand our attention, love and care. Sometimes we are exhausted by dealing with the daily task of negotiating with police, with families, health emergencies, conflicts in school, conflicts between the children, behavioural issues.....we end up pushing the limits of our energy, creativity and patience.

Not everyone of us has the same kind of heart-level connect with children who are emotionally needy, traumatised, difficult, inconsistent or unresponsive. Not all of us have the patience to get past the hard defensive shell with which

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these children protect themselves, and help their true selves to blossom. It is a painful and demanding task, with many moments of heartbreak and rejection along the way.

We have seen the qualitative difference in the Nirbhayas where a strong MS person, a committed feminist, has built this kind of relationship with the children - engaging with them, guiding them, encouraging them, loving them. For many of us, spending time in Nirbhaya is a healing and energising experience. Nirbhaya is the joyful and free space where we can renew ourselves in the company of these children and young women in whom we see as the next generation of feminists.

But the weakness is that the entire process revolves around a particular individual or group of individuals. We have not been able to institutionalise this approach across all our Nirbhayas. Many MS staff still see Nirbhaya as a "project" rather than as a space where we have a duty to practice and establish our MS principles and rights-based approach.

This gap is reflected in the culture of our Nirbhayas. While some feel like feminist spaces, others are coloured with conventional morality, gender and caste biases, "good woman" stereotypes and exclusionary hierarchies of power and privilege. Looking back, it is clear that we have invested more time in monitoring and policing the culture instead of working to transform it at a deep level.

Apart from these internal issues, our other big failure is in bringing all the concerned institutions together on a common platform of "best interests of the child." The Nirbhaya policy envisages and mandates inter-departmental convergence, but we could not make it happen.

Only the Department of Education (the parent department for MS) and the Social Justice Department (the parent department for Nirbhaya) have owned the project and engaged passionately with Nirbhaya Homes and the children. We have got instant and unstinting support from senior officials on any number of issues - admission of girls to special courses, special support and coaching for girls for competing in various jobs, visiting the homes and interacting regularly with the children, mobilising public support for the work we are doing. The CM's award that MS was given for its Nirbhaya work in 2018 was a huge morale booster.

We were successful in establishing close ties with the SC/ST Department, which was invaluable in getting immediate financial support for Dalit and Adivasi survivors. We were also successful in mobilising enormous support from the

senior echelons of the police. There are several officers whose support has been instrumental in rescuing abused children from dangerous situations, including trafficking gangs, in helping to bring the issue of online abuse to public notice, in providing special protection when needed. We feel that we have had some role in shifting the official discourse on child abuse from a crime-control focus to a more rights-focused approach.

However, we have not been able to establish this kind of institutional convergence with the Justice Department, the Industries Department, the Labour Department. The consequences have been quite grave. We have not been able to get preferential treatment in government posts for abuse survivors who meet all the other criteria. We have repeatedly raised this issue at various policy forums and pointed out that it would be a powerful message to society and a demonstration of the government's commitment to child rights and women's empowerment. It would also be a powerful motivator for survivors.

These gaps in institutional coordination are often filled by the circle of friends who have become partners in our endeavour to realise our vision for Nirbhaya. Many of these friends are senior bureaucrats who got to know us in the course of their official lives but who continue to walk with us even after retirement. Many others have been drawn into this circle - professionals, activists, intellectuals, doctors - on the basis of their respect for MS and their emotional connection with the children. Their presence and personal initiatives have opened the doors and introduced the children to music, literature, the arts, theatre. Thanks to them, the Homes have become culturally enriching spaces.

Nirbhaya gave us an opportunity to demonstrate a different kind of family, not based on blood but on shared values and commitment, where relationships are based on love, equality and respect for difference. We have some wonderful experiences, lessons and insights to share. However, many of these stories remain in our hearts. We have not made systematic efforts to reflect on these experiences, and pull the lessons together into an alternative framework that can be shared and debated with others. As a result, the conversations are still around individual cases of sexual violence rather than on the structures that enable and normalise this violence.

At the end of the day, our Nirbhaya Homes are small proto-feminist bubbles within a ruthlessly patriarchal system. Time and again, we are forced into being reactive - our energies remain focused on protecting these tiny spaces rather than on expanding them.

If there is one thing that renews our hope for Nirbhayas as an institution, it is the realisation that everyone who has engaged with the children in Nirbhaya has been changed and enriched in profound ways.

MS Legal Counsellors reflect on their Nirbhaya experiences

"I have changed as a human being - become more empathetic....I was not very child-friendly before....."

"Being with these children has filled me with admiration for their courage and their positive energy, their amazing talents.....they should grow into women who should guide us, tell us what to do."

"I have definitely become more open and responsive as a parent. I have learnt to look beyond the present, to focus on the future."

"I think I have become a better lawyer - now I see justice in a wider context than just the letter of the law. It has been a blessing for me"

"I have been inspired by the Nirbhaya staff. I started by thinking of these children only in terms of their cases and what had happened to them. But when I became close to them, I realised that there is no difference between these children and my own children....what happened to them could happen to anyone, it should not affect their future life."

"I have changed a lot, learnt a lot from these kids. I also used to think the same way as most people, but now I have become confident enough to argue with my husband who is a defence lawyer....."

"My heart melts when the kids hug me, look at me with love. I feel so proud that I have given confidence to these girlsthe biggest affirmation came from a judge who told me that she noticed and appreciated the way I support and protect the children in court. I think that is my biggest achievement."

"I was also a very conventional person, I would think in stereotypical ways and see these girls as flawed. Now I realise that each child is different, each story is different. this experience has taught me to look deeper, read between the lines of what is written in the case files."

"I have definitely become a better lawyer - more sensitive, braver, able to argue for the children without getting intimidated by the defence lawyers. I am proud to introduce myself as Nirbhaya legal counsellor."

"I changed my approach after getting engaged with Nirbhaya. I came with a very mechanical legal approach. Now, I try to connect with the children's minds. They trust me and confide in me. I have learnt how to help them to think beyond the violation, move away from guilt...there is a sense of intimacy that I value very much."

"I started practice in 1999 as a junior to a criminal lawyer, then worked in a legal aid NGO and finally came to Nirbhaya. I feel like I have found my mission in life. I am proud to be one of the few lawyers who stand with the powerless victims, when there are so many lawyers standing with accused. I know I would earn more from regular practice, but I get so much from the girls...they give me more than I give them."

"Working with the Nirbhaya children has inspired me to change the direction of my life. I am now doing an MA in psychology.....I realise that I need more than law to be of help to them."

What needs to change

"We have to develop a long-term vision - Nirbhayas are not a permanent solution, they have to be seen as a transitional stage to independent living. By the time girls become 18, we have to give them an alternative safe space - otherwise they will have to choose between going back home or getting married simply to get away from the family."

Childline Director

"We should look at foster care as a transitional option - there are many instances of mutually enriching relationship. But it needs a systemic framework to make sure that we carefully match the foster families and children. The family has to be open-minded, mature, secure, clear on child rights, able to handle ups and downs....."

Former CWC member

"The government must realise that it is in the role of "parens patriae" for these children. It is not simply a matter of pursuing the case, it is a matter of acknowledging that if the child has been abused, it is because the government has failed in its duty to protect children and their rights. This is the logic of compensation - it is compensation for the government's failure of duty. It is not meant to compensate for the abuse - nothing can compensate for that."

Secretary KeLSA, former District judge

"Compensation should be considered and awarded in every POCSO case where the offence is proved. This is something that needs to be emphasised during training for POCSO judges."

District judge

"In cases where the abuser is a stranger, and the incident is one of physical or verbal harassment in a public place, it makes no sense to send the child to Nirbhaya. She is better in the custody of her parents and should get support and counselling as needed."

Member, State Commission

"There should be a guest room in Nirbhaya where mothers can come and stay, spend time with the child."

Former Chairperson, State Commissioner

"POCSO judges and PPs should be taken for field visit to Nirbhaya Homes as part of their training. It is only if they meet these children face-to-face that they will realise how seriously they need to take each POCSO case."

Former POCSO judge

"The concerned departments should come together to develop an action plan for support to survivors after they leave the safety of the Home. Helping them to become economically independent is the highest priority."

Member, KCPCR

"It is a mistake to think that the Nirbhaya Homes have a high administrative cost - they are running on a shoestring budget and need to be much more generously resourced. They are not mere storerooms for abused children - they are the sites where these children are being restored to health and happiness."

Former Chairperson, KCPCR

A volunteer reflects on her engagement with Nirbhaya

Seven years ago, on an October afternoon, when I stepped through the doors of the then newly established Nirbhaya, I wanted to escape from a very distressing, depressive, and desolate situation in my own life. I had also hoped that as a victim of sexual abuse very early on in life, I could help the young girls put their unfortunate episodes behind them as I myself had done more than five decades before that.

Little did I dream then that these children would give me much more, than what I could ever give them! I still remember when my two friends and I walked in – about 40 of them sat expectantly before us curiously looking at us, wondering why we there. In all sizes and hues, there was innocence, a spirit of love, and positivity waiting to be shared that we sensed immediately.

Despite their vulnerabilities they were quick to trust us and shower us with affection. They were always joyous, we discovered. They loved to dance, to sing, to mime, play games, and make gifts, and were always ready to forget their pains. Their immeasurable love and affection gave me a strengthened ability and attitude to deal with my own issues - I understood that happiness and peace of mind lie within ourselves, and that to waste time reminiscing over what has happened, to go around blaming oneself or others, and to keep living in the past was not an helpful approach. I grasped how important it was for me to follow this in my own life, before I tried to tell them to do it. This self-realization was the greatest gift that they gave me.

There was the occasional skirmish between the children, because they mirrored the many prejudices and distinctions in society. We spoke to them about the Constitution, of inclusion and equality, fairness and justice; we celebrated Onam, Eid, and Xmas with the same enthusiasm stressing the values of love, compassion, and peace that underlined each religion; debated on gender and other inequalities in society, ending always with Shri Narayana Guru's famous tenet – "One caste, one religion, one God: humanity". We won some over unequivocally, but made all question the role of caste, superiority of their religion, and gender inequalities in their lives.

It never took much to make them happy, but the biggest challenge was helping them to understand they were not victims, that they were not the guilty ones (that they had "not asked for it" as even their own loved ones sometimes told them), that they were full of potential, that they had to create a vision and a goal for themselves, and that slowly they had to find their own paths to achieve the vision. This required persistence and innovation, and we did not always succeed, but never gave up trying.

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It was at Nirbhaya that my trust in the judicial system diminished considerably. Trafficked at 12 by a mother and stepfather, this young woman resident, now 26, is still confined in the home waiting for justice, while the rapists are out on bail! Unable to testify in court, she is not even allowed to forget the facts of the case. We left no door unknocked – the Governor, successive CMs, lawyers, bureaucrats, Advocate General, but to no avail. The intricate web that the court processes allow combined with a string of unscrupulous advocates (and we suspect magistrates), effectively thwarted justice each time. And then we finally filed a petition at the High Court, but Covid-19 put another block in the path for justice. Would it be more just to set her free from her predicament even though the rapists may go unpunished, I have thought many a time. She is not a unique case, there are many others waiting for 7-10 years.

Finally, a word about the management and staff at Nirbhaya, who kept the Home going – forty persons on average packed into a three bedroomed house with two working bathrooms! Keeping the morale and spirit of the children, ensuring peace, and managing with the resources and facilities they had, was no easy task. I was just a person, an aunty, who went in to engage them with fun things, to teach them English or show them a video for discussion, but managing the children, taking care of their daily needs, tending to their illnesses, settling conflicts, and keeping them comfortable was a challenge that the Director and staff met with tremendous grace and strength. Their effective management and the sacrifices they made, was the main reason I enjoy my times at Nirbhaya!

Nobody raped Gayathri

Gayathri's was the first POCSO case that came before the CWC in her district. Gayathri came from a family that was disadvantaged in more than one way. The family was very poor. The father did not have any steady employment and the mother was unable to work because of a disability. They were practically homeless, and were moving around from one ramshackle rented place to another.

Gayathri had been sent to live with her aunt in another district and was going to school there. She was not good at studies and was lagging behind the rest of the class. Finally she dropped out of school and came back to her parents. It was when some activists spoke to her and tried to persuade her to go back to school that she revealed that she had been sexually abused by a neighbour of her aunt, a retired army man.

Gayathri's case was brought before the CWC, and she was sent to the Nirbhaya Home and readmitted to school. She was in a very disturbed state when she came and things got rapidly worse. She hated being cooped up inside the house. She hated the fact that she was not as good at her studies as the other girls. She was very religious and was upset that we did not have any prayer room or religious ceremonies. She was very vocal about all these things and soon got labelled as a quarrelsome child. The other children avoided her and excluded her from their conversations and games.

The Nirbhaya team tried their best to help her settle down. She was counseled by expert child clinical psychologists and was introduced to music, dance and crafts. Gradually, she became much calmer. With coaching from the Nirbhaya staff, she improved at school too and we managed to get a special order for her to take the Class 10 exam. She passed and got admission to the Plus Two course.

But things soon went downhill again. Although Gayathri was very happy to be studying, she was not doing well in school. She was influenced by a group of older girls, all in the Home because of "love cases", who were in touch with their "boyfriends" (the accused in their cases) through their school-mates. These other girls, quite unaware of the implications of POCSO, would get very excited to be part of these romantic goings-on and would happily become intermediaries, passing on mobiles, money and gifts to the Nirbhaya girls. Gayathri also became involved in these intrigues, all directed to getting the POCSO charges dropped.

Gayathri may also have been contacted by the perpetrator in the case through the school network. She again became disturbed and erratic in her behaviour. The police had taken her statement several times

and were not convinced about her story. Perhaps to escape this repeated questioning or perhaps out of stress and unhappiness, Gayathri became very weak and feeble, and was admitted to hospital for investigations.

Gayathri's mother came to stay with her and take care of her in the hospital. A battery of tests was carried out, but the doctors found nothing physically wrong with her. They concluded that her illness was directly connected to the experience of abuse, and was an expression of post-traumatic stress. They discharged her from the hospital.

Gayathri then told us that she wanted to go home with her mother who was also not well and was finding it very difficult to manage the day-to-day chores. The CWC accepted her request and allowed her to go back home.

But this time, Gayathri was unable to cope with the circumstances in her home. She was not able to continue her schooling and the domestic work was wearing her down. Once again, she approached the CWC and asked to be sent back to Nirbhaya.

When she came back to Nirbhaya, the other children crowded round her, pestering her with questions: Where did she go? Why did she come back? What happened at home? Somehow, Gayathri managed to deal with the stress and reintegrate with the others.

However, the school categorically refused to admit her again. They said her poor performance and bad behaviour would affect the reputation of the school and spoil their academic standing. So once again, Gayathri was the excluded one, alone all day while all the others went to school. She took out her anger on the other girls, picking fights at any excuse and getting verbally and physically aggressive.

This time, the other girls ganged up and complained against Gayathri to the CWC. Once again, Gayathri was removed from Nirbhaya and sent to another Home, this time in a convent. After a few days, she disappeared and somehow found her way back to her parents.

Once again, Gayathri was produced before the CWC where she insisted that she would not go back to a Home. The CWC had been told that the family was essentially homeless and that Gayathri's safety was not assured. They communicated this to Gayathri's father who came back a few days later with a rent agreement to prove that they had a proper home. The CWC accepted this dubious document without checking the situation on the ground, and released Gayathri to her father's custody

Some time later, the police asked the Nirbhaya team to bring Gayathri to a forensic lab for a medical report. She refused. An application was filed with the police to have the tests done locally. The whole process kept getting delayed. When it was finally done, the results confirmed sexual abuse.

In the meantime, the accused man moved the High Court against the CWC and the police for filing a false case against him. The POCSO case has been closed even though Gayathri's initial statement is clear, and sexual assault is confirmed by the medical exam.

Gayathri is 14 years old. As a minor who has been subjected to sexual intercourse, she is a victim of statutory rape. But as far as the system is concerned, there is no case and so nobody raped her.

Justice of some sort.....

Mira's case came to light during a group counseling session that MS organised in a particular lower primary school, where there were some media reports about a group of children who would hold hands and form a circle around one of their classmates whenever the headmaster was around. During the session, the children explained that they did this to protect this one child from being "caught" by the headmaster. It turned out that the headmaster would take this child and put her in his lap, and then fondle her. The girl told her friends and they decided to form this circle of protection. The case was reported to the police.

But the counseling session also revealed another case - a six year old girl Mira who seemed more like a three year old in her way of talking. Despite her babyish and garbled way of talking, it was clear that she was being sexually abused by her father. The counselors took her to the CWC. The mother was informed and the father was arrested and Mira was sent to the Nirbhaya Home.

Mira told all the other children about what her father used to do to her. She would somehow weave the abuse into her other childish stories about monkeys and birds. Amazingly, despite everything that had happened to her, Mira was a friendly and cheerful child. She was the youngest girl in the Home and soon became everyone's pet.

Mira's mother, angry and helpless, kept insisting that the child was lying. There were indications that she knew about the abuse. She refused to tell us why she had moved her older daughter to a hostel. She refused to let Mira go through a medical examination which could not be done without her consent since the child was only six.

Mira's father failed to get bail, since none of his relatives tried on his behalf. Mira's mother would come and harass the Nirbhaya staff with complaints, demanding that her husband be released on bail since the child was not with her. On the rare occasions that Mira was taken home on festival days, she would be taken her to the jail to meet her father and made to promise that she would not say anything against him in court. When Mira came back from these trips, she would be distressed and terrified, and would take many days to come back to normal.

Finally one day, Mira, by then seven years old, decided that she did not want to go home any more. Her mother's reaction was to simply stop coming to meet Mira. The child missed her mother although she was terrified of her father. She would keep asking staff why her mother did not believe her, why she did not come to see her....

Finally Mira had her day in court. She was trembling when she saw her father, but gave a clear statement. Her father was convicted and given a sentence of four years in jail, less than the mandatory seven years for penetrative sexual assault. We later came to know that the father had been given a lesser sentence because there was no supporting medical evidence. The fact that it was the mother who had blocked the medical evidence did not carry weight with the court. On the other hand, the father who presented himself as a poor and helpless old man, got a sympathetic hearing.

Even though the case is over, Mira has not gone back home. Her mother, who sees her as the cause of her husband's disgrace, has completely cut ties with her. Her father has now completed his jail term and has come back home.

Mira is now 12. As part of her rehabilitation plan, she was transferred to a school hostel, but she got a serious infection and the authorities sent her back to Nirbhaya.

Mira, who still talks like a little girl, has now learnt to use the phone. She keeps calling up her mother and pleading with her: "Please send your husband away for some days so that I can come and see my village once again...."

6. Conclusions, Insights, Questions

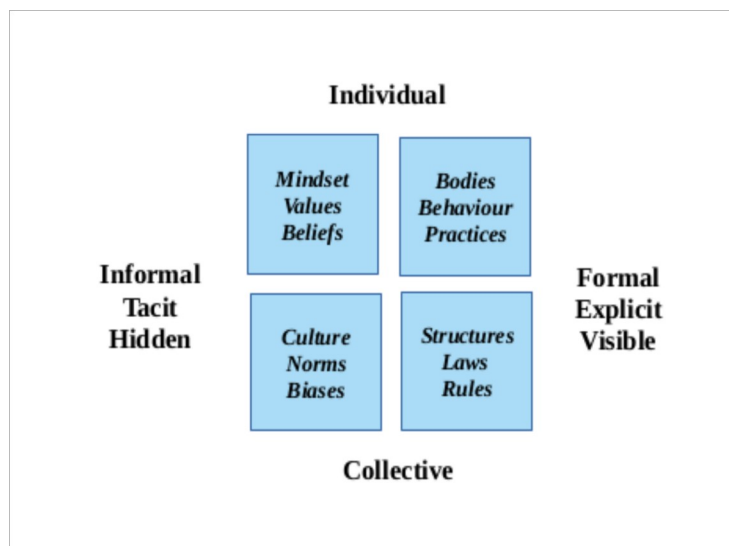
In the previous sections of this report, we have presented voices, experiences and opinions from people who have encountered and engaged with POCSO in multiple ways - policy-makers and members of the implementation mechanism; law-enforcers; members of bodies that mediate between the survivor and the state; caregivers and protectors of children's interests; arbiters of justice and, most importantly, the children who look to this system for safety, dignity and justice.

The question that we sought to address through this study is

"What will it take for the systems and mechanisms for POCSO implementation in Kerala to work effectively in protecting and promoting the best interests of the child?"

Our task in this concluding section of our report is twofold.

1. Interpreting the evidence we have collected to understand the dynamics of the of the system.
2. Reading these dynamics through a feminist lens to assess how they impact the best interests of the child.



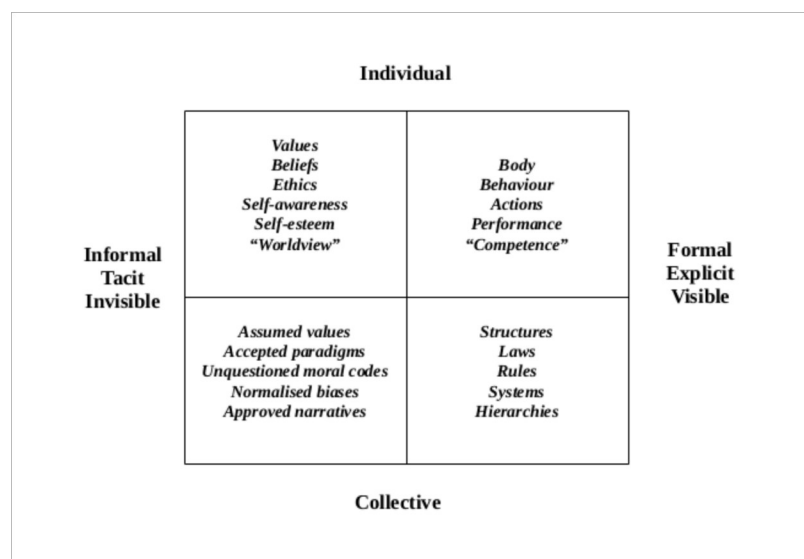
As depicted in the figure above, we visualise the POCSO system as composed of four interconnected and co-constitutive domains.²⁵

²⁵ Menon-Sen, Kalyani and Ray Gordezky. 2018. Organisational transformation for equality, justice and peace: A holistic approach. Gender At Work. <<https://genderatwork.org/portfolio-item/organisational-transformation-for-equality-justice-and-peace/>>

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- **Individual consciousness** (upper left quadrant). Our individual mindsets and attitudes are the product of personal histories of gendered socialisation and social conditioning that shapes how we see ourselves in relation to various hierarchies. The unquestioned values and beliefs we imbibe through our life experiences shape our sense of personal power and entitlement and mould our internal perceptions of value, dignity and respect.
- **Individual behaviour/bodies** (upper right quadrant). Bodies and behaviour are the outward expression of the “internal self”. We reveal ourselves in the ways we occupy the institutional space; use our bodies to signal our social position and sense of self; relate with each other; voice our thoughts and concerns; express our power and respond to the power of others.
- **Formal structures and rules** (lower right quadrant) are the frame that guides the functioning of the institution. Laws and rules validate and perpetuate hierarchies and set the institutional boundaries of legitimacy. They provide operational guidelines for the exercise of leadership and decision-making; allocation and use of resources; claims to rights and entitlements; performance of roles and tasks; distribution of rewards and penalties, and accountability for successes and failures.
- **Institutional culture** (lower left quadrant) This is the collective space of shared meaning, understanding and beliefs created by the interactions between individuals and their mindsets. Institutional culture is expressed through the unwritten codes and standards for the day-to-day life of the institution such as definitions of what is “acceptable” and “unacceptable”, “appropriate” and “inappropriate”, “useful” and “useless”, who is “in” and who is “out”. It provides the validation for particular ways of being and doing that are valorised and owned by everyone in the institution.

Reviewing the evidence we have collected through the lens of these four quadrants allows to identify some key characteristics of the POCSO system.



1. The functioning of the system dilutes the intention of the law

All systems reflect the larger context that they emerge from and are rooted in. However, our study suggests that the POCSO system in Kerala upholds the dominant value-system and works to preserve and strengthen the *status quo*.

This is a matter of concern because it undermines the intent of the legislation. POCSO was framed precisely to disrupt the existing gendered *status quo* within the justice system that was blocking access to justice for child survivors of sexual abuse. Significant elements are the expansion of the definition of sexual abuse to include non-penetrative forms of assault; the mandating of special "child-friendly" protocols for recording and investigating complaints; reversing the burden of proof and special courts for hearing cases and dispensing justice.

As evidenced in the preceding sections of this report, certain provisions are routinely violated or subverted by the system.

- Non-penetrative forms of assault are brushed away as inconsequential by CWCs and police.
- Negotiated "settlement" of cases through coercion, bribery or promises of marriage are condoned or even encouraged.
- The privacy and safety of survivors is routinely violated at every step of the process.
- Judges treat POCSO cases on the same terms as any other criminal case, over-riding the special provisions mandated in the Act .

These examples illustrate how formal structures and systems can be subverted through the practices and actions of individuals - both women and men - who are guided by their own values and beliefs rather than by the rules and protocols they are duty-bound to follow. In the process, both the letter and the spirit of the law stand weakened.

Everyone within the system certainly does not fall into these patterns of behaviour. There are many individuals who have set high benchmarks for sensitivity, responsiveness and commitment to principles. However, these positive examples have had only a limited influence on the system because they are swimming against the mainstream of the institutional culture and the moral codes of larger society. For instance, judges who meticulously follow POCSO guidelines in conducting trials, and who insist on compliance from prosecutors and defence lawyers, are perceived as overly harsh, rigid and "out of touch with reality".

The system is defined by those who "go with the flow" and do not challenge dominant perceptions and value-frameworks. Their actions and pronouncements were defended and even validated as being more "balanced", "practical", "moral" and "mature". This is not only because they constitute the numerical majority, but because other powerful voices inside and outside the institution justify and defend these stands.

As a result, the public perception of these institutions is largely negative. People are cynical about their ability or desire to change the situation, and openly accuse them of colluding with power holders. Many potential complainants, especially those belonging to the most vulnerable groups, prefer to stay away from such systems and pursue their own paths to closure.

2. The system replicates dominant hierarchies of power and privilege

The demography of the POCSO system is a reflection of dominant hierarchies of gender, class, caste and political affiliation.

- Of the 14 CWCs currently in place, only four are headed by women.
- Dalits and Adivasis are practically invisible in CWCs and the higher judiciary.
- Persons affiliated to the party in power are over-represented in all implementation mechanisms.
- Minority representation is noticeably higher in districts where minorities have social, economic and political power.

We heard numerous accounts of how recruitment criteria and selection processes have been manipulated to ensure a particular balance of power within POCSO institutions. Our interlocutors emphasised that these strategies for "institutional capture" are not unique to any particular political party, but are implemented more effectively by parties with strong organisational mechanisms on the ground.

The aggressive political capture of POCSO institutions has convinced many people that the political parties see POCSO as a political weapon that can be used against opponents. There is also the perception that CWCs are working to protect people from their side of the fence from prosecution under POCSO.

It is worth noting that the issue of political bias in POCSO institutions has been raised much more strongly and sharply in Kerala than issues of gender and caste bias which are equally if not more exclusionary. More inclusive and diverse institutional structures do not necessarily ensure more equitable functioning or equitable outcomes. However, they would certainly change the public perception of these organisations as male-dominated and elitist. The presence of Dalits and Adivasis at the senior levels might also make them more credible to people from marginalised communities.

3. The system enables impunity for power holders

Revelations of *mala fide* dealings in some high-profile POCSO cases have made national headlines in recent times. These cases came up in many of our conversations with activists, who cited them to support their critique of the system.

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Survivors and their supporters also shared personal stories of egregious violations not only of POCSO provisions, but also of established norms of public behaviour and institutional decorum.

- Survivors have been humiliated and re-traumatised during recording of statements and medical examination.
- Survivors have been mistreated and verbally and physically "punished" by hospital staff.
- Lawyers and support persons standing with the survivors have not been accorded respect or professional courtesy.
- CWC members have compelled survivors to recount intimate details of the abuse to which they were subjected, despite resistance from support persons.
- Judges have abused and harangued survivors in open court, using misogynistic and casteist language.
- Defence lawyers have asked humiliating and unnecessary questions during cross-examinations.

Most of these violations have happened in the presence of witnesses. In many cases, these witnesses registered their protest or made formal complaints or brought up these incidents in coordination meetings. Apart from cases where there has been a public outcry against a gross miscarriage of justice, we heard only one or two instances where those responsible for violating the privacy, dignity and rights of survivors were held accountable for their behaviour.

Lack of accountability is reinforced by lack of transparency on metrics of performance. The State Commission is responsible for monitoring the overall health of the system, but relevant information on findings and actions taken are not available in the public domain. Data on crime rates and cases are also not easily available. Data is not systematically disaggregated and does not provide information on the caste, socio-economic status and age of survivor and perpetrators. As a result, it is not possible to make a reliable assessment of the performance of the system in ensuring safety, protection and rights of children.

District Magistrates are the designated authority for grievance redressal and are mandated to conduct quarterly reviews of the functioning of CWCs. We were unable to access any information on the parameters of these quarterly reviews or actions taken by District authorities in response to grievances and complaints against the CWC.

Both the Department of Social Justice and CWCs are supposed to review the functioning of Nirbhaya Homes. The formats, criteria and reports of these reviews are not available in the public domain. In no case were Nirbhaya Homes assessed against the official benchmarks as set out in the minimum standards of care. Several of these reviews were based on anonymous complaints and were conducted in an adversarial atmosphere.

It is worth noting that opacity and lack of accountability are characteristics of hierarchical systems where maintenance of command and control is prioritised over initiative and innovation.

4. Transformatory spaces have been created but remain fragile

In the course of this study, we came across several instances where a potential for transformation is visible and has been nurtured. We found these spaces in the courtrooms and chambers of some judges and prosecutors who see it as their mission to ensure justice for survivors. We found them in some police stations and in the chambers of some visionary bureaucrats and police officers. We encountered them in some of the shelter homes run by women's organisations. Some of the MS federations and some of the survivors we met are creating such spaces for themselves. We met members of CWCs and legal aid cells who clearly recognised the need for such spaces.

These experiences fill us with hope. At the same time, we are keenly aware of the fragility of these transformatory spaces, which have developed around particular individuals who are inspired by a vision of change and are able to mobilise others to work towards it. These visionary individuals are able to motivate others with their commitment to principles and their ability to demonstrate alternative ways of "being and doing". In engaging with the system, they hold a mirror to its flaws and contradictions. For this reason, they are seen as threats by the larger system which then bands together to squeeze them out.

In our experience, the transformatory energy of such spaces can dissipate rapidly if the individual who is holding them leaves the system before the alternatives take firm root in the institutional culture. More often than not, the departure of the concerned individual is followed by an exodus of the people they have mentored, who feel isolated and vulnerable to being targeted and purged by the new dispensation.

5. No consensus around foundational principles

The lack of a consensus around foundational principles within the POCSO system was highlighted by many of the people we spoke to. The correctional approach of the JJ Act continues to have more resonance within the system than the concerns for protection and prevention that are reflected in POCSO.

Our conversations with the visionary thinkers and innovative practitioners within the system developed organically around the basic principles that guided them in their engagement with POCSO. Equality, justice, non-discrimination, inclusion and non-violence were the common touchstones against which these individuals tested their own practice.

In sharp contrast, most of our other conversations revolved around operational issues, problems in coordination, and personal achievements. Comments on individual cases suggested that personal philosophies, "life wisdom" and political or ideological considerations formed the basis of most decisions. The lack of clarity or even concern for basic tenets of child rights was obvious.

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There is considerable confusion around roles and responsibilities of various actors. This is further complicated by the hastily implemented reorganisation of the system to conform with the requirements of the Integrated Child Protection Scheme. Concerns of welfare and concerns of justice exist in silos and there is still no official articulation of how the different components within the system relate to each other. There is no organigram or flow-chart to show how the system is organised and how decisions are taken. Lack of role clarity, insecurities around hierarchy and the need to remain alert to political considerations seem to be consuming their energy and reducing their professional effectiveness.

POCSO and the patriarchal consensus

The common thread in many of our conversations was anxiety around the impact of POCSO on family relationships. We were told that POCSO was "breaking up families", "creating mistrust between parents and children", "encouraging immorality", "spoiling girls", "empowering women to target their husbands", "destroying the trust between fathers and daughters", "victimising men" and so on.

These comments are not surprising except to those who still believe that Kerala is a special place where gender inequality has been eliminated through education, political awareness and social engagement. Any such illusions would have been shattered by the recent violent public reactions to the Hadiya issue, the Supreme Court verdict in the Sabarimala case and assertions of bodily autonomy and sexual freedom by Malayali feminists.²⁶

As Malayali women from a privileged caste and class background, these anxieties and illusions are part of our lived experience. With our shared histories in Mahila Samakhya, we can testify to the dehumanising violence that characterises the intersection of caste, patriarchy and religion in Kerala. The impact is even more devastating for those of our colleagues who inhabit these intersections.

"Samakhya work was unique and I loved my job.....but the tragic murder of one of the Sevini by her own husband and then his suicide somehow devastated all of us..... I felt I couldn't continue any longer with the heartbreaking memories of a soul-sister whom we couldn't save. We were supposed to be helping and saving women from atrocities and it was unacceptable to me that we were not able to even foresee a terrible tragedy unfolding in our midst.....It looks like a curse. Toxic alcohol and brain damaging drugs and junk food must be playing havoc with the minds and bodies of men (and sometimes women too) making them mad..... the lack of sexual prowess that is affecting many men is making them turn to violence against young girls, even infants. They are not able to satisfy or even look into the eyes of grown up women including their wives..."

Adivasi activist, former MS Sevini²⁷

26 See for instance <<https://kafila.online/2020/06/29/an-appeal-for-an-artist-contribute-rs-10-to-buy-brushes-for-rehana-fathimas-son/>>

27 As told to S Santhi, documented in her unpublished collection of Adivasi women's life narratives.

Our study shows that POCSO has triggered a fresh wave of patriarchal solidarity in defence of the sexist, casteist and majoritarian values that underlie the illusion of "progressive, secular and inclusive Kerala"

Despite its intrinsic flaws and imperfect implementation, POCSO has brought many deeply buried insecurities to the surface and exposed them to public scrutiny.

It is becoming more and more difficult for concerned citizens to ignore or deny some unpleasant realities.

- Child sexual abuse is pervasive.
- The majority of cases of child sexual abuse take place within the family.
- The majority of perpetrators are persons entrusted with the care and protection of the child.
- The majority of abused children belong to socially and economically vulnerable groups.
- The majority of cases are "settled" out of court.
- Powerful economic, social and political interests come together to protect perpetrators.

This "outing" of the ugly reality of child abuse is rightly seen as a direct challenge to the foundational values of the family, the institution at the core of patriarchy. These "Family values" can bring about "patriarchal solidarity" across divides of caste, class and identity.

POCSO by its very existence has become the trigger for this solidarity.

As a law which visibilises and penalises child sexual abuse regardless of whether it occurs inside and outside the family, POCSO has exposed the family to legal scrutiny in an unprecedented way. The refusal to recognise marital rape as a crime protects the notion of "marriage as a sacred sacrament", but the same protection cannot be claimed for incest which is unequivocally condemned by all religions.

By placing the body of the child at the centre of its process, POCSO has destroyed the invisibility of abuse.

- The removal of the child from the custody of the family is a visible signal of the fragility of the supposedly sacred bond between parents and children.
- The notion of the family as a nurturing and safe space is publicly challenged when the child is placed with strangers who are charged with safeguarding her interests.
- The presence of the child in the courtroom provides undeniable physical evidence of the abuse, and of her helplessness and vulnerability in the face of adults.

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- The body of the pregnant child stands as a silent challenge to the notion of motherhood as a natural and fulfilling experience.

It is not surprising that some of the most violent and shocking explosions of rage and frustration have been directed against the bodies of children. The verbal abuse and aggression by judges and defence lawyers, and physical mistreatment and humiliation at the hands of healthcare providers, are evidence of the subversive power contained in the body of the abused child.

In the course of this study, we have been pushed to rethink our earlier assumptions about the resistance and even hostility that MS has encountered in running Nirbhaya Homes. We now realise that this hostility is directed at the body and physical presence of the child inside our sphere of influence

By surviving, by overcoming their trauma, by exercising their choices and daring to dream of a future, the Nirbhaya children are challenging the notion that loss of chastity as "a fate worse than death". Their bodies are both the medium and the message - by standing tall, dressing up, laughing, singing and dancing in public, they are claiming their right to childhood. By giving birth but not becoming mothers, they are challenging the valorisation of motherhood and maternal love. By seeking out and experimenting with romantic relationships, they are rejecting the shame and prurience around sex and sexuality.

The MS vision of Nirbhaya as an open and nurturing feminist space where girls can grow into independent, autonomous and socially conscious women draws its validation from the Government of Kerala's Nirbhaya Policy, but has been repeatedly contested by the system. MS has faced several complaints and enquiries from CWCs and the State Commission, usually around charges of indiscipline, violation of norms or going against the CWCs. In most cases, MS has been able to defend its actions by invoking the POCSO principle of placing the "best interests of the child" at the centre of decision-making.

However, it appears that we are now seeing a systemic backlash to the idea of children as autonomous beings possessed of voice and agency. Several of the proposed policy changes that are now being rolled out suggest an underlying intention to bring a "command and control" perspective to the centre of the child protection system, replacing the rights-based approach of the Nirbhaya Policy and POCSO.

- Restricting the scope of protective institutions by converting them into "entry-level" short-stay homes where children will be assessed rather than supported.
- Moving survivors to a centralised place without considering the need for their physical presence for investigation and legal proceedings.
- Shifting the focus of institutional stay for survivors from "protection and empowerment" as envisaged in the Nirbhaya policy, to "reformation and reintegration in the mainstream".
- Adopting a twin track approach where "bright girls" will be encouraged to study and others will be directed to vocational streams, apparently without considering issues of equality and equity for historically marginalised communities.
- Sending adolescent girls back to their families without consideration for requirements of the legal process.

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- Prioritising "family and community-based" rehabilitation over institutional intervention for all children in need of care and protection, without reference to special and specific needs of survivors of sexual abuse.

It is noteworthy that these decisions are being taken and announced without any discussion with the concerned parties, experts, or the wider public.

This study has given us an opportunity to initiate wider conversations around issues of violence against women and children. These conversations include and go beyond POCSO. We have heard several suggestions for revisiting and strengthening the existing system, as well as alternatives to it.

What needs to change

"The selection process must be reformed - all appointments to POCSO posts must be made by a panel including independent experts. It should be a rigorous process based on interviews and group discussions."

"Committed people within the system should be identified and allowed to work differently."

"Minimum standards of rights must be applied to all institutions, and survivors should participate in decision-making and governance."

"Set up systems for better coordination of field agencies, with oversight by women's organisations like MS and Kudumbashree represented in the decision-making body."

"Adequate resources for Nirbhayas including trained and experienced staff."

"Experiment with some transitional institutions on the model of Halfway Houses in UK where survivors can experience independent living as part of a supportive community."

"Make the new POCSO courts 100% POCSO compliant."

"Enable more flexible and innovative responses by establishing principles rather than enforcing rules."

"Involve community in environment-building - help people to become changemakers before returning children to abusive homes."

"Ensure dignified work and support for families of survivors, especially households headed by single women."

"There should be a public audit of the system from top to bottom - that is the only way to ensure accountability,"

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We propose to use this report as a platform for a series of dialogues and consultations with a wider section of officials, women's groups and feminist activists, child rights advocates, Adivasi and Dalit rights groups, mental health experts, lawyers and judges, survivors, the Mahila Samakhya team and MS Federations.

It is our hope that the coming together of a wide group in support of the rights of children and survivors will lead to a truly transformatory process and turn the tide of violence that is casting a shadow on our future.

Our experience of engaging with POCSO and many of our conversations in the course of this have raised some profound questions for us on our ideas of justice and the ways in which they reflect our own identities and personal histories of caste and class privilege as well as our own experiences of violence. We have been forced to accept that, left to themselves, a large proportion of survivors would choose to move on with their lives rather than get bogged down in long drawn out court proceedings with no guarantee of a conviction. We have reluctantly realised that punishment for the abuser is no cause for satisfaction for the survivor who does not have the means for independent existence. We exhort survivors to get jobs, but how far have we been able to ensure safe workspaces? We oppose the idea of returning survivors to abusive communities, but have not created alternative spaces where they will be welcomed. Most ironic is our acquiescence to the notion of the state as *parens patriae*. Are we not feeding into the myth that the patriarchal state - infinitely more powerful than the most powerful of patriarchal families - can be the protector of the rights and interests of the abused child?

We hope we can continue to work together on these questions, and take these conversations to survivors and their families, colleagues in Mahila Samakhya and friends from other movements who are grappling with the same questions and dilemmas.

Rahanas: Why should I be ashamed?

Usually we are careful about protecting the privacy of the children in our care. We never mention their names. But Rahanas is an exception - she has "come out" and shared her story in public. Nor that she has got the Kerala Vanitha Ratnam award, everyone in Kerala knows her name and her story.

Rahnas was raped by her father when she was 13 years old. She says she tried to fight him but was not able to escape. Her father ensured her silence by telling her that he would kill her younger brother and sisters if she spoke about what had happened.

Rahnas' father was an "advertisement man", moving around the town in a rickshaw with a loudspeaker, calling out slogans and announcements. His work was irregular except during elections when he was much in demand. The family found it hard to make ends meet, and Rahanas was sent out to work at a young age. She has worked in small tailoring shops, as a salesgirl in a clothing store, in a papad factory, and as a domestic worker in several households.

Rahanas does not know how much she used to earn - no matter where she worked, it was her father who would come and collect her salary. She says that very little of what she earned ever came to the family - her father was an alcoholic and spent the money on drink.

At some point, Rahanas' father began sending her out for sex work to small hotels and sleazy lodges. She says she tried to run away several times, but was always caught and brought back home because she had no idea where to go. Each time she was caught, her father punished and threatened her.

But one day in, some local women leaders came and cornered her mother. Rahanas, returning from that day's assignment, walked into the house to hear them firing questions "Where does your man take your daughter? What is happening to her? Why are you letting this happen?"

This was the first time that Rahanas had encountered women like these. She felt instinctively that they would listen to her and help her. She opened her mouth and poured out everything, including her father's threat to kill her siblings. The women leaders immediately informed the police, who came at once to take her statement. The father was arrested and the entire family was entrusted to the care of MS.

Rahanas, her mother and her siblings moved into the MS Mahila Shikshana Kendram in Trivandrum. Rahanas' mother was employed as a cook, first in the MSK and then in one of the district offices. Rahanas and her siblings were enrolled in government schools.

Rahanas was going back to school after a gap of several years. She turned out to be a bright and serious student, as well as a talented singer, dancer and actor. Rahanas also got a lot of opportunities to attend the summer camps and events organised by Mahila Samakhya in different districts. We saw how Rahanas was changing. It was as if she had got back her childhood and learning to forget the terrible experiences that she had been through.

Rahanas' case predated POCSO, but since the case had been filed by a women's organisation and was being pursued by MS, it was taken very seriously. The accused were all under arrest and had been denied bail. The investigation, supervised by a senior officer was completed in record time and the case came to court without much delay.

The judge in charge of the trial was a sensitive and pro-active woman who took special steps to ensure that Rahanas was not humiliated or intimidated by the defence lawyers. The prosecutor told us later that he was offered a large amount of money by associates of the accused, who included religious leaders, local politicians and other influential people.

All the accused (except one who went into hiding and could not be arrested) were convicted. Rahanas' father was given a life sentence.

Rahanas completed her schooling and wanted to become a lawyer. We got a special order from the Education Secretary and got her admitted to a law college in Ernakulam. She moved to the college hostel. As a girl from a deeply troubled and deprived background, very different from the other students, it was not easy for her to adjust to hostel life. However, the principal and staff were very supportive and she graduated with good marks. After her degree, Rahanas did an internship with the Nirbhaya cell of the Women and Child Department. She also helped us in collecting and compiling POCSO case records for this study. She prepared for the civil service exam with special funding from the Government of Kerala.

Rahanas wrote an article "Why should I Hide Myself?" that was published in a leading Malayalam weekly, claiming her right to hold her head high and asserting that her violators were the ones who should feel ashamed. The article was widely read and discussed. Rahanas' father wrote a letter to the magazine, blaming alcohol for his downfall, congratulating Rahanas and wishing her well. He ended with an emotional statement "Let there be no more people like me in this world." Many of us felt that he was sincerely repenting for what he had done.

In 2017, the feminist film-maker Leena Manimekalai made a documentary on Rehanas as part of her series 'My Story, Your Story'²⁸, about women who have been violated by various patriarchal institutions from the state to the family. She interviewed Rehanas' father in the jail. His statements shocked us all. He admitted that he had abused Rehanas but blamed her for not saying no. He claimed that whatever he did was for the family, and said that he used to hand over everything that Rehanas earned from sex work to his wife, thus implicating her in the crime. It was very clear from his interview that he felt neither remorse or regret for his actions.

A few days before the end of his jail term, Rehanas' father hanged himself in the jail. Other than the film-maker and a few reporters, he had not had a single visitor in the 14 years he spent in prison.

Rehanas saw her father's suicide as his way of escaping from the consequences of his actions. "Where would he have gone? No one in the family would have accepted him back....his only option was to kill himself to avoid being rejected by society."

Her father's death put Rehanas under the spotlight once again. Her extended family and various religious leaders all had their opinions and advice on what she should feel and do. She ignored them all. She did not go for her father's funeral with her mother and siblings, who went to see the body but did not participate in the rituals.

Rehanas is now working for an NGO and is planning to try for the civil services again. One of her sisters is married, while her brother and youngest sister are continuing their studies. Her mother is still working for MS.

On Women's Day this year, Rehanas was honoured by the Kerala government with the Vanitha Ratna in recognition of her struggle and her refusal to be destroyed by her past. She was acclaimed as a role model for other survivors. She is now writing the story of her journey.

²⁸ <https://www.indianwomenblog.org/filmmaker-leena-manimekalai-on-shame-as-the-dangerous-tool-of-violence-against-women/>

From Kalyani's field diary

We walk into Sridevi's house late in the evening, exhausted after a long day of interviews and meetings in the field. It is already dark as we drive up a winding narrow lane, getting stuck in a couple of dead-ends before we find the right turn-off. Clambering up a narrow dirt path, we are met by a group of three women who grab our hands and lead us up the last few steps to the house.

It is like a house in a fairy-tale - a tiny porch decorated with colourful strings of beads and birds, a roof with a little peaked gable and rooms running into each other. A small room off the porch is set up as a little shop with packets of biscuits and home-made snacks and sweets in big glass jars. Sridevi's father-in-law emerges from under a hanging bunch of bananas and greets us with a warm smile,

Sridevi, diminutive and hugely pregnant, leads us into a large front room and buzzes around us like a ladybird until we are all comfortably settled into chairs around a large dining table. Everything is sparkling in the brightly lit room, scattered with toys and blocked off at one end by a large aquarium. Everybody is talking and laughing at the same time - there is much excitement since the Chechis are visiting after a long time. A little girl of four or five hops out from somewhere and takes over the conversation. Sridevi's dignified mother-in-law and elegant sister-in-law disappear into the kitchen, from where the heavenly smell of something frying in freshly-pressed coconut oil soon wafts out.

I am meeting Sridevi for the first time, but my colleagues have told me her story. She belongs to a family of sex workers, brought up and initiated into the profession by her mother and grandmother. She was 13 when she was rescued by the State Women's Commission. All three women landed up in an MS Nirbhaya. Sridevi was admitted in school and her mother was taken on as a cook in the Nirbhaya. Her grandmother, already feeble and showing the first signs of dementia, was admitted to an old age home. Sridevi finished school and joined a catering course at the Taj Hospitality Institute. On passing out, she got a job as a cook in one of the Taj Group resorts, where she worked for three years.

Sridevi tells me that some of her colleagues in the resort were interested in her, but she didn't really like any of them. She left it to her MS Chechis to decide for her. So an ad was placed in a local paper and the Chechis carefully screened all the applicants. Sridevi insisted on being open about her background and about her commitment to supporting her mother and grandmother as long as they lived. This family met all the criteria and agreed to her conditions. Sridevi was married to their eldest son, the young man who is busy at the aquarium. He is a few years older than Sridevi, and has a permanent job

as a ward-boy in the local government hospital. He has a speech and hearing handicap. The younger son of the family earns a good living as a fish vendor. His Facebook post on the occasion of the marriage - a sweet little poem expressing his delight at his brother finding a life-companion - is proudly shared.

It is obvious that Sridevi is a treasured member of the family. As we gorge on hot neyappams and bajjis, Sridevi's mother-in-law settles down to chat with me. Apologising for not having everything ready and waiting for us, she tells me that she has just come back from the hospital where Sridevi's mother has been admitted for removing a possibly malignant tumour. She tells me that they decided on this hospital because it is close to the house. Since Sridevi is just a couple of weeks away from delivery, she will not be able to look after her mother - it is her mother-in-law who will care for her after the surgery.

Sridevi tells me about all the friends she has made in her neighbourhood, some of whom have dropped in to meet us. She shows me her gold bangles and thali chain, and tells me proudly that she bought them with her own savings. She says has introduced the family to things like chowmein, alu paratha and paneer butter masala (although her husband still prefers his mother's fish curry). She would like to go back to working, but will not think of it until her baby goes to school - she says her mother-in-law and sister-in-law (who also has a job) have enough to do and she would like to help them.

Sridevi is glowing with health and happiness. Her face dims only when she speaks of her grandmother, whom she visits regularly. The old lady is not happy at the old-age home, and curses Sridevi bitterly for not bringing her back with her to live with the family.

As we walk back to the car, accompanied by the whole family, Sridevi's mother-in-law tucks a large packet of appams into my hands, and tells me to come again. She wants to take me to meet one of the neighbours - a young woman from West Bengal who came to Kerala as a domestic worker, married a Malayali boy and settled here. "She will be so happy to speak to someone in her own language" she says.

The appams, wrapped carefully in banana leaves and brown paper, taste just as good when we eat them next morning.

7. Annexures

Annexure 1. List of persons interviewed

S No	Name	Designation
1.	Justice Shaji.P.Chali	Judge High Court Ernakulam
2.	Justice KP Indira	District and Sessions Judge Palakkad
3.	Justice SH Panchapakshan	District and Sessions Judge Kollam
4.	justice Nizar Ahamed KT	Member Secretary KELSA (former District Judge)
5.	Adv C Sridharan Nair	Prosecutor General, Government of Kerala
6.	Adv Nazir Chaliyam	Member KCPCR
7..	Adv M Manikandan	Former Chairman CWC Malppuram
8.	Ms Suja V	Former Member CWC Trivandrum
9.	Dr Sheela A	Former Member CWC Trivandrum
10.	Adv Shejesh Bhaskar P	Chairman CWC Malappuram
11.	Adv Aparna Narayanan	Member CWC Palakkad
12.	Shri Biju Prabhakar IAS	Special Secretary (Department of Social justice and Women and Child Development)
13.	Shri K Jeevan Babu IAS	Director of Public Instruction and ex-officio Chairperson Kerala Mahila Samakhya Society
14.	Ms Shobha Koshi	Former Chairperson,KCPCR
15.	Adv Sandhya J	Former Member KCPCR
16.	Adv Glory George	Former Member KCPCR
17.	Adv Jalaja Madhavan	Former Special Prosecutor, POCSO court Palakkad
18.	Dr TV Anil Kumar	Head, Department of Child and Adolescent Psychiatry Medical College Trivandrum
19.	Dr PB Gujral	Chief Forensic Surgeon and Head, Department of Forensic Medicine, Palakkad
20.	Dr Hithesh Shankar TS	Superintendent. Taluk hospital Mananthvadi, Wayanad
21.	Shri S Sreejith IPS	Inspector General of Police,Trivandrum
22.	Dr Gita Gopal	Former Gender Advisor to Government of Kerala
23.	Ms Santhi Sarma	Freelance ecologist and nature educator
24.	Dr. P.G.Hari	Health and tribal rights activist Wayanad
25.	Shri Prathapan Nair IPS,	Asst Commissioner of Police Trivandrum
26.	SSI S Vimal	Child-friendly PS team, Fort Police Station,Trivandrum

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S No	Name	Designation
	SI Jaya J SI Sajju Abraham SI Suresh SI KR Surya ASI Mahesh PC Bindu	
27.	Shri KK Subair	Former DCPO Trivandrum and Special officer on Rehabilitation WCD
28.	Shri PS Ramshad	Journalist and media activist, Malayalam Weekly. Indian Express group
29.	Shri Anwar Karakkadan Shri Mohsin Pari Shri Raju Krishna	Childline team, Malappuram
30.	Fr. Thomas PD	Director Childline Trivandrum
31.	Ms Remadevi L Ms Lilli Pushpam Ms. Bobby Joseph Ms. Asha PP Ms. Rajeena M Ms. Azeera NP Ms. Ambika VD Ms. Bindumol Joseph Ms. Remya	MS Kerala Team
32.	Adv Swapna S Adv Smitha VS Adv Jalaja R Adv Remya Reghunath Adv Sonia Sunny Adv Nisha N Bhasi Adv Saritha SN Adv Saheera Noufal Adv Sanju Susan Daniel Adv Swapna VC	Legal Advisors, MS Nirbhaya Homes
33.	Staff and children of MS Nirbhaya Homes	Idukki, Kannur, Kasaragod Trivandrum (three Homes)
34.	Survivors and families	Palakkad, Malappuram, Trivandrum, Wayanad

Annexure 2. Detailed analysis of judgements in selected POCSO cases

A total of 27 judgments from the Sessions Courts in Kerala in POSCO matters were studied. Of these 44 cases, only 18 resulted in convictions.

The district-wise break up is given below.

Sr. No	District	No of Cases	Conviction (includes partial conviction)	Acquittal (only complete acquittals)
1.	Thalassery	7	3	4
2.	Thodupuzha	15	2	13
3.	Palakkad	9	-	9
4.	Kasaragod	7	7	-
5	Wayanad	6	6	-

Apart from these there were 3 cases from High Courts (2 bail applications and 1 criminal appeal)

Some trends which appear from these cases:

Reasons for acquittals:

- Witnesses turn hostile: Out of the 17 cases of acquittals, except for 1 the main reason for the acquittal was the victim and her family completely refuted the prosecution cases. The refusal ranged from never having given a complaint, to admitting to giving a complaint but stating that the perpetrator was someone else.
- In one case, the Victim claimed that she was in love with the Accused and had complained because she had felt strained on the accused's refusal to come (State v. Annoop, Special Judge, Additional Sessions Judge -I, Palakkad Division, 469/2014 dated 29.01.2018).

Only 1 case resulted in acquittal despite the survivor not turning hostile. **State v. George Mathew**, Special Judge, Additional Sessions Judge -I, Thodupuzha, 277/2014 decided on 31.03.2018, the Court disbelieved the victim on the ground that she was a child of 3 yrs at the time of the incident. Hence, reliance cannot be placed on her memory. The Court acquitted on the ground of lack of direct evidence in the case. It is submitted that this is flawed reasoning on two grounds:

- It is well settled principle of criminal law that incidents of sexual violence often occur behind closed doors. Thus, in all cases it is not possible to have direct evidence. It is because of this fact that conviction on the sole testimony of the victim/prosecutrix is found to be sufficient (State of Punjab vs Gurmeet Singh, AIR 1996 SC 1393).
- The Court prior to recording the testimony of a child witness poses certain questions to the child to determine whether she understands the proceedings and gravity. It is only after the Court is satisfied that the testimony is recorded. In the present case the fact that the child's testimony is recorded is proof that she was found capable (Dattu Ramrao Sakhare v. State of Maharashtra, (1997) 5 SCC 341). Thus, the exclusion of her testimony is without merit.

It is also pertinent that the accused in this case, George Mathew, seems to be a serial offender and has also been tried in Sessions Case, 276/2014 at the same Court (the judge was different) wherein he was acquitted on ground of lack of evidence. Thus, such a hyper technical approach in this case defeats the very purpose of justice.

II. **In-Camera Trial:** While the Act provides for In-Camera Trials in POCSO matters, in the present set of cases, only the judgments from Kasaragod and Wayanad explicitly state that testimony was recorded In-Camera. In the other cases there is no mention of the manner in which the testimony of the survivor was recorded. There might be a possibility that if the testimony was recorded in open court, there is a greater about of pressure placed on the witness and might be a reason for the hostile witnesses.

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Common factors in cases where convictions were secured:

Survivor and the family stick to their complaint. No hostile witnesses. One of the reasons for this might be the factor that in most of these cases the family has the support of Non-Governmental Organisations. Hence, they do not have to face the pressures of initiating criminal prosecution alone. Further, in cases where the families also support the survivor, there is lesser likelihood of the survivor turning hostile. In some cases, just the survivor's testimony was sufficient (State of Kerala v. Mani, Sessions Case 348/2015 Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad decided on 30.9.2017).

- Recording of the statement of the child before the Magistrate u/s. 164 CrPC. In all the cases resulting in conviction the child had deposed before the Magistrate prior to the trial. This further affirms the statement and also exposes the child to the criminal process in advance. Thus, there might be lesser apprehension on part of the child when deposing.
- In-Camera recording of deposition.
- Survivor staying in Nirbhaya Homes.

Violations of POCSO provisions:

- The law is very clear that under no conditions should the name of the survivor be made public. However, the judgments from Thodupuzha and Palakkad Districts reveal the name of the survivor. Further, in one judgment from Thalassery (State v. Suresh @ Kuttan, Sessions Case 20/2016 decided on 8.06.2018), the name is accidentally revealed while discussing the evidence.
- It is also settled law that questioning of the survivor on her chastity or character is not allowed. However, in State v. Jayantha Poojari, Additional Sessions Judge -I, Kasaragod –Sessions case 427/2013 dated 19.05.2018, the evidence suggests questioning on the lines of besmirching the character of the survivor. The same doesn't seem to have been disallowed by the Judge.
- Several judgments discuss the banned two-finger test as part of the medical examination of the survivor (State of Kerala v. Nidhin@ Appu, Special Judge, Additional Sessions Judge -I, Thodupuzha Sessions Case 513/2014 dated 17.03.2018, State v. Sandeep, Sessions Case 514/2014 dated 3.05.2018, State v. Ravi, Sessions case 237/2017 on 5.05.2018, State v. Jobesh, Sessions Case 205/2014 decided on 5.05.2018, State v. Binu and Anr. Sessions Case 420/2014 decided on 11.05.2018 and State v. Jayantha Poojari, Additional Sessions Judge -I, Kasaragod –Sessions case 427/2013 dated 19.05.2018). In one case even though the two finger test was not performed by the doctor the judge still discusses it (State of Kerala v. Anandan, Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad, Sessions Case 171/2017 decided on 30.05.2018).

Language used:

It is significant to note that in the judgments of Kasaragod, which convicting the accused, the Judge goes at lengths to talk about the plight of women. In these observations, it is either the crime which is used to define the identity-Rape leaves a permanent scar, affects chastity of the women or the depiction of women as poor souls in the role of mothers, wives or sisters who facilitate the growth of the man. It is interesting to note that while the judge recognizes the stigma attached with complaining about a sexual assault. He goes to lengths to paint the crime as a identifier of the woman's character. With quotes on modesty and scrupulous behavior of women, the judge inadvertently furthers the stigma by painting women either as hapless victims or saviours of the society.

Even in Wayanad, the chastity of a woman is considered more important than her life, is a common sentence.

Accused:

It is pertinent to note that except for 3 cases out of 44, in all cases the assailants were known members, either close family including father or neighbours.

Some other observations:

- All the judgments from Palakkad are given by the same judge and around the same date. The judgments follow the same format and give an appearance of being done hastily in order to fill up the performance roster. The language is nearly identical in all of them with the only variation of the narration of the facts.
- There are no convictions under SC/ST Atrocities act because the Court never finds caste discrimination as the reason for the commission of the crime.
- It is also important to note that the compensation scheme as envisaged under s. 357 of the CrPC is also not used in a uniform manner. In few cases the compensation is directed to be recovered from the fine amount if recovered, while in others a separate direction for compensation from the State is made. The amount also varies from judge to judge.
- The cases in Wayanad seem to have taken 3 to 6 months for completion and all result in conviction.

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Details of judgements

1: State v. T.C. Arshad

Sr. No	Events	Particulars
1.	Date of Offence	October 2013 (described as 3 months prior to 11.01.2014) During Christmas vacations in 2013
2.	FIR registered on	11.01.2014
3.	Police Station Crime No	Chakkarakkal Police Station 38/2014
4.	Sex of Survivor	Male
5.	Age of Survivor at time of incident	15 years
6.	Arrest of Accused	11.01.2014
7.	Age of Accused	20
8.	Release on bail	27.05.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	305/2014
11.	Sections	377 IPC Act 3(a) r/w 4 of POCSO Act
12.	Commencement of Trial	24.06.2016
13.	Judgment	Acquittal on all charges on 29.10.2018
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	Rakhith and Smt. Shyni
16.	Brief facts of the case	Complaint of penetrative oral sexual assault on Survivor on a day, 3 months prior to 11.01.2014 and during Christmas vacations in 2013. The accused penetrated the mouth of the accused and made him hold his penis. Incident happened at two places- vacant property called Chala and courtyard of vacant house in Thazhechovva.
17.	No of witnesses examined	10
18.	No of hostile witnesses	1
19.	Rational of judgment	The complainant did not identify the accused as the person who had committed the act of sexual assault. The testimony merely stated the occurrence of the sexual assault on the Survivor who was a minor at the time of the incident, but did not connect the accused to the incident.
20.	Other information	Accused was manhandled during arrest by mob.

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2 : State of Kerala v. George Mathew

Sr. No	Events	Particulars
1.	Date of Offence	11.01.2014
2.	FIR registered on	30.01.2014
3.	Police Station Crime No	MurikkasseryPolice Station 36/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	9 years
6.	Arrest of Accused	24.02.2014
7.	Age of Accused at the time of incident Occupation of Accused	62 Agriculture
8.	Release on bail	03.05.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	276/2014
11.	Sections	7 and 8 of POCSO Act
12.	Commencement of Trial	31.07.2017
13.	Judgment	Acquittal on all charges on 28.09.2018
14.	Name of Judge	P.C. Paulachen
15.	Name of defense lawyer	Not provided
16.	Brief facts of the case	Complaint of accused forcibly grabbing the breast and touching the vagina of the Survivor at Building no. VGP XII/221, Vathikudy Village.
17.	No of witnesses examined	7
18.	No of hostile witnesses	2 {Survivor and her mother turned hostile}
19.	Rational of judgment	The Survivor and her mother turned completely hostile. Thus, there was no evidence to convict the Accused.
20.	Other information	

3: State v. V.K. Saginesh & K. Muruges

Sr. No	Events	Particulars
1.	Date of Offence	21.04.2013
2.	FIR registered on	21.04.2013
3.	Police Station Crime No	Kasargod Railway Police Station 9/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15 years

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6.	Arrest of Accuseds	21.04.2013
7.	Age of Accused	27 and 29
8.	Release on bail	22.05.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	247/2013
11.	Sections	7 r/w s. 8 of POCSO Act
12.	Commencement of Trial	12.07.2016
13.	Judgment	Convicted on all charges on 10.07.2018. Sentenced to 3 years rigorous imprisonment and 25,000/- fine half of which to be paid to the Survivor.
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	K. Renjith
16.	Brief facts of the case	Complaint of Accused kissing and molesting the Survivor while travelling in a train with her family. On Survivors cry for help, her father and sister apprehended the Accused and handed them over to the Railway Police.
17.	No of witnesses examined	11
18.	No of hostile witnesses	None
19.	Rational of judgment	The Survivor and her father's testimony had ample corroboration from prosecution evidence to establish guilt.
20.	Other information	-

: State v. Suresh @ Kuttan

Sr. No	Events	Particulars
1.	Date of Offence	7.09.2014 and subsequent period
2.	FIR registered on	1.04.2015
3.	Police Station Crime No	Peravoor Police Station 178/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	Minor about 14 years
6.	Arrest of Accused	3.04.2015
7.	Age of Accused	27
8.	Release on bail	In judicial custody
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	20/2016
11.	Sections	376 IPC 5(j)(ii), 5(l) and 5(n) r/w 6 POSCO
12.	Commencement of Trial	8.04.2016
13.	Judgment	Convicted on all charges on 8.06.2018. Sentenced to rigorous imprisonment of 14 years and 1,00,000/- fine to be paid to Survivor if

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		recovered
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	Legal Aid
16.	Brief facts of the case	Complaint of repeated forced penetrative vaginal by Accused who was the step father of the Survivor. The Survivor became pregnant and even gave birth due to forced intercourse. Complaint of physical abuse by the accused as well.
17.	No of witnesses examined	20
18.	No of hostile witnesses	None
19.	Rational of judgment	The Survivor's testimony of forced intercourse was credible. Further, medical and documentary evidence established she was a minor at the time of the offence. Accused claim that Survivor was his wife was found to be false as evidence established Accused cohabited with Survivors mother and was also mentioned as father in school records.
20.	Other information	The judgment reveals the name of the Accused while discussing the school records.

5: State v. Shadul Hameed K. (Deceased) & Abdul Nazar

Sr. No	Events	Particulars
1.	Date of Offence	January 2013
2.	FIR registered on	26.01.2013
3.	Police Station Crime No	Mayyil Police Station 59/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	10 years
6.	Arrest of Accuseds	3.02.2013
7.	Age of Accused	n/a and 38
8.	Release on bail	27.04.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	636/2013
11.	Sections	354 IPC 7 r/w s. 8 of POCSO Act
12.	Commencement of Trial	2.06.2016
13.	Judgment	Acquitted on all charges on 30.06.2018
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	Bijumon, Sebastian M and Jafar K.P.
16.	Brief facts of the case	Complaint of Accused (Madarassa teachers) touching Survivors vagina, caressing her breast and kissing her.
17.	No of witnesses examined	4

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18.	No of hostile witnesses	PW1 and PW2 turned hostile vis a via A2
19.	Rational of judgment	The Survivor and brother exonerated A2 and blamed deceased A1 as the perpetrator.
20.	Other information	-

6: State of Kerala v. George Mathew

Sr. No	Events	Particulars
1.	Date of Offence	5.12.2013 to 21.12.2013
2.	FIR registered on	01.02.2014
3.	Police Station Crime No	MurikkasseryPolice Station 38/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	3 years
6.	Arrest of Accused	24.02.2014
7.	Age of Accused at the time of incident Occupation of Accused	62 Agriculture
8.	Release on bail	03.05.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	277/2014
11.	Sections	3(a) r/w 7, 4 and 8 of POCSO Act
12.	Commencement of Trial	6.10.2017
13.	Judgment	Acquittal on all charges on 31.03.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Not provided
16.	Brief facts of the case	Complaint of accused touching and biting the private part of the Survivor. Accused is father of Survivor.
17.	No of witnesses examined	8
18.	No of hostile witnesses	none
19.	Rational of judgment	The only direct evidence available was of the Survivor which was found unreliable. Judge noted that a 3.5 years old child will not have the memory to narrate the incidents.
20.	Other information	Name of the Survivor revealed.

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7: State of Kerala v. Nidhin@ Appu

Sr. No	Events	Particulars
1.	Date of Offence	5.5.2013 to 9.5.2013
2.	FIR registered on	9.5.13
3.	Police Station Crime No	Cumbummettu Police Station 211/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	14 years
6.	Arrest of Accused	11.05.2013
7.	Age of Accused at the time of incident Occupation of Accused	18 Coolie
8.	Release on bail	22.06.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	513/2014
11.	Sections	363, 376 IPC and 6 POCSO Act and 3 of SC/ST Prevention of Atrocities Act
12.	Commencement of Trial	5.01.2018
13.	Judgment	Acquittal on all charges on 17.03.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Not provided
16.	Brief facts of the case	Complaint of accused being upper caste enticed and kidnapped Survivor from Cheramar Community and committed rape on two occasions.
17.	No of witnesses examined	17
18.	No of hostile witnesses	PW2 turned hostile
19.	Rational of judgment	The Prosecutrix denied the incident and stated that she had gone for classes and came late.
20.	Other information	Name of the Survivor revealed. Two finger test was done and referred to by the Judge as well

8: State of Kerala v. Liji Amose

Sr. No	Events	Particulars
1.	Date of Offence	Before 12.11.14
2.	FIR registered on	13.11.14
3.	Police Station Crime No	Vandiperiyar Police Station 586/2014
4.	Sex of Survivor	2 Survivors both female

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5.	Age of Survivor at time of incident	12 years
6.	Arrest of Accused	N/A
7.	Age of Accused at the time of incident Occupation of Accused	38
8.	Release on bail	N/A
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	480/2015
11.	Sections	354 IPC and 12 POCSO Act
12.	Commencement of Trial	9.03.2018
13.	Judgment	Acquittal on all charges on 28.03.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Not provided
16.	Brief facts of the case	Complaint of accused outraged modesty of Survivors by asking for kiss in lane leading to Prayer Hall of Maranadha Children's Home. The Girls complained to their teacher who forwarded it to the headmaster and criminal law was set into motion.
17.	No of witnesses examined	8
18.	No of hostile witnesses	2 (Both Survivors turned hostile)
19.	Rational of judgment	Both Survivors turned hostile and stated accused had not exhibited any outrageous behavior.
20.	Other information	Name of the Survivor revealed.

9: State of Kerala v. C.P. Mathew

Sr. No	Events	Particulars
1.	Date of Offence	12.07.2014
2.	FIR registered on	22.07.2014
3.	Police Station Crime No	Santheppara Police Station 428/14
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15 years
6.	Arrest of Accused	11.08.2014
7.	Age of Accused at the time of incident	40
8.	Release on bail	03.09.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	377/2014

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11.	Sections	12 of POSCO Act
12.	Commencement of Trial	12.01.2018
13.	Judgment	Acquittal on all charges on 8.03.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Augustine Mathew
16.	Brief facts of the case	Complaint of accused wrongfully restraining the Survivor in the house.
17.	No of witnesses examined	5
18.	No of hostile witnesses	PW1 turned hostile
19.	Rational of judgment	The Prosecutrix did not mention any incriminatory against the Accused.
20.	Other information	Name of the Survivor revealed.

10: State of Kerala v. Rajeshkumar

Sr. No	Events	Particulars
1.	Date of Offence	November 2015
2.	FIR registered on	18.01.2017
3.	Police Station Crime No	Rajakkadu Police Station 46/17
4.	Sex of Survivor	Female (minor)
5.	Age of Survivor at time of incident	Minor
6.	Arrest of Accused	19.01.2017
7.	Age of Accused at the time of incident	22
8.	Release on bail	No bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	455/2017
11.	Sections	366(2), 376 IPC and 5(1) r/w 6 POCSO Act
12.	Commencement of Trial	27.02.2018
13.	Judgment	Acquittal on all charges on 23.03.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Tajlee Tom
16.	Brief facts of the case	Complaint of accused having raped the prosecutrix on the pretext of a promise to marry. The prosecutrix is from Madhya Pradesh and Hindi Speaking.
17.	No of witnesses examined	157
18.	No of hostile witnesses	Prosecutrix turned hostile
19.	Rational of judgment	The Prosecutrix stated that person raping her was different and accused was her husband whom she wanted to cohabit with.

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20.	Other information	Name of the Survivor revealed. Compensation paid to Survivor from state.
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11: State v. Pradeepan

Sr. No	Events	Particulars
1.	Date of Offence	2016
2.	FIR registered on	26.07.2016
3.	Police Station Crime No	Aralam Police Station 437/2016
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	Less than 12 years
6.	Arrest of Accused	28.08.2016
7.	Age of Accused	32
8.	Release on bail	No bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	1030/2016
11.	Sections	323 IPC Act 9(l)(m) and (n) r/w 10 of POCSO Act 75 and 77 of Juvenile Justice Act
12.	Commencement of Trial	17.03.2017
13.	Judgment	Convicted on all charges except s. 9(l) r/w s. 10 POSCO and s. 77 of Juvenile Justice Act on 22.05.2018
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	Jyothi K (Legal Aid)
16.	Brief facts of the case	Accused was father of the Survivor. Complaint of aggravated sexual assault and brutal physical abuse of Survivor by Accused.
17.	No of witnesses examined	15
18.	No of hostile witnesses	None
19.	Rational of judgment	The Survivors testimony along with medical evidence established one occurrence of aggravated sexual assault. Physical abuse was also established by oral testimony. The Court acquitted u/s. 9(l) r/w 10 of POSCO because no evidence to establish there was repeated sexual assault. Acquittal u/s. 77 of Juvenile Justice Act was on the basis of the fact that Survivor would have no knowledge of intoxicating drinks to identify that the drink given to her was toddy.
20.	Other information	-

12: State v. Rahul

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Sr. No	Events	Particulars
1.	Date of Offence	Several days prior to 25.03.2015
2.	FIR registered on	26.03.2015
3.	Police Station Crime No	Mankara Police Station 247/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	16 years
6.	Arrest of Accused	27.03.2015
7.	Age of Accused	24
8.	Release on bail	07.04.2015
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	150/2016
11.	Sections	376 (2)(n) IPC Act 3 r/w 4 of POCSO Act 9 of Prohibition of Child Marriage Restraint Act
12.	Commencement of Trial	24.06.2016
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	John John
16.	Brief facts of the case	Complaint of forcible sexual intercourse with minor and then forcible marriage.
17.	No of witnesses examined	2
18.	No of hostile witnesses	2
19.	Rational of judgment	The Survivor and her father both turned hostile and refuted the entire prosecution case.
20.	Other information	Name of Survivor revealed.

13: State v. Mukundan

Sr. No	Events	Particulars
1.	Date of Offence	One day in December 2013
2.	FIR registered on	16.01.2014
3.	Police Station Crime No	Patambi Police Station 53/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	13 years
6.	Arrest of Accused	11.02.2014
7.	Age of Accused	229

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8.	Release on bail	11.02.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	279/2014
11.	Sections	341 & 354 IPC Act 7 r/w 8 of POCSO Act
12.	Commencement of Trial	25.10.2017
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	Surjith Kottayil & T.V. Pradeesh
16.	Brief facts of the case	Complaint that accused wrongfully restrained the Survivor in a lane near a rubber plantation and outraged her modesty and kissed her.
17.	No of witnesses examined	3
18.	No of hostile witnesses	3
19.	Rational of judgment	The Survivor and her father both turned hostile and refuted the entire prosecution case. They stated that Accused had not committed any crime.
20.	Other information	Name of Survivor revealed.

14: State v. Suresh @ Surendran

Sr. No	Events	Particulars
1.	Date of Offence	12.05.2013 and 30.05.2013
2.	FIR registered on	31.05.2013
3.	Police Station Crime No	Vadakkencherry Police Station 1461/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	6 years
6.	Arrest of Accused	31.05.2013
7.	Age of Accused	44
8.	Release on bail	03.09.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	289/2014
11.	Sections	511 & 376 IPC Act 9(l) and 9(m) of POCSO Act
12.	Commencement of Trial	27.11.2017
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	K.K. Appukuttan
16.	Brief facts of the case	Complaint of accused taking Survivor into a house on two occasions and undressing her and attempting rape.

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17.	No of witnesses examined	2
18.	No of hostile witnesses	2
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. They stated they had no complaint against the accused.
20.	Other information	Name of Survivor revealed.

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15: State v. Mahesh

Sr. No	Events	Particulars
1.	Date of Offence	20.02.2014
2.	FIR registered on	21.02.2014
3.	Police Station Crime No	Mangalamdam Police Station 136/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15
6.	Arrest of Accused	23.02.2014
7.	Age of Accused	23
8.	Release on bail	02.04.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	334/2014
11.	Sections	366(A) and 354 IPC Act 3(1)(xii) of SC/ST Prevention of Atrocities Act 7 r/w 8 of POCSO Act
12.	Commencement of Trial	25.10.2017
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	K.K. Appukuttan
16.	Brief facts of the case	Complaint of accused (upper caste) enticing the Survivor (lower caste) and kidnapping her with the promise to marry.
17.	No of witnesses examined	3
18.	No of hostile witnesses	3
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. They stated they had no complaint against the accused.
20.	Other information	Name of Survivor revealed.

16: State v. Suresh

Sr. No	Events	Particulars
1.	Date of Offence	21.05.2014
2.	FIR registered on	22.05.2014
3.	Police Station Crime No	Agali Police Station 264/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	17

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6.	Arrest of Accused	24.05.2014
7.	Age of Accused	27
8.	Release on bail	07.07.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	683/2014
11.	Sections	363 and 376 IPC Act 3(1)(xii) and 3(2)(v) of SC/ST Prevention of Atrocities Act 3 r/w 4 of POCSO Act
12.	Commencement of Trial	25.10.2017
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	K.K. Appukuttan
16.	Brief facts of the case	Complaint of accused (upper caste) enticing the Survivor (lower caste) and kidnapping her with the promise to marry.
17.	No of witnesses examined	3
18.	No of hostile witnesses	3
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. Survivor deposed that she was married to the Accused and had no grievance against him.They stated they had no complaint against the accused.
20.	Other information	Name of Survivor revealed.

17: State v. Sudheesh

Sr. No	Events	Particulars
1.	Date of Offence	16.02.2013
2.	FIR registered on	18.06.2013
3.	Police Station Crime No	Kuzhalmanam Police Station 763/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	Minor
6.	Arrest of Accused	08.08.2013
7.	Age of Accused	32
8.	Release on bail	08.08.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	807/2014
11.	Sections	376 IPC Act 3(1)(xii) and 3(2)(v) of SC/ST Prevention of Atrocities Act 3 r/w 4 of POCSO Act
12.	Commencement of Trial	28.11.2017

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13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	B. Ravikumar
16.	Brief facts of the case	Complaint of accused (upper caste) enticing the Survivor (lower caste) and raped her.
17.	No of witnesses examined	2
18.	No of hostile witnesses	2
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. They stated they had no complaint against the accused.
20.	Other information	Name of Survivor revealed.

18: State v. Suresh @ Surendran

Sr. No	Events	Particulars
1.	Date of Offence	20.02.2014
2.	FIR registered on	21.02.2014
3.	Police Station Crime No	Mangalamdam Police Station 136/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	
6.	Arrest of Accused	23.02.2014
7.	Age of Accused	23
8.	Release on bail	02.04.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	334/2014
11.	Sections	366(A) and 354 IPC Act 3(1)(xii) of SC/ST Prevention of Atrocities Act 7 r/w 8 of POCSO Act
12.	Commencement of Trial	25.10.2017
13.	Judgment	Acquittal on all charges on 30.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	K.K. Appukuttan
16.	Brief facts of the case	Complaint of accused (upper caste) enticing the Survivor (lower caste) and kidnapping her with the promise to marry.
17.	No of witnesses examined	3
18.	No of hostile witnesses	3
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. They stated they had no complaint against the accused.
20.	Other information	Name of Survivor revealed.

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19: State v. Annoop

Sr. No	Events	Particulars
1.	Date of Offence	23.06.2013 and 2 days thereafter
2.	FIR registered on	06.02.2014
3.	Police Station Crime No	Pudunagaram Police Station 144/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	12 years
6.	Arrest of Accused	07.02.2014
7.	Age of Accused	25
8.	Release on bail	22.05.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	469/2014
11.	Sections	376(2)(i)(n)(f) and (h) and 506(i) IPC Act 5(j)(ii) r/w 6 of POCSO Act
12.	Commencement of Trial	07.11.2017
13.	Judgment	Acquittal on all charges on 29.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	R. Gangadharan
16.	Brief facts of the case	Complaint of accused (uncle of V) enticing the Survivor and threatening her with murder committed rape. Accused also promised to marry.
17.	No of witnesses examined	2
18.	No of hostile witnesses	2
19.	Rational of judgment	The Survivor and her mother both turned hostile and refuted the entire prosecution case. Survivor denied contents of complaint and stated she loved the Accused and was to marry him on attaining majority. She had preferred the complaint due to mental strain as the Accused was not responding to her call.
20.	Other information	Name of Survivor revealed.

20: State v. Vipindas

Sr. No	Events	Particulars
1.	Date of Offence	02.06.2013 and 03.06.2013
2.	FIR registered on	03.06.2013
3.	Police Station Crime No	Nattukal Police Station 246/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	10 years

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6.	Arrest of Accused	04.06.2013
7.	Age of Accused	26
8.	Release on bail	17.06.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Palakkad Division
10.	Sessions Case no	68/2014
11.	Sections	447, 341 and 354 IPC Act 7 r/w 8 of POCSO Act
12.	Commencement of Trial	25.10.2017
13.	Judgment	Acquittal on all charges on 25.01.2018
14.	Name of Judge	C. Soundaresh
15.	Name of defense lawyer	K.K. Sreenivasan
16.	Brief facts of the case	Complaint of accused molesting Survivor and saying he will marry her.
17.	No of witnesses examined	2
18.	No of hostile witnesses	2
19.	Rational of judgment	The Survivor and her father both turned hostile and refuted the entire prosecution case.
20.	Other information	Name of Survivor revealed.

21: State v. Dhaneesh K.R

Sr. No	Events	Particulars
1.	Date of Offence	Several days in 2012 and 2013
2.	FIR registered on	19.05.2014
3.	Police Station Crime No	Chittarikkal Police Station 412/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	12 years
6.	Arrest of Accused	23.09.2013
7.	Age of Accused	21 Coolie
8.	Release on bail	30.11.2013
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	466/2014
11.	Sections	376(2)(i)(n) IPC Act 5(j)(ii)(l)(N) r/w 6 of POCSO Act
12.	Commencement of Trial	12.06.2017
13.	Judgment	Convicted u/s. 376(2)(i)(n) IPC Act and sentenced to 10 yrs rigorous imprisonment and fine of rs. 50,000/-. Convicted u/s. 6 of POSCO – no separate sentence.

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		on 01.06.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	The Survivor was raped on multiple occasions on the pretext of marriage by the Accused who is a relation. She also became pregnant and gave birth to a child.
17.	No of witnesses examined	14
18.	No of hostile witnesses	None
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy. It was established she was a minor and thus, conviction was upheld.
20.	Other information	In-camera recording of testimony of V. Language used weighs rape as a blot. Woman between Survivor and goddess role.

2: State v. Ajith

Sr. No	Events	Particulars
1.	Date of Offence	23.03.2013
2.	FIR registered on	10.08.2013
3.	Police Station Crime No	Hosdurg Police Station 376/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	12 years
6.	Arrest of Accused	24.03.2013
7.	Age of Accused	32
8.	Release on bail	14.05.2013
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	383/2013
11.	Sections	7 r/w 8 of POCSO Act
12.	Commencement of Trial	26.08.2016
13.	Judgment	Convicted u/s. 8 POSCO - 3 years Rigorous Imprisonment and fine of 15,000/-. on 01.05.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	The Survivor molested while boarding a bus twice. She saw the accused and described him and he was apprehended the next day.
17.	No of witnesses examined	6
18.	No of hostile witnesses	None
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy. It was established she was a minor and thus, conviction was upheld.

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20.	Other information	Punishment as deterrent. Compensation u/s. 357 CrPC and from fine.
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23: State v. Krishnan @ Mudra Krishnan

Sr. No	Events	Particulars
1.	Date of Offence	25.02.2016
2.	FIR registered on	29.03.2016
3.	Police Station Crime No	Hosdurg Police Station 187/2016
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	8 years
6.	Arrest of Accused	27.02.2016
7.	Age of Accused	66
8.	Release on bail	3.05.2016
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	466/2014
11.	Sections	376(1) IPC Act 5(m) r/w 6 of POCSO Act
12.	Commencement of Trial	22.09.2017
13.	Judgment	Convicted u/s. 376(2)(i) IPC Act and sentenced to 10 yrs rigorous imprisonment and fine of rs. 50,000/-. Convicted u/s. 6 of POSCO – no separate sentence. on 30.05.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	The Survivor along with friends used to go to the Accused's house to play. The Accused was the neighbor and on two occasions sexually assaulted the Survivor.
17.	No of witnesses examined	13 and 4 defense witnesses
18.	No of hostile witnesses	None
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy. It was established she was a minor and thus, conviction was upheld.
20.	Other information	In-camera recording of testimony of V. Language used weighs rape as a blot which completely destroys the woman. Woman between Survivor and goddess role.

24: State v. Bhaskaran K.G

In the Best Interests of the Child?

Sr. No	Events	Particulars
1.	Date of Offence	31.05.2014
2.	FIR registered on	05.08.2014
3.	Police Station Crime No	Chittarikal Police Station 240/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	13 years
6.	Arrest of Accused	06.06.2014
7.	Age of Accused	31(close relative of V family)
8.	Release on bail	4.07.2014
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	640/2014
11.	Sections	354A(I)(i)4 IPC Act 7 and 8 of POCSO Act
12.	Commencement of Trial	07.06.2017
13.	Judgment	Convicted u/s. 354 IPC Act and sentenced to 1 yr rigorous imprisonment and fine of rs. 10,000/-. Convicted u/s. 8 of POSCO – 3 years RI and fine of 15,000/- on 24.04.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	The Survivor while at Kanhipura in her school was accosted by the Accused who pressed her breasts.
17.	No of witnesses examined	13 and 4 defense witnesses
18.	No of hostile witnesses	None
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy. It was established she was a minor and thus, conviction was upheld.
20.	Other information	In-camera recording of testimony of V. Compensation not paid u/s. 357.

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25: State v. Kanan K

Sr. No	Events	Particulars
1.	Date of Offence	5.05.2015
2.	FIR registered on	11.08.2015
3.	Police Station Crime No	Rajapuram Police Station 199/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	11 years
6.	Arrest of Accused	07.05.2015
7.	Age of Accused	35(close relative of V family)
8.	Release on bail	26.06.2015
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	430/2015
11.	Sections	354 IPC Act 7 and 8 of POCSO Act
12.	Commencement of Trial	14.02.2017
13.	Judgment	Convicted u/s. 354 IPC Act and sentenced to 1 yr rigorous imprisonment and fine of rs. 10,000/-. Convicted u/s. 8 of POSCO – 3 years RI and fine of 15,000/- on 23.04.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	Survivor while at the house of her friend was molested by tAccused.
17.	No of witnesses examined	13
18.	No of hostile witnesses	CW 6(person at whose house the offence happened)
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy. It was established she was a minor and thus, conviction was upheld.
20.	Other information	In-camera recording of testimony of V. Compensation paid u/s. 357.

26: State v. Nishanh OP

Sr. No	Events	Particulars
1.	Date of Offence	30.08.2013
2.	FIR registered on	25.06.2014
3.	Police Station Crime No	Ambalathara Police Station 192/2015
4.	Sex of Survivor	Female

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5.	Age of Survivor at time of incident	17 years
6.	Arrest of Accused	24.04.2014
7.	Age of Accused	34
8.	Release on bail	29.05.2014
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	527/2014
11.	Sections	376, 506 IPC Act 3(2)(v) of the SC/ST Prevention of Atrocities Act 4,5 and 6 of POCSO Act
12.	Commencement of Trial	22.09.2016
13.	Judgment	Convicted u/s. 376 IPC Act and sentenced to 10 yrs rigorous imprisonment and fine of rs. 50,000/-. Convicted u/s. 6 of POSCO – No separate sentence on 16.05.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	Survivor while at the house of her friend was molested by the Accused.
17.	No of witnesses examined	8
18.	No of hostile witnesses	-
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy on the point of sexual assault. However, the judge found the evidence lacking on the point of criminal intimidation and caste based atrocity.
20.	Other information	In-camera recording of testimony of V. Compensation paid u/s. 357.

27: State v. Jayantha Poojari

Sr. No	Events	Particulars
1.	Date of Offence	03.05.2013
2.	FIR registered on	15.10.2013
3.	Police Station Crime No	Manjeshwar Police Station 197/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	11 years
6.	Arrest of Accused	7.05.2013
7.	Age of Accused	22
8.	Release on bail	29.07.2013
9.	Name of Court	Additional Sessions Judge -I, Kasaragod
10.	Sessions Case no	427/2013

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11.	Sections	376 and 366A IPC Act 4 of POCSO Act
12.	Commencement of Trial	21.12.2015
13.	Judgment	Convicted u/s. 376 IPC Act and sentenced to 7 yrs rigorous imprisonment and fine of rs. 30000/-. on 19.05.2018
14.	Name of Judge	Sasi Kumar P.S.
15.	Name of defense lawyer	-
16.	Brief facts of the case	Survivor was enticed by the Accused in a auto rickshaw and raped.
17.	No of witnesses examined	13 Prosecution Witnesses and 4 Defense Witnesses
18.	No of hostile witnesses	Survivor turned hostile on recall
19.	Rational of judgment	The testimony of the Survivor was found to be reliable and trustworthy on the point of sexual assault. Even though she rescinded her testimony on recall the Judge held her initial testimony to be reliable.
20.	Other information	In-camera recording of testimony of V. Compensation paid u/s. 357. Women refered in the binary of Survivor and nurturer. A lot of the cross was based on character of the Survivor and two finger test was conducted.

28: State of Kerala v. Sandeep

Sr. No	Events	Particulars
1.	Date of Offence	One day in August 2013, 19.10.13 to 28.10.13
2.	FIR registered on	21.10.13
3.	Police Station Crime No	Nedumkandam Police Station 1060/13
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	16
6.	Arrest of Accused	30.10.2013
7.	Age of Accused at the time of incident Occupation of Accused	29
8.	Release on bail	07.11.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	514/2014
11.	Sections	363, 376 IPC & s. 6 of POCSO Act
12.	Commencement of Trial	3.11.2017

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13.	Judgment	Acquittal on all charges on 03.05.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	
16.	Brief facts of the case	Complaint of accused being from Ezhava and Survivor from Hindu Sambava (ST) community. Accused alleged to have enticed the survivor and committed sexual intercourse on several occasions on promise to marry. Accused was the husband of the Survivors cousin. The accused also enticed her and took her to Tamil Nadu from where she was caught.
17.	No of witnesses examined	21
18.	No of hostile witnesses	3
19.	Rational of judgment	The Survivor and her family stated that it was only due to a fight within the family that the survivor left. No evidence of rape or enticement produced.
20.	Other information	Name of the Survivor revealed and two finger test administered.

29: State of Kerala v. Rajesh

Sr. No	Events	Particulars
1.	Date of Offence	22.03.2014
2.	FIR registered on	22.03.2014
3.	Police Station Crime No	Munnar Police Station 369/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	13
6.	Arrest of Accused	23.03.2014
7.	Age of Accused at the time of incident Occupation of Accused	35
8.	Release on bail	14.05.2014
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	287/2014
11.	Sections	364A IPC and 8 of POCSO Act
12.	Commencement of Trial	30.01.2018
13.	Judgment	Acquittal on all charges on 25.04.2018
14.	Name of Judge	K.R. Madhukumar
16.	Brief facts of the case	Complaint of accused touching the breast of the survivor during a boat ride.
17.	No of witnesses examined	4
18.	No of hostile witnesses	None (however, the survivor and her family did not depose due to being in West Bengal)

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19.	Rational of judgment	In the absence of any eye-witness and evidence pertaining just to identification of boat, not sufficient for establishing guilt.
20.	Other information	The entire trial was completed in 4 months. Why were more attempts not made to secure the survivors and her family's testimony? Video conferencing could have been used.

30: State of Kerala v. Vijayan

Sr. No	Events	Particulars
1.	Date of Offence	5.01.14
2.	FIR registered on	10.01.14
3.	Police Station Crime No	Santhanpara Police Station 26/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	10, 13, 10, 11
6.	Arrest of Accused	10.01.14
7.	Age of Accused at the time of incident Occupation of Accused	56
8.	Release on bail	20.03.14
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	288/2014
11.	Sections	12 of POCSO Act
12.	Commencement of Trial	22.12.2017
13.	Judgment	Acquittal on all charges on 04.05.2018
14.	Name of Judge	K.R. Madhukumar
16.	Brief facts of the case	Complaint by 4 Survivors that accused uttered obscene words with sexual intent and offered toffees with sexual intent.
17.	No of witnesses examined	11
18.	No of hostile witnesses	All survivors turned hostile
19.	Rational of judgment	Nothing incriminatory was produced. The Survivors merely deposed that the accused was there neighbor.
20.	Other information	Name of the Survivor revealed.

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31: State of Kerala v. Siva @ Sivakumar

Sr. No	Events	Particulars
1.	Date of Offence	27.04.13, 30.04.13 and several days
2.	FIR registered on	29.04.2013
3.	Police Station Crime No	Vandiperiyar Police Station 321/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	16.5
6.	Arrest of Accused	1.07.13
7.	Age of Accused at the time of incident Occupation of Accused	 21
8.	Release on bail	12.08.13
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	438/2014
11.	Sections	363, 376 IPC 3 and 7 of POCSO Act
12.	Commencement of Trial	21.02.18
13.	Judgment	Acquittal on all charges on 3.05.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Not provided
16.	Brief facts of the case	Complaint of accused having enticed survivor and had sexual intercourse for 2 months.
17.	No of witnesses examined	8
18.	No of hostile witnesses	1 (Survivor)
19.	Rational of judgment	The survivor denied occurrence of any sexual assault and stated that she had left the house due to her father's scolding.
20.	Other information	Name of the Survivor revealed.

32: State v. Ummer

Sr. No	Events	Particulars
1.	Date of Offence	Several days between 2014 to 31.08.17
2.	FIR registered on	28.10.2017
3.	Police Station Crime No	Valapattanam Police Station 1016/2017
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	12

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6.	Arrest of Accused	30.10.2017
7.	Age of Accused	36
8.	Release on bail	25.09.2018
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	1174/2017
11.	Sections	376 IPC Act 3(a)(b) r/w 4, 5(l)(m) and 6 of POCSO Act
12.	Commencement of Trial	24.06.2016
13.	Judgment	Acquittal on all charges on 15.10.2018
14.	Name of Judge	P.N. Vinod
15.	Name of defense lawyer	Sri K.V. Manoj Kumar
16.	Brief facts of the case	Complaint of penetrative sexual assault by father. Survivor asked counselor what was wrong if father touched and this led to a home visit and subsequent complaint.
17.	No of witnesses examined	13
18.	No of hostile witnesses	Survivor and her mother turned hostile.
19.	Rational of judgment	The Survivor and her mother did not allege the occurrence of any incident. Hence, the acquittal.
20.	Other information	It is pertinent to note that the medical evidence opined sexual assault in past due to torn hymen but the same was found irrelevant in light of the survivors testimony.

33: State v. Justin Peter

Sr. No	Events	Particulars
1.	Date of Offence	A day 2 months prior to 23.08.13
2.	FIR registered on	23.08.2013
3.	Police Station Crime No	Payyannur Police Station 836/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	10
6.	Arrest of Accused	10.09.2013
7.	Age of Accused	48
8.	Release on bail	8.11.2013
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thalassery
10.	Sessions Case no	578/2013
11.	Sections	s. 7 and 8 and s. 11 r/w s. 12 POCSO Act
12.	Commencement of Trial	15.06.2016
13.	Judgment	Acquittal on all charges on 5.10.2018
14.	Name of Judge	P.N. Vinod

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16.	Brief facts of the case	Complaint of repeated sexual assault and showing of obscene picture of survivor by the accused.
17.	No of witnesses examined	8
18.	No of hostile witnesses	Survivor and her mother turned hostile.
19.	Rational of judgment	The Survivor and her mother did not allege the occurrence of any incident. Hence, the acquittal.
20.	Other information	No medical evidence adduced.

34: State v. Ravi

Sr. No	Events	Particulars
1.	Date of Offence	22/12/13 to 27/02/17
2.	FIR registered on	3.03.2017
3.	Police Station Crime No	Kanjikuzhy Police Station 119/2017
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	9.5
6.	Arrest of Accused	03.03.2017
7.	Age of Accused	62
8.	Release on bail	-
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodopuzha
10.	Sessions Case no	237/2017
11.	Sections	376 IPC 6 and 8 of POCSO Act
12.	Commencement of Trial	27.07.2017
13.	Judgment	Convicted u/s. on all charges and sentenced to 8 years rigorous imprisonment and fine of 10,000/- on 05.05.2018
14.	Name of Judge	K.R. Madhukumar
15.	Name of defense lawyer	Sri John Joseph
16.	Brief facts of the case	Complaint of penetrative sexual assault by uncle on 2 occasions. Survivor informed school and parents called and criminal action set in motion.
17.	No of witnesses examined	23
18.	No of hostile witnesses	None
19.	Rational of judgment	The judgment was based on testimony of survivor which was corroborated by testimony of other witnesses and medical evidence.
20.	Other information	Two finger test administered. Name also revealed.

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35: State v. Jobesh

Sr. No	Events	Particulars
1.	Date of Offence	9.03.12, 11.03.13, 14.03.13 and 28.03.13
2.	FIR registered on	29.03.13
3.	Police Station Crime No	Santhanpara Police Station 206/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15
6.	Arrest of Accused	06.04.13
7.	Age of Accused	22
8.	Release on bail	8.05.13
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodopuzha
10.	Sessions Case no	205/2014
11.	Sections	366(A) IPC 4 of POCSO Act
12.	Commencement of Trial	17.02.2017
13.	Judgment	Convicted u/s. 354 IPC and sentenced to 3 years rigorous imprisonment and fine of 10,000/- on 05.05.2018
14.	Name of Judge	K.R. Madhukumar
16.	Brief facts of the case	Complaint of sexual assault under the pretext of promise to marry.
17.	No of witnesses examined	12
18.	No of hostile witnesses	None
19.	Rational of judgment	The judgment was based on testimony of survivor. However, her age could not be established and in her cross examination admitted to having voluntarily gone with accused.
20.	Other information	Two finger test administered. Identity of Accused also revealed.

36: State v. Binu and Anr.

Sr. No	Events	Particulars
1.	Date of Offence	9.06.2013
2.	FIR registered on	10.06.2013
3.	Police Station Crime No	Peerumedu Police Station 55/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	16
6.	Arrest of Accused	27.06.13 (A1) and 31.07.13 (A2)
7.	Age of Accused	24 and 19

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8.	Release on bail	5.08.13 (A1) and 3.09.13 (A2)
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodopuzha
10.	Sessions Case no	420/2014
11.	Sections	366A, 376 r/w 34 IPC 4 of POCSO Act
12.	Commencement of Trial	7.11.2017
13.	Judgment	Acquitted on all charges 11.05.2018
14.	Name of Judge	K. R. Madhukumar
16.	Brief facts of the case	Allegation of sexual assault by both accused of survivor.
17.	No of witnesses examined	8
18.	No of hostile witnesses	(Survivor and family couldn't be traced)
19.	Rational of judgment	The survivor could not be located as she and her family allegedly moved to Assam. In absence of her deposition conviction not possible.
20.	Other information	Two finger test administered. The judge also based on medical opines that survivor and accused must have had consensual relations.

37: State v. Paul Raj

Sr. No	Events	Particulars
1.	Date of Offence	Several days preceding 6.02.2013
2.	FIR registered on	23.02.13
3.	Police Station Crime No	Marayoor Police Station 108/2013
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	All minors
6.	Arrest of Accused	10.06.13
7.	Age of Accused	52
8.	Release on bail	10.06.13
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	548/2014
11.	Sections	354 IPC 7 r/w 8 POCSO Act
12.	Commencement of Trial	7.03.17
13.	Judgment	Acquitted of all charges on 27.07.2018
14.	Name of Judge	K.R. Madhukumar
16.	Brief facts of the case	Four minor girls alleged sexual misbehavior against accused who was their teacher.
17.	No of witnesses examined	17

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18.	No of hostile witnesses	All material witnesses turned hostile
19.	Rational of judgment	All the survivors turned hostile and witnesses corroborating occurrence also turned hostile. Hence, no conviction.
20.	Other information	The names of all survivors revealed.

38: State of Kerala v. Tintomon

Sr. No	Events	Particulars
1.	Date of Offence	December 2015 prior to Christmas
2.	FIR registered on	20.09.16
3.	Police Station Crime No	Kumily Police Station 754/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	16
6.	Arrest of Accused	27.09.16
7.	Age of Accused at the time of incident Occupation of Accused	23 Mechanic
8.	Release on bail	14.10.2016
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Thodupuzha
10.	Sessions Case no	540/2016
11.	Sections	376 IPC 3 r/w 4, 5(j)(ii) r/w 6 POCSO
12.	Commencement of Trial	19.09.2018
13.	Judgment	Acquittal on all charges on 28.09.2018
14.	Name of Judge	P.C. Paulachen
16.	Brief facts of the case	Complaint of sexual assault on promise to marry
17.	No of witnesses examined	6
18.	No of hostile witnesses	Survivor turned hostile]
19.	Rational of judgment	The Survivor turned hostile and stated she is married to Accused and has a child with him.
20.	Other information	-

39: State of Kerala v. Rajan

Sr. No	Events	Particulars
1.	Date of Offence	On a day n July 2015

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2.	FIR registered on	18.03.16
3.	Police Station Crime No	Kalpetta Police Station 992/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15
6.	Arrest of Accused	19.12.2015
7.	Age of Accused at the time of incident Occupation of Accused	64 Coolie
8.	Release on bail	Not granted bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	112/2016
11.	Sections	376(2)(f)(i)(n) IPC 5(l)(m)(n) r/w 6 POCSO
12.	Commencement of Trial	10.05.2016
13.	Judgment	Convicted on all charges on 20.08.2016. Life imprisonment u/s. 376(2)(f) IPC and fine of 1,00,000/- and rigorous imprisonment of ten years and fine of 1,00,000/- under s. 376(2)(i) IPC and RI of 10 years and fine of 1,00,000/- us. 376(2)(n)
14.	Name of Judge	S.H. Panchapakesan
16.	Brief facts of the case	Complaint of penetrative sexual assault on two occasions by the Accused. First when survivor was 9 and second when she was 15.
17.	No of witnesses examined	10
18.	No of hostile witnesses	-
19.	Rational of judgment	The Survivor narrated the evidence in detail and no material brought to doubt it.
20.	Other information	Two finger test conducted. Language of the judgment- emphasizes chastity as the most essential quality of woman. Compensation of 3,00,000 to be awarded under the Kerala State Compensation scheme.

40: State of Kerala v. Mani

Sr. No	Events	Particulars
1.	Date of Offence	26.04.2015
2.	FIR registered on	08.12.15
3.	Police Station Crime No	Kambalakkad Police Station 363/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15
6.	Arrest of Accused	01.10.2015

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7.	Age of Accused at the time of incident	28
	Occupation of Accused	Coolie
8.	Release on bail	Not granted bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	348/2015
11.	Sections	450, 376(2)(f) and (n) IPC 5(l)(n) r/w 6 POCSO
12.	Commencement of Trial	30.03.2016
13.	Judgment	Convicted on all charges on 30.09.2016. Five years RI and 50,000/- fine u/s. 450. Ten years RI and 1,00,000 fine u/s. 376(2)(f), 10 years RI and 1,00,000 fine u/s. 376(2)(n) IPC
14.	Name of Judge	S.H. Panchapakesan
16.	Brief facts of the case	Complaint of sexual assault a total of 3 times on the promise to marry. Accused is a blood relative of the Survivor.
17.	No of witnesses examined	13
18.	No of hostile witnesses	2 (parents of the Survivor)
19.	Rational of judgment	The Survivor narrated the evidence in detail and no material brought to doubt it. The medical evidence also corroborated her testimony.
20.	Other information	Two finger test conducted. Compensation of 2,00,000 to be awarded under the Kerala State Compensation scheme.

41: State of Kerala v. Mani

Sr. No	Events	Particulars
1.	Date of Offence	4.05.2014
2.	FIR registered on	19.07.2014
3.	Police Station	Vythiri Police Station
	Crime No	179/2014
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	14
6.	Arrest of Accused	6.05.2014, 14.09.2014 and 16.07.2016
7.	Age of Accused at the time of incident	48
	Occupation of Accused	
8.	Release on bail	4.07.2014, 18.10.14 and then in judicial custody.
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	189/2014

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11.	Sections	450, 376(2)(I) IPC 5(I) r/w 6 POCSO
12.	Commencement of Trial	27.01.2017
13.	Judgment	Convicted on all charges on 30.11.2016. Life imprisonment u/s. 376(2)(I) IPC and fine of 1,00,000/- and rigorous imprisonment of 7 years and fine of 1,00,000/- under s. 450 IPC.
14.	Name of Judge	S.H. Panchapakesan
16.	Brief facts of the case	The Accused committed penetrative sexual assault after entering house of survivor.
17.	No of witnesses examined	14
18.	No of hostile witnesses	-
19.	Rational of judgment	The testimony of the survivor was found reliable and true. Corroborated by medical and other evidence.
20.	Other information	Two finger test conducted. Language of the judgment- emphasizes chastity as the most essential quality of woman. Compensation of 3,00,000 to be awarded under the Kerala State Compensation scheme.

42: State of Kerala v. Anandan

Sr. No	Events	Particulars
1.	Date of Offence	7.03.2017
2.	FIR registered on	25.03.17
3.	Police Station Crime No	Meenangadi Police Station 123/2017
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	10
6.	Arrest of Accused	26.03.2017, 19.07.2018
7.	Age of Accused at the time of incident Occupation of Accused	35 -
8.	Release on bail	2.09.2017 but then again taken in judicial custody
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	171/2017
11.	Sections	376(2)(f) and (n), 376(2)(i) and 506 Part II IPC 5(l)(m)(n) r/w 6 POCSO
12.	Commencement of Trial	06.10.2018
13.	Judgment	Convicted on all charges on 30.05.2019. Life imprisonment u/s. 376(2)(f) IPC and fine of 50,000/- and rigorous imprisonment of life and fine of 50,000/- under s. 376(2)(i) IPC and Life and fine of 50,000/- us. 376(2)(n) and 5 years RI and fine of Rs 10,000/- under s. 506.

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14.	Name of Judge	K. Ramakrishnan
16.	Brief facts of the case	Complaint of penetrative sexual assault on two occasions by the Accused. And subsequent threat not to divulge information.
17.	No of witnesses examined	13
18.	No of hostile witnesses	-
19.	Rational of judgment	The Survivor narrated the evidence in detail and no material brought to doubt it.
20.	Other information	Two finger not conducted but judge refers to Modi wherein two finger test is discussed as a determinant of sexual assault. Ruled hymen need not be torn to form sexual assault as penetration to any degree forms a crime. Compensation was to be deemed according to the State.

43: State of Kerala v. Ravikumar

Sr. No	Events	Particulars
1.	Date of Offence	On a day during Onam period in 2015
2.	FIR registered on	9.03.2016
3.	Police Station Crime No	Pulpally Police Station 653/2015
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	9
6.	Arrest of Accused	29.09.2015
7.	Age of Accused at the time of incident Occupation of Accused	37
8.	Release on bail	Not granted bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	102/2016
11.	Sections	376(2)(f)(i)(n) and 506 IPC 5(l)(m)(n) r/w 6 POCSO
12.	Commencement of Trial	12.04.2016
13.	Judgment	Convicted on all charges on 10.08.2016. Life imprisonment u/s. 376(2)(f) IPC and fine of 1,00,000/- and rigorous imprisonment of ten years and fine of 1,00,000/- under s. 376(2)(i) IPC and RI of 10 years and fine of 1,00,000/- us. 376(2)(n). Five years RI u/s. 506(ii) IPC
14.	Name of Judge	S.H. Panchapakesan
16.	Brief facts of the case	Complaint of penetrative sexual assault on two occasions by the Accused who was father of survivor.
17.	No of witnesses examined	16
18.	No of hostile witnesses	-

In the Best Interests of the Child?

19.	Rational of judgment	The Survivor narrated the evidence in detail and no material brought to doubt it. Her testimony stood corroborated by medical evidence.
20.	Other information	Conviction even though hymen intact. Language of the judgment-emphasizes chastity as the most essential quality of woman. Compensation of 3,00,000 to be awarded under the Kerala State Compensation scheme.

44: State of Kerala v. Sudhakaran

Sr. No	Events	Particulars
1.	Date of Offence	12.11.2016
2.	FIR registered on	12.11.2016
3.	Police Station Crime No	Kambalakkad Police Station 494/2016
4.	Sex of Survivor	Female
5.	Age of Survivor at time of incident	15
6.	Arrest of Accused	12.11.2016
7.	Age of Accused at the time of incident Occupation of Accused	55
8.	Release on bail	Not granted bail
9.	Name of Court	Special Judge, Additional Sessions Judge -I, Kalpetta, Wayanad
10.	Sessions Case no	58/2017
11.	Sections	451, 354A(1)(i) r/w 354-A(2) and 506(ii) and s. 7 r/w 8 POCSO
12.	Commencement of Trial	26.04.2017
13.	Judgment	Convicted on 14.3.2018. Sentenced to Rigorous imprisonment of 2 years u/s. 354-A(1)(i) and 354-A(2) IPC and 1 year imprisonment and fine of 10000 rs u/s, 451 RI of 3 years and fine of 20,000/- u/s. 7 and 8 of POCSO
14.	Name of Judge	S.Ayoobkhan
16.	Brief facts of the case	Complaint trespassed into bathroom and molested the survivor.
17.	No of witnesses examined	10
18.	No of hostile witnesses	-
19.	Rational of judgment	The Survivor narrated the evidence in detail and no material brought to doubt it. The ingredients of s. 506 where not sufficiently established.
20.	Other information	Compensation of 50,000 to be awarded under the Kerala State Compensation scheme.

In the Best Interests of the Child?

Before the High Court of Kerala

Fr. Robin Mathew v. State of Kerala

BA 2550 of 2018 decided on 30.05.2018

Crime No.152/2017 of Kelakam Police Station, Kannur Distict

Charges Sections 376 (2)(f)(n), 370, 201, 166(A), 118, 119, 506(i), 120(B) read with section 34 of IPC and Section 5(J)(ii)(I)(P) read with Section 6, 8, 9 (f) read with Section 10, 16, read with Section 17, Section 19(I), read with Section 21 (I) of POCSO Act and section 32(I) read with Sections 34, 75 & 80 of Juvenile Justice (Care and Protection of Children) Act

Facts: Raped the survivor a 17 yr old girl and got her pregnant. She delivered the child.

Bail application moved stating that accused had spent 1 yr in prison and no possibility of trial ending soon. Court rejected contention as assurance provided by trial court that proceedings will end within 6 months.

High Court of Kerala at Ernakulam

Bail Application No 5753 of 2017 decided on 26.09.2017

Crime No 5/2016 Kuruthikadu PS

The accused (step father and mother of Survivor) moved bail application at sessions which was rejected and approached the HC via the said application. Court denied bail on ground that the survivor had remained consistent and there was a possibility of hampering fair trial if bail was granted.

High court of Kerala

CRL.A.No. 898 of 2015

Rizwan Rana v State of Kerala

Conviction challenged on the ground that:

- 1, Survivor did not identify the accused properly
2. Accused was found not guilty u/s. 376 and s. 6 POCSO so couldn't be convicted u/s. 8 POCSO

Court negative both the challenges:

- The survivor had ample time to identify the accused. Mere failure to conduct the test Identification Parade does not lead to the identification in Court being flawed.
- S. 222 CrPC provides for the conviction under a minor offence when certain particulars of the major offence are sufficient. Herein, the actions of the accused though not warranting a conviction u/s. 376 IPC or 6 POCSO were sufficient for a conviction under the lesser s. 8 POCSO.

Annexure 3: Media Scan Report

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
1.	ABP	04.09.19	WB	F	Minors	NA	Male (2)	NA	NA	No	'Harassment'	NA	NA (2 teachers harassing girl students)
2.	IE	05.09.19	CHANDIGARH	F	16 (+2=3 minors))	NA	Male	Minors (5)	NA	No	Molestation	Yes	Accused applied for ant, bail
3.	IE	06.09.19	MAHARASHTRA	F	4	NA	Male (2)	NA	NA	No	Rape	Yes	Sentenced to 10 yrs
4.	IE	06.09.19	MAHARASHTRA	F	6	NA	Male	NA	NA	Relative	Rape	NA	Accused absconding
5.	THE TELEGRAPH	06.09.19	GOA	F	NA (minor)	NA	Male	NA	NA	No (Sw coach))	Sex molest	Yes	To be arrested (arrested later)
6.	IE	06.09.19	CHANDIGARH	F	NA	NA	Male	65	NA	Grand father	Rape	Yes	Arrested
7.	HINDU	07.09.19	AP	F	7	NA	Male	16	NA	No	Attempt to rape	Yes	NA

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
8.	IE	07.09.19	MAHARASHTRA	F	16	NA	3 Female + 1 male	NA	NA	No	Prost racket	Yes	Arrested
9.	TOI	07.09.19	HARYANA	F	17 & 9	NA	Male	NA	NA	Father	Rape	Yes	Arrested
10.	ABP	08.09.19	WB	F	NA(Minor)	NA	Male	23	NA	No	Rape	Yes	Sentenced to 7 yrs
11.	HINDU	08.09.19	TN	F	14	NA	Male	27	NA	No	Sex abuse	Yes	Arrested
12.	SWARAJYA	10.09.19 (+21.10)	BIHAR	F	6	SC	Male	20	NA	No	Rape	Yes	NA
13.	IE	11.09.19	NEW DELHI	F	NA (MINOR)	NA	Males	25 & 24	NA	No	Rape	Yes	Arrested
14.	TELEGRAPH	11.09.19	JHARKHAND	F	NA (MINOR)	NA	1 Male + 1 female	NA	NA	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
15.	ABP	13.09.19	WB	F	NA	ST	18 persons	NA	NA	No	Rape & murder	Ch sheet being prepared (after 5 yrs)	NA
16.	ABP	15.09.19	WB	F	13	NA	Male	35	NA	No	Rape and murder	NA	Arrested
17.	IE	15.09.19	MAHARASHTRA	M	14	NA	Male	31	NA	No	Sodomy	Yes	Arrested
18.	HINDU	15.09.19	TN	F	NA (15 Minor Girls)	NA	Male	NA	NA	No	Rape	NA	Was arrested - released on bail
19.	IE	16.09.19	UP	F	6	NA	Male	NA	NA	No	Rape and murder	Yes	Arrested
20.	NDTV NEWS	16.09.19	UTTARAKHAND	M	11	NA	Male	16	NA	No	Sex assault	NA	Arrested
21.	IE	18.09.19	UP	F	16	NA	2 FEMALES +	NA	NA	No	Alleged sex assault - suicide (?)	FIR	NA
22.	IR	18.09.19	MAHARASHTRA	M	Minor	NA	Male	51 yrs	NA	No	Rape	Yes	Seeking bail

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
23.	IE	19.09.19	MAHARASHTRA	F	13 YRS (+4 OTHERS)	NA	Male	NA	NA	No	Sex harassment	Yes	Sentenced to 1 yr
24.	IE	19.09.19	UP	F	9 yrs	NA	Male	NA	NA	No	Sex molest	Yes	Arrested
25.	IE	19.09.19	CHANDIGARH	F	17 yrs	NA	Male	NA	NA	No	Rape	Yes	Sentenced to 10 yrs
26.	ABP	20.09.19	WB	F	7 yrs	NA	NA	NA	NA	NA	Suspected of rape and murder	NA	NA
27.	IE	20.09.19	MAHARASHTRA	F	4.5 yrs	NA	Male	28 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs
28.	IE	20.09.19	NEW DELHI	F	Minor	NA	Male	31 yrs	NA	No	Rape	Yes	Arrested
29.	IE	20.09.19	PUNJAB	F	Minor	NA	Male	NA	NA	No	Rape & uploading a obscene video in the soc medis	Yes	NA
30.	IE	20.09.19 + 16.01.2p	MAHARASHTRA	F	17 yrs	NA	Male	NA	NA	No	Sex harassment	Yes	NA
31.	IE	21.09.19	MAHARASHTRA	F	10 yrs	NA	Male	15 yrs	NA	No	Rape	Yes	Sentenced for 3 yrs - ref - 16.0120 Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
32.	TOI	21.09.19	CG	F	14 yrs	NA	Male	23 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs rigorous imprisonment
33.	IE	22.09.19	MAHARASHTRA	F	9 yrs	NA	Male	NA	NA	No	Rape	Yes	Sentenced to 10 yrs
34.	TOI	22.09.19	GUJRAT	F	5 yrs	NA	Male	20 yrs	NA	No	Rape	Yes	Sentenced to life
35.	IE	23.09.19	MAHARASHTRA	F	7 yrs	NA	Male (3)	3 persons	NA	No	Rape	NA	Arrested
36.	IE	23.09.19	UP	F	15 yrs	SC	Male (3)	'In twenties'	NA	No	Rape	Yes	Arrested
37.	IE	23.09.19	UP	F	6 yrs	NA	Male	23 yrs	NA	No	Rape and murder	Yes	Arrested
38.	HINDU	24.09.19	TN	F	5 girls	NA	Male	55 yrs	NA	No	Sex harrasment	Yes	Arrested
39.	ABP	25.09.19	WB	F	7 yrs	NA	Male	NA	NA	No	Sex molestation	NA	Arrested
40.	TELEGRAPH	26.09.19	JKD	F	14 & 12 yrs	NA	Male	2 men	NA	No	Rape	NA	One arrested
41.	ABP	26.09.19	KERALA	F	12 yrs	NA	Males	30 men	NA	No	Rape	NA	Two arrested (father forced her to prostitution)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
42.	IE	26.09.19	MAHARASHTRA	F	8 & 10 yrs	NA	Males (2)	2 men	NA	ONE - Father	Rape	Yes	Father sentenced to 5 years - the other sentenced to 10 yrs (diff courts)
43.	IE	27.09.19	KERALA	F	12 yrs	NA	Male	Many men	NA	ONE - father	Rape & sex molest	NA	Father and 2 others arrested
44.	IE	27.09.19	MAHARASHTRA	F	Many	NA	Male	28 yrs	NA	No	Sex harassment	Yes	Sentenced to 17 months in prison
45.	ABP	27.09.19	WB	F	Minor	NA	Males (2)	2 men	NA	No	Rape	NA	NA
46.	ABP	27.09.19	WB	F	Minor	NA	Males (2)	2 men	NA	No	Rape	Yes	Arrested
47.	ABP	27.09.19	WB	F	Minor	NA	Males (6)	6 men	NA	No	Rape - the girl died in the hospital	NA	Arrested
48.	TOI	28.09.19	NEW DELHI	F	7 yrs	NA	Male	40 yrs	NA	No	Sex assault	Yes	Sentenced to 5 yrs
49.	IE	30.09.19	GUJRAT	F	Minor	NA	Male	NA	NA	No	Sex molest	Yes	Yet to be arrested
50.	IE	01.10.19	UP	M	15 yrs	NA	Males (4)	4 males	NA	No	Sodomy	NA	4 + 1 Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
51.	IE	01.10.19	PUNJAB	F	15 yrs	NA	Male	28 yrs	NA	No	Rape (the girl was preg - still born)	Yes	Arrested
52.	IE	01.10.19	MAHARAASHTRA	F	12 yrs	NA	Male	NA	NA	No	Sex molest	Yes	Arrested
53.	IE	02.10.19	MAHARASHTRA	F	4 yrs	NA	Male	42	NA	No	Rape	Yes	Arrested
54.	LIVE LAW	03.10.19	MAHARASHTRA	F	2 yrs	NA	Male	25 yrs	NA	No	Rape and murder	Yes	Death sentence by MUMB HC - upheld bt SC
55.	IE	04.10,19	BIHAR	F	Minor	NA	Males (7)	7 males	NA	No	Rape	Yes	Arrested
56.	HINDU	22.10.19	AP	F	6 yrs	NA	Male	17 yrs	NA	No	Sex molest	Yes	Arrested
57.	IE	22.10.19	TN	F	5 yrs	NA	Male	NA	NA	No	Rape	Yes	Sentenced to 10 yrs - upheld by HC
58.	IE	10.11.19	CHANDIGARH	F	NA	NA	Male	21 yrs	NA	No	Rape	Yes	Arrested
59.	INDIA TODAY	10.11.19	AP	F	17 yrs	NA	Female	32 yrs	NA	No	Sex abuse	Yes	Arrested +1
60.	IE	11.11.19	MAHARASHTRA	F	17 yrs	NA	Male	40 yrs	NA	No	Rape	No	Under investigation
61.	TOI	18.11.19	AP	F	15 & 13 yrs	NA	Male	28 yrs	NA	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
62.	IE	20.11.19	UP	F	4 yrs	NA	Male	35 yrs	NA	No	Rape	Yes	Arrested
63.	IE	26.11.19	MAHARASHTRA	F	15 yrs	NA		23 yrs	NA	No	Assault and murder	NA	Arrested
64.	WIRE	26.11.19	BIHAR	F	17 yrs	NA	Males (4)	4 men	NA	No	Rape	Yes	2 arrested
65.	ABP	26.11.19	WB	F	Minor	NA	Male	NA	NA	No	Sex molestation	Yes	Arrested
66.	TOI	27.11.19	CG	F	4 yrs	NA	Male	35 yrs	NA	No	Rape	Yes	Sentenced to life
67.	ABP	28.11.19	WB	F (5)	5 Minors	NA	Male	NA	NA	No	Sex harrassment	No	Did not arrest - apparently the complaints by the mothers withdrawn
68.	TOI	29.11.19	CG	F	14 yrs	NA	Male	NA	NA	No	Rape	NA	Arrested
69.	TOI	29.11.19	UTTARA KHAND	M	12 yrs	NA	Male	25 yrs	NA	No	Sodomy	NA	Yet to be arrested (earlier convicted for raping a 10 yr old girl)
70.	NDTV NEWS	29.11.19	AP	F	10 yrs	NA	Male	NA	NA	Yes	Sex assault	YES	Arrested
71.	ABP	30.11.19	WB	F (2)	13 & 15 yrs	NA	Male (3)	23, 13,14 yrs	NA	No	Rape	Yes	Arrested
72.	IE	30.11.19	GUJRAT	F	15 yrs	NA	Male (2)	2 adults	NA	No	Rape	Yes	Look out for the 2 accused

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
73.	TOI	30.11.19	KERALA	F	16 yrs	NA	Male	Adult	NA	No	Sex abuse	Yes	Lookout - for arrest
74.	ABP	01.12.19	WB	F	3 yrs	NA	Male	24 yrs	NA	No	Rape	NA	Lookout – for arrest
75.	TOI	01.12.19	RAJASTHAN	F	6 yrs	SC/ST	Male	NA	NA	No	Rape	Yes	Detained by police
76.	IE	01.12.19	UP	F	7 yrs	NA	Male	Adult	NA	No	Sex assault and murder	Yes	Arrested
77.	TOI	01.12.19	KERALA	F	15yrs	NA	Male	23 yrs	NA	No	Sex assault	Yes	Arrested + 1 (grandma)
78.	IE	01.12.19	MAHARASHTRA	F	15 yrs	NA	Male	37 yrs	NA	No	Sex harassment	Yes	Arrested
79.	OUTLOOK	02.12.19	RAJASTHAN	F	6 yrs	NA	Male	40 yrs	NA	No	Rape and murder	NA	Arrested a suspect - investigation on
80.	IE	02.12.19	GUJRAT	F	8 yrs	NA	Male	22 yrs	NA	No	Kidnap and rape	Yes	Arrested
81.	IE	03.12.19	KARNATAKA	F	8 yrs	NA	Male	35 yrs	NA	No	Sex abuse & murder	NA	Arrested
82.	IE	03.12.19	RAJASTHAN	F	Minor	NA	Male	Between 50-55 yrs	NA	Yes (father)	Rape	Yes	Look out- for arrest
83.	TOI	03.12.19	BIHAR	F	NA	NA	Male/ s (?)	NA	NA	NA	Rape, shot death and burnt	NA	Accused yet to be identified

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
84.	TOI	04.12.19	KARNATAKA	F	8 yrs	NA	Male	35 yrs	NA	Rape and murder	NA	Arrested
85.	TOI	04.12.19	HARYANA	F	9 yrs	NA	Male	NA	Yes (father)	Rape (later died in hosp)	Yes	Accused absconding
86.	IE	04.12.19	MAHARASHTRA	F	10 yrs	NA	Male	65 yrs	No	Sex Rape	Yes	Sentenced to 20 yrs
87.	IE	04.12.19	ODISHA	F	Minor	NA	Males (4)	4 males	No	Rape	NA	NA
88.	ABP	04.12.19	WB	F	11 yrs	NA	Male	40 yrs	No	Sex molestation	Yes	Arrested
89.	ABP	04.12.19	WB	F	16 & 14 YRS	NA	Males 1. 6 - 4 relatives) 2. 2 accused	NA	Yes (1. - out of 6 -4 are relatives)	Rape	NA	Two separate incidents IN one 6 accused (4 relatives) - non arrested yet - in the other 2 accused are arrested
90.	IE	05.12.19	RAJASTHAN	F	14 yrs	SC	Males (5)	5 minor boys	No	Rape	Yes	NA (the girl is pregnant)
91.	IE	05.12.19	MAHARASHTRA	F	6 yrs	NA	Male	61 yrs	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
92.	TOI	06.12.19	TN	F	11 yrs	NA	Male	44 yrs	NA	No	Sex abuse	Yes	Sentenced to 5 yrs R imprisonment
93.	TOI	06.12.19	KERALA	F	10 yrs	NA	Male	NA	NA	Father	Sex abuse	Yes	Police – lookout for the accused
94.	TOI	06.12.19	KARNATAKA	F	9 yrs (raped at the age of 5 yrs)	NA	Male	75 yrs	NA	No	Sex abuse	Yes	Sentenced to 10 yrs – upheld by HC
95.	ABP	07.12.19	WB	F (2)	2 minors (?)	NA	Males	NA	NA	No	Rape	Yes	One was raped twice – the accused are in custody – case is going on – threatened regularly. The other accused is in Jail – threatened.
96.	ABP	07.12.19	WB	F	6 yrs	NA	Male	19 yrs	NA	No	Rape	NA	Arrested
97.	TOI	07.12.19	ODISHA	F	Minor	NA	Male	60 yrs	NA	No	Rape	NA	Arrested
98.	TOI	08.12.19	BIHAR	F (2)	5 & 16 yrs (2 separate incidents)	16 yr old -SC	Males	NA	NA	No	RAPE	Yes	1 Arrested Look out for the other

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
99.	ABP	08.12.19	WB	F	Minor	NA	Male	NA	NA	No	Rape	NA	Arrested
100.	IE (+ ABP)	08.12.19	HARYANA	F	17 yrs	NA	Males (4)	One 45 yrs, two 30+, and one minor	NA	No	Rape	NA	Yet to be arrested (this is the second time she was gang raped by the same persons- the mother)
101.	IE	08.12.19	CHANDIGARH	F	10 yrs	NA	Male	19 yrs	NA	No	Rape	Yes	Sentenced to 20 yrs
102.	TOI	08.12.19	TRIPURA	F	17 yrs	NA	Males	Many males	NA	No	Kidnap for ransom, rape and murder	NA	Main accused arrested
103.	ABP	08.12.19	WB	F	Minor?)	NA	Males	NA	NA	No	Rape and murder	NA	2 arrested Main accused is in Jail, the other is on bail. Reportedly some others accused are untraceable- the case is going on since last 4 yrs
104.	ABP	08.12.19	WB	F	Minor	NA	Male	N A	NA	No	Rape and murder	Yes	Main accused and 3 others arrested – since 7 yrs no judgement

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
105	TOI	09.12.19	UP	3 Females (different incidents)	1.17yrs 7.14. yrs 3.16 yrs	NA	Males	1. 32 2. 20 3. NA	NA	Rape	NA (FIRs - in the first two cases)	1. Arrested 2. Arrested 3. NA (allegedly gang raped)
106	TOI	09.12.19	TRIPURA	F	Minor	NA	Male	NA	NA	Abduction , rape and killing he girl's grand pa	NA	Main accused arrested
107	TOI	09.12.19	KERALA	F	11 yrs	NA	Male	61 yrs	NA	Sex moles	Yes	Arrested
108	ABP	09.12.19	GUJRAT	F	12 yrs	NA	Males (3)	3 males in their mid forties	NA	Rape	NA	All 3 are Arrested The police are on the lookout for the mother who was actively involved
109	ABP	09.12.19	WB	F	14 yrs	NA	Male	NA	NA	Rape	Yes	Arrested - in jail - trial on (the girl became a mother)
110	ABP	10.12.19	WB	F	7 yrs	NA	Male	NA	NA	Rape	NA	Police is in the lookout of the accused

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
111	TOI	10.12.19	GUJRAT	F	4 yrs	NA	Male	50 yrs	NA	No	Sex molest (attempting oral sex)	Yes	Arrested
112	IE	10.12.19	UP	F	Minor (?)	NA	Males	3 are main suspects 17 others under scanner	NA	Out of he 17 suspects 4 are relatives	Suspected rape and murder	Yes	The main 3 accused are arrested
113	NDTV	11.12.19	UP	F	5 yrs	NA	Male	14 yrs	NA	No	Rape	FIR	Arrested
114	IE	11.12.19	UP	M	14 yrs	NA	Male	NA	NA	No	Sodomy	NA	Absconding
115	TOI	11.12.19	UP	F	16 yrs	NA	Males (3)	3 men	NA	No	Rape and murder	Yes	Arrested (the girl's family relocated under threat)
116	ABP	11.12.19	WB	F	7yrs	NA	Male	17 yrs	NA	No	Rape	Yes	Sentenced to 5 yrs (the judge also asked for transfer of the concerned OC)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste	Relation to child				
117	TELEGRAPH	12.12.19	WB	F	16 yrs	NA	2 males and 1 woman	42 & 37. 19 yrs	NA	NA	No	Forced into prostitution	Yes	Arrested
118	IE	12.11.19	UP	F	17yrs	NA	NA	NA	NA	NA	NA	Suspected rape and murder	NA	NA
119	TOI	12.11.19	UP	F	Minor	NA	Male	20 yrs	NA	NA	No	Rape (several times in the last 2 years))	Yes	NA
120	IE	12.11.19	HARYANA	F	4 yrs	NA	Male	NA	NA	NA	No	Sex molestation	NO	NA ('handed over to police')
121	IE	13.12.19	DAMAN	F	15 yrs	NA	Male	NA	NA	NA	Step father	Rape	Yes	Arrested
122	IE	13.12.19	TELENGANA	F	Minor	NA	Male	38 yrs	NA	NA	No	Sex assault	Yes	Arrested
123	HINDU	13.12.19	AP	F	15 yrs	NA	Male	NA	NA	NA	No	Attempt - sex abuse	NA	Accused in hospital with head inj- trying to escape

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
124	ABP	13.12.19	BIHAR	F	Minor	NA	Male	NA	NA	Rape and burbt to death	NA	NA (the girl was pregnant – 'investigation on')
125	IE	13.12.19	MAHARASHTRA	F	15 yrs	NA	Male	45 yrs	NA	Rape and murder	Yes	Police are in the lookout for the suspect
126	IE	14.12.19	TELENGAMA	F	Minor	NA	Males (2)	NA	NA	Abduction and rape	Yes	Arrested
127	ORISSA POST	14.12.19	ODISHA	F	15 yrs	NA	Males	1. 23 2. 25	NA	Rape	Yes	1/ Sentenced to 20 yrs 2, Sentenced to 2 yrs
128	IE	14.12.19	UP	F	16 yrs	NA	Males (2)	Both around 20	NA	Rape	Yes	Arrested
129	IE	14.12.19	MAHARASHTRA	F	14 yrs	NA	Male	NA	NA	Rape	Yes	Arrested
130	HINDU	14.12.19	TN	F	13	NA	Male	55 yrs	NA	Sex molest	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
131	IE	14.12.19	JKD	F (2)	Minors	NA	Male	NA	NA	No	Suspected rape and murder	NA	Arrested
132	IE	14.12.19	MAHARASHTRA	F	6 yrs	NA	Male (?)	NA	NA	NA	Penetration	Yes	Police yet to identify the accused
133	TOI	15.12.19	UP	F	17 yrs	NA	Males (2)	19 & 21 yrs	NA	No	Rape	Yes	The 19 yr old is arrested and police are in the lookout for the other. Another accused is a 14yr old girl - police are investigating
134	TOI	15.12.19	UP	F	16 yrs	NA	Male	NA	NA	No	Sex molest - abetting suicide	Yes	Arrested
135	HINDU	15.12.19	ODISHA	F	16 yrs	NA	Males (?)	NA	NA	NA	Gang rape and murder	NA	Police investigating
136	IE	15.12.19	GUJRAT	F	16 yrs	NA	Male	27 yrs	NA	NA (?)	Abduction and rape	Yes	Arrested (the man had eloped with the girl and claimed that he ha married the girl)
137	TOI	15.12.19	UP	F	8 yrs	NA	Male	30 yrs	NA	Distant uncle	Rape	Yes	NA Police suspect foul play)
138	TOI	15.12.19	KERALA	F	Minor	NA	Male	40 yrs	NA	Father	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
139	TOI	15.12.19	GUJRAT	F	12 yrs	NA	Male (2)	NA	NA	Kidnap & Rape	Case registered	The perpetrators are yet to be identified
140	TOI	15.12.19	AP	F	1. Mi 2. 5 3. Mi	NA	Males	1. 26 2. 19 3. 56	NA	Rape	1. yes 2. NA 3. yes	1. Arrested 2. NA 3. Arrested with 2 others
141	NDTV	16.12.19	BIHAR	F	M i n o r	NA	Males (4)	NA - 4 males	NA	Sex assault (attempt to rape)	NA	3 arrested Lookout for the other
142	TOI	16.12.19	BIHAR	F	4 yr	NA	Male	NA	NA	Rape	NA	NA
143	TOI	16.12.19	UP	F	16 yrs	NA	Male	20 yrs	NA	Rape	Yes	NA (apart from the accused 4 other family members of the accused also has been booked)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
144	TOI	16.12.19	GUJRAT	F	17 yrs	NA	Male	29 yrs	NA	No	Sex molestation 9attemt to rape)	Yes	Arrested
145	NDTV	16.12.19	ODISHA	F	Minor	NA	Male	NA	NA	Distant relative	Rape	NA	Police are in the lookout for thee accused
146	TOI	17.12.19	GUJRAT	F	4.5 yrs	NA	Male	NA	NA	NA	Rape	Yes	Police is yet to identify the accused - lookout
147	ODISSA POST	17.12.19	ODISHA	F	Minor	NA	Male	NA	NA	No	Rape	FIR	Arrested
148	IE	17.12.19 (20.12.19)	PUNJAB	F	8 yrs	NA	Male	15 yrs	NA	No	Rape	Yes	Arrested
149	NDTV	17.12.19	RAJASTHAN	F	3 to 4 minors	NA	Male	NA	NA	No	Sex molestation	FIR	Arrested
150	IE	18.12.19	MAHARASHTRA	F	14 yrs	NA	Males (3)	33 , 19 yrs And a minor	NA	No	Rape	NA	Detained by the police - investigation on

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
151	TOI	18.12.19	BIHAR	F	NA	SC	Males (4)	4 youths	NA	No	Attempt to rape-later the girl was shot by the accused	NA	Arrested
152	TOI	18.12.19	MAHARASHTRA	F	15 yrs	NA	Male	Adult	NA	No	Threatening and harrasing	Yes	Sentenced to 7 yrs imprisonment
153	NDTV	18.12.10	RAJASTHAN	F	4 yrs	NA	Male	21 yrs	NA	No	Rape	Yes	Life sentence
154	IE	19.12.19	UP	F	14 yrs	NA	Male	17 yrs	NA	No	Rape	Yes	Arrested (the girl was pregnant - died during delivery)
155	ORISSA POST	19.12.19	ODISHA	F	3 yrs	NA	Male	NA	NA	No	Rape and murder	Yes	Sentenced to death
156	ABP	19.12.19	TN	M	Minor	NA	Males (4)	4 adults	NA	No	Sex harassment	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
157	IE	20.12.19	MAHARASHTRA	F	10 yrs	NA	Males (3)	3 adults 2 sen. Citizens (one aged 65 yrs) and one 24 yrs	NA	Yes Uncles	Sex molestation	Yes	One arrested – lookout for the others
158	ORISSA POST	20.12.19	ODISHA	F	Minor	NA	Male	57 yrs	ST (?)	No	Rape	Yes	IN jail – under trial – died
159	TOI	20.12.19	UP	F	9yrs	NA	Male	Adult	NA	No	Sex molestation	Yes	Police are in the lookout for the accused
160	NDTV	21.12.19	TRIPURA	F	15 yrs	NA	Males (3)	3 ADULTS	NA	No	Kidnap & Rape	NA	1 arrested – lookout for the others
161	ABP	21.12.19	WB	F	Minor	ST	Males (5)	5 males	NA	No	Rape	NA (?)	Arrested
162	IE	21.12.19	GUJRAT	F	4 yrs	NA	Male	26 yrs	NA	No	Rape	NA	Arrested
163	TOI	21.12.19	MP	F	13 yrs	NA	Males (2)	62 & 58 yrs	NA	No	Rape	Yes	Sentenced to life
164	TOI	21.12.19	RAJASTHAN	F	13	NA	Males (2)	70 & 40 yrs	NA	No	Rape	Yes	Sentenced to life

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
165	NDTV	21.12.19	HARYANA	F	Minors (2- 1 is now an adult)	NA	Males	3 adults	NA	Yes (uncles)	Sex asault	Yes	3 accused Arrested + 2 others
166	ABP	22.12.19	WB	F	4 yrs	NA	Male	Adult	NA (?)	No	Sex molestation	Yes	Arrested- in jail
167	NDTV	23.12.19	MP	F	15 yrs	NA	Male	NA	NA	No	Rape	Yes	Arrested (Reportedly the girl committed suicide after the police refused to take her complain)
168	TOI	23.12.19	RAJASTHAN	F	17 yrs	NA	Male	20 yrs	NA	Cousin	Rape	Yes	Arrested Investigation is on
169	TOI	23.12.19	KARNATAKA	F	Minor	NA	Male	21 yrs	NA	No	Sex assault and murder	Yes	Arrested
170	TOI	23.12.19	GUJRAT	M	9 yrs	NA	Male	22 yrs	NA	No	Sodomy	Yes	Sentenced to 10 yrs rigorous imprisonment
171	NSTV	23.12.19	MAHARASHTRA	F	7 yrs	NA	Male	30 yrs	NA	No	Rape and murder	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
172	ABP	24.12.19	WB	F	12 yrs	NA	Males (2)	NA	NA	Rape	Yes	Sentenced to 20 yrs (another 4 including relatives and minors were arrested for helping - trial on - one set free and one died)
173	ORISSA POST	24.12.19	1.BIHAR 3. MP	F	8 yrs 15 yrs	NA	1.Males (3) aged 14 & 16 yrs) 2.Males (4) aged between 16 & 17 yrs	NA	NA	1.Rape and murder 2.Rape	NA Yes	3. 2 arrested 2.4 detained
174	NDTV	24.12.19	UP	F	10 yrs	NA	Male	NA	NA	Rape	FIR	Hunt is on for the accused
175	IE	24.12.19	GUJRAT	F	6 yrs	NA	Male	NA	NA	Sex molestation	Yes	Arrested
176	IE	24.12.19	MAHARASHTRA	F	7 yrs	NA	Male	NA	NA	Rape and murder	NA	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
177	IE	24.12.19	DELHI	F	Minor	NA	Males (2)	NA	NA	Rape	Yes	The 2 accused were acquitted by a trial court 13 yrs ago - ordered to be taken into custody by HC
178	ORISSA POST	24.12.19	ODISHA	1.F	1.Minor	NA	1.Males (3) including a minor 2.Males (6) 4. Mi	NA	NA	1.Rape 2. Rape	1.Yes (?) 2. Yes (?)	1.Arrested 2.NA
179	IE	24.12.19	UP	F	Minor	NA	Males (2+4)	6 (?) Persons	No	Kidnap + Rape	Yes	2 arrested (the girl and her parents attempted suicide - police inaction)
180	ORISSA POST	25.12.19	GOA	F	12 yrs	NA	Males (2)	18 & 20 yrs	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
181	NDTV	25.12.19	MP	F		NA	Males (4)	4 minors aged between 16 - 17 yrs	NA	No	Rape	Yes	Arrested
182	TOI	25.12.19	RAJASTHAN	F	13 yrs	NA	Males (2)	persons aged between 18-19 yrs	NA	No	Rape	Yes(?)	No arrest yet- investigation
183	TOI	25.12.19	CHANDIGARH	F	14 yrs	NA	Male	21 yrs	NA	No	Rape	Yes	Arrested
184	TOI	25.12.19	MAHARASHTRA	F	5.5 yrs	NA	Male	23 yrs	NA	No	Sex molestation	Yes	HC up held the sentence of 10 yrs given by a sp. POCSO court
185	TOI	25.12.19	UP	F	12 yrs	NA	Male	40 yrs	NA	Step father	Rape and murder	Yes	Sentenced for life +
186	IE	25.12.19	MAHARASHTRA	F	12 yrs	NA	Male	45 yrs	NA	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
187	TOI	25.12.19	BIHAR	F	Minor	NA	Male	65 yrs	NA	Grand father	Rape	Yes	Sentenced to 20 yrs The girl's mother is sentenced to 10 yrs for helping
188	TOI	26.12.19	BIHAR	F	14 yrs	NA	Males (4)	4 men	NA	No	Kidnap and Rape	NA	Lookout for the accused
189	ORISSA POST	26.12.19	ODISHA	F	10 yrs	NA	Male	19 yrs	NA	No	Sex abuse	Yes	Arrested
190	ORISSA POST	26.12.19	ODISHA	F	Minor	NA	Males	4 males (?)	NA	NA	Rape and murder	NA	Look out for the accused Police detained 4 youths
191	NDTV	26.12.19	UP	F	Minor	NA	Males	NA	NA	NA	Rape	Registered a case	Yet to identify the accused
192	IE & NDTV	27.12.19	HARYANA	F	8 yrs	NA	Males	NA	NA	NA	Rape and murder	Registered a case	Lookout for the unidentified accused - Suspected to be a 20 yr old youth
193	NDTV	27.12.19	UP	F	12 yrs	NA	Male	NA	NA	No	Rape	NA	Lookout for the accused
194	NDTV	27.12.19	MP	F	15 yrs	NA	Male	19 yrs	NA	No	Rape	Registered a case	Arrested 2 others are also arrested for abetting the crime

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
195	TOI	27.12.19	UP	F	7 yrs	NA	Male	40 yrs	NA	No	Rape	NA	Arrested The girl is in the hospital in a critical condition
196	IE	27.12.19 ++	MAHARASHTRA	F	17 YRS	NA	Male	Adult	NA	No	Sex molestation	FIR – booked (?)	NA (not arrested yet – the accused is a DIG)
197	ORISSA POST	27.12.19	GUJRAT	F	3 yrs	NA	Male	22 yrs	NA	No	Rape and murder	Yes	HC upheld the death penalty given by a POCSO court
198	ORISSA POST	27.12.19	MAHARASHTRA	F	14 yrs	NA	Male	Adult	NA	No	Sex molestation	Yes	Arrested
199	NDTV	27.12.19	UP	F	6 yrs	NA	Male	Adult	NA	No	Attempt to rape	Registered a case	Arrested
200	NDTV +TOI	27.12.19	UP	F	14 yrs	SC	Male	19 yrs	NA	No	Rape	Yes	Arrested
201	TOI	28.12.19	HARYANA	F	2.5 yrs	NA	Male	14 yrs	NA	No	Rape	NA	Accused detained
202	TOI	28.12.19	TN	F	7 yrs	NA	Male	34 yrs	NA	No	Rape and murder	Yes	Sentenced to death
203	ABP	29.12.19	WB	F	3 yrs	NA	Male (?)	NA	NA	NA	Rape	NA	Yet to identify the accused (no report on whether a case has been filed)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
204	TOI	29.12.19	AP	1. F 2. F	1. 1.7yrs 2. 2.9yrs	NA NA	Male Male	1. NA 2. 35 yrs	NA NA	NA NA	1. Rape 2. Rape	1. NA 2. A case was filed	1. Police is investigating 2. Arrested
205	TOI	29.12.19	GUJRAT	F	15 yrs	NA	Male	28 yrs	NA	No	Abduction and rape	Registered a case	Arrested
206	TOI	29.12.19	GUJRAT	F	12 yrs	NA	Male	46 yrs	NA	No	Sex molestation	FIR	Arrested
207	IE	29.12.19	DELHI	F	Minor	NA	Male	30 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs by the HC (about 9 yrs back was acquitted by a trial court)
208	ABP	29.12.19	WB	F	Minor	NA	Males (6)	NA	NA	No	Abduction and rape	NA	NA
209	TOI	30.12.19	UP	F	16 yrs	NA	Males (3)	3 Males	NA	No	Making obscene video	Yes	On the lookout for arrest
210	TOI	30.12.19	TN	F	17 yrs	NA	Male	42 yrs	NA	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
211	TOI	30.12.19	KARNATAKA	F	Minor	NA	Male	52 yrs	NA	No	Attempt to rape	NA	The accused has been stabbed to death by a relative of the girl
212	ABP	31.12.19	WB	F	Minor	NA	Males (5)	5 males	NA	No	Rape	NA	5 arrested
213	TOI	31.12.19	UTTARAKHAND	F	14 yrs	NA	Male	38 yrs	NA	No	Rape	NA	Arrested
214	TOI	01.01.20	GUJRAT	F	15 yrs	NA	Males (2)	23 and 18 yrs	NA	No	Rape	Yes	Arrested
215	TOI	01.01.20	MANIPUR	F	Minor	NA	Male	41 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs (incident of 1998)
216	NDTV	02.01.20	CG	F	16 yrs	ST	Males (5)	26,24,24,22,22 yrs	NA	No	Rape	Yes	All 5 are sentenced to life
217	ABP	02.01.20	WB	F	5 yrs	NA	Male	20 yrs	NA	No	Sex molestation	NA	Accused detained by police
218	IE	03.01.20	UP	F	15 yrs	NA	Males (2)	2 persons between n 20-25 yrs	NA	No	Rape	FIR	Lookout for the accused

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
219	NDTV	03.01.20	HARYANA	F	16 yrs	NA	Males (2)	2 persons - 34 & 30 yrs	NA	No	Rape	NA	Arrested
220	ORISSA POST	03.01.20	ODISHA	F	Minor	NA	Male	Minor	NA	No	Rape	Yes (?)	Arrested
221	TOI	04.01.20	BIHAR	F	13 yrs	NA	Males (5)		NA	No	Abduction, rape & murder	Yes	All 5 were Sentenced to life +
222	TOI	04.01.20	MP	F	5 yrs	NA	Male	23 yrs	NA	Relative	Rape	Yes	Police are on the lookout of the person
223	TOI	04.01.20	TELENGANA	F	3 minors	NA	Msle	28 yrs	NA	No	Rape and murder	Yes	Arrested (in jail?)
224	TOI	04.01.20	UP	F	10 yrs	NA	Male	NA	NA	No	Rape	Yes	Detained
225	ORISSA POST	04.01.20	ODISHA	F	Minor	NA	Males (3)	3 males	NA	No	Rape	Registered a case	Lookout for the unidentified accused
226	IE	05.01.20	HARYANA	M	8 yrs	NA	NA	NA	NA	NA	Sex assault and murder	NA	Lookout for the unidentified person/s

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
227	ORISSA POST	05.01.20	TN	NA	NA	NA	Male	28 yrs	NA	NA	Uploading, viewing and sharing child pornography	NA	Arrested
228	ORISSA POST	05.01.20	ASSAM	F	Minor	NA	Male	NA	NA	No	Sex harassment	Registered a case	NA (The accused happens to be a SP)
229	IE + TOI	05.01.20	GUJRAT	F	2.5 yrs	NA	Male	41 yrs	NA	No	Abduction and rape	A case has been registered	Arrested
230	TOI	06.01.20	BIHAR	F (2)	2 below six years	NA	Male	55 yrs	NA	No	Rape	FIR	NA
231	IE	07.01.20	WB	F	17 yrs	NA	Males (3)	3 men	NA	No	Rape and murder	A case has been registered	The accused arrested
232	ORISSA POST	07.01.20	ODISHA	F	16 yrs	NA	Male	42 yrs	NA	Father	Rape	Yes	Arrested
233	TOI	07.01.20	HARYANA	F	15 yrs	NA	Male	NA	NA	Uncle	Rape	Yes	Sentenced to RI for 20 and 10 yrs

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
234	IE	08.01.20	GUJRAT	F	13 yrs	NA	Male	30 yrs	NA	No	Rape	Yes	Arrested
235	IE	08.01.20	MAHARASHTRA	F	Minor	NA	Male	NA	NA	No	Rape	Yes FIR against the mother of the victim for turning hostile	Accused sentenced to 12 yrs
236	TOI	08.01.20	GUJRAT	F	13 yrs	NA	Male	NA	NA	No	Molestation and attempt to abduct	A case has been registered	Lookout for the accused
237	TOI	09.01.20	BIHAR	F	17 yrs	NA	Male	19 yrs	NA	No	Rape	NA	Arrested
238	TOI	09.01.20	BIHAR	F (2)	6 and 3 yrs	NA	F	19 yrs	NA	No	Sex abuse (unnatural sexual act)	Yes	Arrested (the accused and her boy friend both are arrested)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
239	NDTV	09.01.20	CG	F	16 yrs	NA	M	NA	NA	No	Rape (2016-19) The survivor along with her family was abducted in March 20 – traced in Odisha	Yes A case has been lodged	Arrested NA
240	NDTV	10.01.20	MAHARASHTRA	M	9 yrs	NA	M	NA	NA	Father	Sex assault	Yes	Police are on the lookout for the accused
241	NDTV	10.01.20	RAJASTHAN	F	17 yrs	NA	M	Minor	NA	No	Rape	Yes	NA
242	ABP	10.01.20	WB	F	Minor	NA	M	NA	NA	Father	Rape	NA	Arrested
243	IE	11.01.20	UP	F	6 yrs	SC	M (2)	18 and 19 yrs	NA	No	Rape and murder	FIR	Arrested
244	IE	11.01.20	UP	F	12 yrs	SC	M (2)	34 and 36 yrs	NA	No	Rape	Yes	The accuse has been sentenced to death
245	IE	11.01.20	GUJRAT	F	14 yrs	NA	M	37 yrs	NA	Step Father	Rape and murder	Yes	Sentenced to death

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
246	TOI	12.01.20	UP	F	15 yrs	NA	M (3)	3 youths	NA	No	Rape	FIR	Arrested
247	NDTV	12.01.20	HARYANA	M	Minor	NA	M	NA	NA	No	Sexual assault	A case has been registered	Look out for the accused
248	ORISSA POST	13.01.20	ODISHA	F	8 yrs	NA	M	NA	NA	Relative	Rape	NA	Police is probing
249	TOI	13.01.20	MAHARASHTRA	F	12 yrs	NA	Males (2)	29 and 26 yrs	NA	No	Rape	Yes	Arrested
250	TOI	13.01.20	MAHARASHTRA	F	6 yrs	NA	Male	22 yrs	NA	No	Sexual assault	NA	Arrested Investigation on
251	TOI	13.01.20	MAHARASHTRA	F	17 yrs	NA	Male	26 yrs	NA	No	Rape	NA	Arrested
252	TOI	13.01.20	HARYANA	F	17 yrs	NA	Male	Adult	NA	Father	Rape	Yes	NA

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
253	ORISSA POST + NDTV (I think it's the same incident reported a bbit differently)	13.01.20 (15.01.20)	ODISHA	F	14 yrs	NA	Males (2/3)	Adults	NA	No	Rape	Yes	2 accused have been arrested
254	TOI	14.01.20	JHARKHAND	F	14 yrs	NA	Males (2)	2 Males	NA (ST?)	No	Rape	Yes	The accused have been sentenced to 20 yrs +
255	TOI	14.01.20	RAJASTHAN	F	16 yrs	NA	M	NA	NA	No	Rape	Yes	Yet to be arrested
256	IE	14.01.20	KERALA	F	17 yrs	NA	M	19 yrs	NA	No	Rape	Yes	Arrested (the girl who was pregnant and her parents committed suicide)
257	TOI	14.01.20	TN	F	14 yrs	NA	M	23 yrs	NA	No	Rape (pregnant)	Yes	Arrested
258	TOI	14.01.20	MAHARASHTRA	F	14 + yrs	NA	M	25 yrs	NA	No	Rape	Yes	Was in custody – the HC granted bail on bond as the girl had left home with accused willingly but said that the trial will not be influenced by this act

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
259 .	TOI	14.01.20	UTTARAKHAND	F	13 yrs	NA	M	24 yrs	NA	No	Rape	Yes	Sentenced to 20 yrs +
260 .	NDTV	15.01.20	UP	F	4 yrs	SC	M	23 yrs	NA	No	Rape	FIR	Arrested
261 .	NDTV	15.01.20	MP	F	14 yrs	NA	Males (2)	2 males - one adult and the other is 17 yrs	NA	No	Rape	Yes	Arrested
262 .	TOI	15.01.20	UP	F	17 yrs	NA	Males (4)	4 Males	NA	No	Rape	FIR	One arrested
263 .	TOI	16.01.20	GUJRAT	F	13 yrs	NA	Male	22 yrs	NA	No	Rape	Yes	Lookout for the accused (the girl is pregnant)
264 .	TOI	16.01.20	UP	F	16 yrs	NA	Males (2)	2 males - 29 and 38 yrs	NA	No	Rape	Yes	Arrested - in jail (the girl became a mother of a child)
265 .	NDTV	17.01.20	RAJASTHAN	F	13yrs	NA	Male	Adult	NA	No	Rape	Police registered a complaint	Lookout for the accused

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
266	TOI	17.01.20	CHANDIGARH	F	16 yrs	NA	Male	35 yrs	NA	Step father	Rape	NA	Arrested
267	IE	18.01.20	UP	F	6 yrs	NA	Male	27 yrs	NA	No	Rape and murder	Yes	Sentenced to death
268	TOI	18.01.20	MANIPUR	F	Minor	NA	Male	52 yrs	NA	No	Rape	Yes	Sentenced to life +
269	IE	19.01.20 + 30.01.20	NEW DELHI	F	5 yrs	NA	Males (2)	2 Adult males	NA	No	Rape	YES	The accused were sentenced to 20 yrs
270	TOI	19.01.20	KERALA	F	4 sisters -17, 15, 13 and 10 yrs	NA	Male	47 yrs	NA	Father	Sexual abuse	Yes	Arrested
271	NDTV	19.01.20	ODISHA	F	4 yrs	NA	Male	Adult	NA	No	Rape	Yes	Arrested
272	NDTV	19.01.20	UP	F	Minor	NA	Males (3)	3 'boys'	NA	No	Rape	FIR	Police are in the lookout for the accused - 1 identified
273	BARTAMAN	19.01.20	WB	F	'Minor'	NA	Male	Adult	NA	No	Attempt to rape	NA	NA (The accused is a police officer)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
274	ORISSA POST	20.01.20	ODISHA	F	14 yrs	NA	Male (2)	2 males- 38 and 25 yrs	NA	No	Abduction and Rape	Yes	Arrested
275	IE	20.01.20	GUJRAT	M	6 yrs	NA	Male	25 yrs	NA	No	Sexual abuse and murder	Yes	Yet to be arrested
276	TOI	20.01.20	UP	F	17 yrs	NA	Males (4)	4 males	NA	No	Rape	Yes	1 person is arrested - lookout for the others
277	TOI	20.01.20	UP	F	17 yrs	NA	Male	23 yrs	NA	No	Attempt to molest (the father who tried to rescue died)	Yes	Arrested - investigations on
278	ORISSA POST	21.01.20	RAJASTHAN	F	17 yrs	NA	Male	45 yrs	NA	Father	Rape - pregnant - murder	Yes	Sentenced to death
279	TOI	21.01.20	GUJRAT	F (2)	15 yrs and her younger sister	NA	Males (2)	45 yrs and his brother	NA	Step father and uncle	Rape	Registered a complaint	Accused arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
280	ABP	22.01.20	WB	F	Minor	NA	Males	+1 males	NA	No	Attempt to rape	A complain has been made Police are trying to nab the accused
281	IE	22.01.20	MAHARASHTRA	M	Minor ('boy')	NA	Males	14 persons (8 minors)	NA	No	Sex harassment- commits suicide	NA All 14 arrested
282	TOI	23.01.20	AP	F	13yrs	NA	Male	30 yrs	NA	No	Sexual assault	Yes Arrested
283	TOI	23.01.20	MAHARASHTRA	F	7 yrs	NA	Male	51 yrs	NA	No	Molestation	Yes Sentenced to 5 yrs
284	TOI	23.01.20	AP	F	Minor	NA	Male	58 yrs	NA	No	Molestation	Yes NA
285	IE	24.01.20	CHANDIGARH	F	16 yrs	NA	Males (3)	3 males	NA	No	Rape (+ abduction)	Yes Sentenced to 20 yrs +
286	ORISSA POST	24.01.20	TN	F	8 yrs	NA	Male	20 yrs	NA	No	Rape and murder	NA Arrested and in remand
287	TOI	24.01.20	UP	F	10 yrs	NA	Male	NA	NA	No	Molestation	Police registered a case Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
288	NDTV	25.01.20	CHANDIGARH	F	15 yrs	NA	Males (2)	2 men	NA	No	Rape	NA	Arrested
289	NDTV	25.01.20	HARYANA	F	5 yrs	NA	Male	17 yrs	NA	No	Rape and murder	Yes	Sentenced to life (not for remainder of his life)
290	IE	25.01.20	CHANDIGARH	F	8 months	NA	Male	26 yrs	NA	Relative (distant)	Rape	Yes	Sentenced to life
291	TOI	26.01.20	TN	F	Minor	NA	Male	24 yrs	NA	Step father	Sexual assault and branding with hot spoon	Charged	Arrested
292	ORISSA POST	27.01.20	MP	F	14 yrs	NA	Male (3)	3 males - one 32 yrs	NA	No	Kidnap and Rape	Registered a case	One arrested
293	ORISSA POST	27.01.20	WB	F	Minor	NA	Males (3)	3 males including a minor	NA	No	Rape and murder	Yes	2 sentenced to death (the minor is being tried in a Juv. court)
294	TOI	27.01.20	TN	F	11 yrs	NA	Male	NA	NA	Father	Sexual assault	NA	Arrested and sent to jail
295	TOI	28.01.20	MAHARASHTRA	F	16 yrs	NA	Male	19 yrs	NA	No	Rape	Charged	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
296	NDTV	28.01.20	HARYANA	F	5 yrs	NA	Male	23 yrs	NA	No	Rape and murder	Yes	Sentenced to death
297	TOI	28.01.20	GUJRAT	M	6 yrs	NA	Male	NA	NA	No	Molest	Yes	NA
298	TOI	29.01.20	GUJRAT	F	Minor	NA	Females (2/3)	2 – aged 17 + yrs	NA	No	Rape	Yes	2 were accused and was set free by the trial court (the sufferer had mental illness)
299	NDTV	29.01.20	UP	F (2)	16and 17 yrs	NA	Males (3)	3 males	NA	No	Rape	NA	Accused have been arrested
300	IE	29.01.20	GUJRAT	M	14 yrs	NA	Male	20 yrs	NA	No	Sex assault	Yes	Yet to be arrested
301	NDTV	29.01.20	MAHARASHTRA	F	17 yrs	NA	Male	37 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs RI
302	TOI	29.01.20	MAHARASHTRA	M	15 yrs	NA	Male	45 yrs	NA	No	Assault causing injury to private parts	Yes	Arrested
303	TOI	29.01.20	PUNJAB	F	15 yrs	NA	Male	NA	NA	No	Rape	Yes	Sentenced to 10 yrs +

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
304	IE	29.01.20	KARNATAKA	F	'Teen ager'	NA	Male	NA	NA	Rape	NA	Police are in the lookout for the accused (the girl sneaked in from Bangladesh - prost racket)
305	TOI	30.01.20	UP	F	10 yrs	NA	Male	16 yrs	NA	Rape	FIR	Arrested
306	TOI	30.01.20	CG	F	14 yrs	NA	Male	23 yrs	NA	Sex assault	Yes	Sentenced to 5 yrs RI
307	IE	30.01.20	MP	F	7 yrs	NA	Male	80 yrs	NA	Indecent conduct	Yes	Sentenced to 13 yrs RI +
308	IE	30.01.20	HARYANA	F (2)	2 girls - 13 and 14 yrs	NA	Male	NA	NA	Rape	Police registered a case	Arrested
309	TOI	31.01.20	AP	M	15 yrs	NA	Males (4)	4 males - about 20 yrs	NA	Sodomy	A case has been registered	All the accused are absconding
310	IE	31.01.20	MAHARASHTRA	F	6 yrs	NA	Male	Adult	NA	Rape	Yes	Sentenced to 10 yrs
311	TOI	01.02.20	UP	F	14 yrs	NA	Male	NA	NA	Abduction and rape	Yes	Sentenced tp 10 yrs RI +

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
312	TOI	01.02.20	TN	M	13yrs	NA	Male	21 yrs	NA	No	Sodomy and murder	Yes	Sentenced to life +
313	NDTV	01.02.20	GUJRAT	F	6 yrs	NA	Male	NA	NA	Yes	Rape and murder	NA	Arrested (the accused was on bail - murder)
314	ABP	01.02.20	WB	F	14 yrs	NA	Male	NA	NA	No	Sex molestation	NA	NA (the court has ordered that a special educator be present to help the victim giver testimony)
315	NDTV	02.02.20	UP	F	8 yrs	NA	Male	26 yrs	NA	No	Rape	NA	Arrested
316	TOI	02.02.20	MAHARASHTRA	F	10 yrs	NA	Male	Adult	NA	Yes	Sex assault	Yes	Sentenced to 10 yrs RI +
317	TOI	03.02.20	MAHARASHTRA	F	13yrs	NA	Male	27 yrs	NA	Maternal uncle	Rape	Yes	Sentenced to 12 yrs RI (In spite of the main witnesses later turning hostile -The girl was pregnant)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
318	ORISSA POST	03.02.20	UP	F	Minor	NA	Male	NA	NA	No	'Throwing acid on the girl who was raped' Threatening to withdraw case	NA	Arrested (Accused is a relative of the person who had raped the girl)
319	TOI	04.02.20	GUJRAT	F	Minor	NA	Male	Adult	NA	No	Rpe	Yes	Sentenced to 10 yrs +
320	TOI	04.02.20	UP	F	Minor	NA	Male	Minor	NA	No	Rape	FIR	The accused yet to be arrested (the panchayat asked not to file a complaint)
321	IE	04.02.20	GUJRAT	F	11 yrs	NA	Male	25 yrs	NA	No	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
322	IE	04.02.20	TN	F	Minor	NA	Males (15 males)	15	NA	No	Rape	Yes	The main accused were sentenced for life (4 till alive)- one sentenced to 7 yrs- the others sentenced to 5 yrs
323	ABP	04.02.20	WB	F	5 yrs	NA	Males	NA	NA	No	Rape and murder	NA	HC has asked the state to respond - affidavit (apparently the police was negligent- did not file a case of rape - property dispute where the victim/family has no property)
324	NDTV	04.02.20	DELHI	F	16 yrs	NA	NA	NA	NA	NA	Rape victim - 24 weeks pregnant	Plea to HC	Plea for termination of pregnancy

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
325	IE	04.02.20	PUNJAB	F	12 yrs	NA	Males (2)	2 males- 35 and 28 yrs	NA	No	Rape and murder	Yes	Arrested (after 1 year)
326	TOI	04.02.20	JAMMU	F	18 yrs	NA	Male	NA	NA	No	Rape	A case has been registered	NA (the girl gave birth to a still born baby – one infers that she was less than 18 when she was raped)
327	ORISSA POST	05.02.20	BIHAR	F	17 yrs	NA	Males (2)	2 Adults	NA	No	Rape and blackmail	Comolaint has been registered	Accused are absconding
328	TOI + IE	05.02.20	RAJASTHAN	F	10 yrs	NA	Male	21 yrs	NA	No	Rape and critically injured	NA	Arrested (the sufferer expired -IE – Though the age and some facts are a bit different – the date and the district are same)
329	ORISSA POST	05.02.20	ORISSA	F	12 yrs	NA	Male	20 yrs	NA	No	Rape	Yes	Sentenced to 20 yrs +

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
330	IE	05.02.20	UTTARAKHAND	F	16 yrs	NA	Males (4+)	Adult main accused + 3 minors	NA	No	Rape	Yes	1.Main accused sentenced to 20 yrs. 2.Minors – juvenile home 3. 3 sentenced to 9 yrs (including a woman) 4. 1 sentenced to 3 yrs
331	TOI	05.02.20	BIHAR	F (many)	Many minor females	NA	Male (++)	19 Adults	NA	No	Rape	Yes	All convicted – yet to announce the verdict (Muzaffarpur shelter home)
	ORISSA POST + IE	120220	BIHAR	“	“	“	“	-	“	“	“	“	The main accused sentenced to life till death and 10 others sentenced to life
332	ORISSA POST	05.02.20	ODISHA	F	14 yrs	NA	Male	30 yrs	NA	No	Abduction and marriage	NA	Arrested
333	TOI	06.02.20	RAJASTHAN	F	13 yrs	NA	Males (2)	At the time of the crime both were minors	NA	No	Rape	Yes	Sentenced to 20 yrs RI+

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No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
334	TOI	06.02.20	TN	F	12 yrs	NA	Male	50 yrs	NA	No	Sex harassment	Yes	Arrested + suspended from service
335	TOI	06.02.20	DELHI	F	Minor	NA	Male	23 yrs	NA	No	Rape	Case has been registered	Arrested
336	TOI	07.02.20	CG	F	12 yrs	NA	Male	48 yrs	NA	Father	Rape	Yes	Sentenced to double life imprisonment
337	TOI	07.02.20	AP	F	10 yrs	NA	Male	65 yrd	NA	No	Rape	Acacase has been registered	Arrested
338	IE	07.02.20	MAHARASHTRA	F	13 yrs	NA	Male	28 yrs	NA	No	Abetting rape	Yes	HC upholds the verdict of 10 yrs imprisonment by the trial court - same as the main accused
339	IE	07.02.20	TELENGANA	F	14 and 12 yrs (+ a 18 yrs old)	NA	Male	Adult	NA	No	Rape and murder	Yes	Sentenced to death

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
340	ABP + NDTV	08.02.20	WB	F	12 yrs	NA	Males (4)	4 males aged between 20-25 yrs	NA	No	Rape	Yes	All 4 arrested
341	TOI	08.02.20	MAHARASHTRA	F	Minor	NA	Male (2)	1.26 yrs 2. NA	NA	No	Rape (2018)	Yes	1.Sentenced to 10 yrs RI + 2. Yet to be traced
342	TOI	08.02.20	MAHARASHTRA	F	13 yrs	NA	Male	26 yrs	NA	No	Kidnap and rape (2017)	Yes	Sentenced to life till natural death
343	NDTV	08.02.20	ODISHA	F	7 yrs	NA	Male	40 yrs	NA	Step father	Rape	Yes	Arrested
344	NDTV	08.02.20	MAHARASHTRA	F	13 yrs	NA	Male	+31 yrs	NA	Step father	Rape (2016)	Yes	Accused acquitted (the girl was pregnant - no DNA report - the girl told that her father also used her as a prostitute)
345	IE	08.02.20	HARYANA	F	8 yrs	NA	Male	19 yrs	NA	No	Rape and murder (2018)	Yes	HC commuted death sentence to life imprisonment (minimum 20 yrs)
346	ABP	08.02.20	WB	F	15 yrs	NA	Male	Adult	NA	No	Kidnap + Sex assault	Yes	Sentenced to 10 yrs RI

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
347	TOI	08.02.20	MIZORAM	F	Minor (Though the article states 'teenager' - the CPC and the CWC were involved - infer..)	NA	Male	Adult	NA	No	Rape	Yes	Sentenced to 10 yrs RI +
348	NDTV	09.02.20	MAHARASHTRA	F	17 yrs	NA	Male	Adult	NA	Uncle	Abduction and rape	NA	Arrested
349	TOI	09.02.20	UP	F	5 yrs	NA	Male	19 yrs	NA	No	Rape	Yes	The accused is absconding

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
350	NDTV	09.02.20	BIHAR	F	Minor	NA	Male	Adult	NA	No	Rape (also linked to running a sex racket)	A charge sheet has been filed	On the run
351	TOI	09.02.20	UP	F	14 yrs	NA	Male	Adult	NA	No	Rape	NA	Arrested
352	TOI	09.02.20	KERALA	F	10 yrs	NA	Male	Adult	NA	No	Sexual assault	Charged - under POC SO	Arrested
353	TOI	09.02.20	RAJASTHAN	F	14 yrs	NA	Males (2)	2 males	NA	No	Rape	A case has been registered	Yet to be arrested
354	IE	10.02.20	MAHARASHTRA	F	15 yrs	NA	Male	25 yrs	NA	No	Rape	FIR	Arrested
355	NDTV	10.02.20	RAJASTHAN	M and F	NA (minors)	NA	Males (4)	4 males NA	NA	No	Paraded on the streets for making a tik tok video	Yes	2 have been arrested - 2 are yet to be arrested

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No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
356	TOI	11.02.20	TN	F	16 yrs	NA	Male	45 yrs	NA	No	Abduction and sexual abuse	Yes	Arrested (the girl was abandoned in a railway station - 4 months pregnant)
357	IE	11.02.20	UP	F	Minor	NA	Male	32 yrs	NA	No	Rape (2018)	Yes	Arrested (the girl was pregnant and died during childbirth)
358	NDTV +IE	12.02.20	UP	F	3 yrs	NA	Male	30 yrs	NA	No	Rape and murder	FIR	Arrested
359	TOI	12.02.20	GUJRAT	Female	14 yrs	NA	Male	27 yrs	NA	No	Rape	Yes	Sentenced to 10 yrs
360	ORISSA POST	12.02.20	RAJASTHAN	Female	Minor	NA	Male + 2 persons	Adults	NA	No	Kidnap+ rape	Yes	Arrested - one for rape and two persons for kidnap
361	NDTV	12.02.20	MAHARASHTRA	Female	16 yrs	SC	Males (10)	10 males	NA	No	Rape	Yes	5 persons are arrested and police is on the lookout for the others
362	TOI	13.02.20	KARNATAKA	Female	Minor	SC	Males (6)	6 males	NA	No	Rape	Yes	4 are arrested and lookout for the other two

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
363	TOI	13.02.20	UP	Female	5 yrs	NA	Male	NA	NA	Rape	Case has been registered	Lookout for the accused
364	TOI	13.02.20	TN	-	-	-	Male	NA	NA	Posting child porn in facebook	NA	Arrested and in prison
365	NDTV	13.02.20	GUJRAT	Female	15 yrs	SC	Male	NA	NA	Rape	Yes	Arrested
366	TOI NDTV	13.02.20 11.02.20	UP	Female	Minor	NA	Male 1 + 2	3males - the main accused and 2 accomplices	NA	Rape + Murder of the father of the sufferer		The main accused and one accomplice arrested - lookout for the other
367	ORISA POST	13.02.20	UP	Female	Minor	NA	Male	NA	NA	Attempt to rape	NA	Probe is on (the mother went to Police)

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No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
368	ORISSA POST	13.02.20	ODISHA	Female (2)	2 minors	NA	Male	NA	NA	No	Sexual harassment/assault	NA	Arrested
369	ORISSA POST	13.02.20	TN	Female (11)	11 minors	NA	Male	52 yrs	NA	No	Sexual harassment	Yes	Arrested
370	NDTV	13.02.20	TRIPURA	Female	15 yrs	NA	Males (2)	2 persons	NA	No	Rape and murder	Yes	Both the accused sentenced to death
371	IE	14.02.20	UP	Female	16 yrs	NA	Male	NA	NA	No	Rape	FIR	The girl committed suicide - police inaction
372	TOI	14.02.20	RAJASTHAN	Female	Minor	NA	Male	30 yrs	NA	No	Sexual harassment	Yes	Suspended - enquiry on
373	TOI	15.02.20	AP	Female	5 yrs	NA	Male	20 yrs	NA	No	Rape	A case has been registered	Arrested

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No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
374	IE	15.02.20	MAHARASHTRA	-	-	NA	Male	38 yrs	NA	-	A case has been registered Under IT act)	Arrested
375	TOI	15.02.20	UP	Female	5 yrs	NA	Male	NA	NA	No	FIR	Arrested (shot by police while trying to escape - injured)
376	TOI	15.02.20	PUNJAB	Female	23 yrs	NA	Male	In twenties	NA	No	Yes (IPC)	Police conducting raids to arrest the accused
377	TOI	15.02.20	MAHARASHTRA	Fs (11)	11 girls - 10-13 yrs old	ST	Males (2)	2 males	NA	No	Case has been registered	Arrested
378	IE NDTV	16.02.20 15.02.20	HARYANA	F	4 yrs	NA	Males (4)	1 main accused and 3 others	NA	No	FIR	One arrested – lookout for the other suspects

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
379	NDTV	16.02.20	UP	Female	4 yrs	NA	Male	15 yrs	NA	No	Rape	FIR	Look out for the accused
380	TOI	16.02.20	MAHARASHTRA	Female	5 yrs	NA	Male	13 yrs	NA	No	Rape and murder	Yes	Fined Rs. 10,000/- + Community service
381	TOI	16.02.20	TN	Females (2)	2 - one 8 yrs and the other is her sister	NA	Males (many)	Many	NA	No	Rape	Yes	16 were arrested - released on bail The 8 yr old girl died - a case registered - investigations are on
382	TOI	16.02.20	KERALA	Female	14 yrs	NA	Male	40 yrs	NA	No	Sexual molestation	Yes	Arrested
383	TOI	17.02.20	GUJRAT	Female	16 yrs	NA	Male	27 yrs	NA	No	Rape	Registered the offence	Arrested (the girl was pregnant and delivered a 7-month-old baby)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
384	NDTV	17.02.20	MAHARASHTRA	Female	9 yrs (around)	NA	Male	53 yrs	NA	No	Sexual harassment	Yes	Arrested (10 yr old case when the victim was around 9 yrs - the complaint is made now)
385	TOI	17.02.20	MAHARASHTRA	Female	Minor	NA	Male	20 yrs	NA	No	Abuse	Yes	Arrested
386	TOI	18.02.20	TN	Female	17 yrs	NA	Males (7)	7 males	NA	No	Rape	A Case has been registered	5 arrested - lookout for 2
387	IE	18.02.20	MAHARASHTRA	Female	8 yrs	NA	Male	22 yrs	NA	No	Rape (2015)	Yes	Sentenced to 7 yrs RI
388	IE	18.02.20	UP	Female	5 months	NA	Male	25 yrs	NA	Yes	Rape and murder	NA	Arrested
389	TOI	18.02.20	UP	Female	4 yrs	NA	Male	32 yrs	NA	No	Rape (2019)	Yes	Sentenced to life

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
390	TOI	18.02.20	WB	Female	Minor	NA	Male	NA	NA	Rape	Yes	HC acquitted the accused who was sentenced to life by a lower court – was in jail since 2014
391	ORISSA POST	18.02.20	ODISHA	Female	Minor	NA	Males (2)	2 minors	NA	Rape	Yes	Detained – denied bail - sent to a home
392	TOI	18.02.20	CG	1.F 2.F	1.16 yrs 2. Minor	1.NA 2.NA	1.Male 2. Male	1.22 yrs 2. 21 yrs	1.NA 2.NA	1.Abduction and Rape 2..Abduction and Rape	1.Yes 2.'Lodged a complaint'	1.Arrested 2.NA
393	ORISSA POST	18.02.20	ODISHA	Female	14 yrs	NA	Male	25 yrs	NA	Rape	Yes	Arrested
394	TOI	19.02.20	BIHAR	Female	13 yrs	NA	Males	More than one	NA	Rape (gang)	Lodged a complaint	Investigation is on
395	TOI	19.02.20	MAHARASHTRA	Female	17 yrs	NA	Male	38 yrs	NA	Rape (2018)	Yes	Sentenced to 14 yrs RI + (the girl was pregnant)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
396	TOI	19.02.20	MAHARASHTRA	Females	More than one	NA	Male	NA	NA	No	Sex harassment	Yes	Was convicted and sentenced to 3 yrs 2018) by a sp court under the provisions of POCSO Act - appealed in HC - his service as a teacher was terminated by-the school tribunal ordered that until the HC gives its verdict he is to be reinstated with backlog payment
397	TOI	20.02.20	TN	Female	11 yrs	NA	Male	47 yrs	NA	Yes	Sexual assault	Yes	Arrested
398	ABP	20.02.20	WB	Female	Minor (X std)	NA	Male	NA	NA	No	Abduction and rape	NA	Policee are on the lookout of the accused
399	TOI	20.02.20	UP	Female	5 yrs	NA	Male	NA	NA	No	Sex molestation (2020)	Yes	Sentenced to 20 yrs RI +
400	TOI	20.02.20	CG	Female	15 yrs	NA	Males	5 men (3 aged between n 20 -27 yrs)	NA	No	Rape	Yes	5 arrested including a woman - the police is in the lookout for the sixth (the girl was escaping from her step father who used to sexually molest her)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
401	NDTV TOI	20.02.20 22.02.20	UP	Female	14 yrs	NA	Male	Adult	NA	Father	Rape	Yes	Convicted
402	TOI	21.02.20	UP	Female	15 yrs	NA	Male	20 yrs	NA	No	Rape	FIR	Arrested
403	NDTV	21.02.20	TRIPURA	Female	6 yrs	NA	Male	30 yrs	NA	No	Kidnap, rape and murder	NA	Arrested66
404	NDTV	21.02.20	HIMACHAL PRADESH	Female	Minor	NA	Male	Minor	NA	Yes (cousin)	Rape	NA	Detained by police
405	IE	21.02.20	GUJRAT	Female	3 yrs	NA	Male	NA	NA	No	Rape and murder (2018)	Yes	SC stayed the death warrant
406	TOI	23.02.20	ODISHA	Female	16 yrs	NA	Males	NA- More than one	NA	No	Rape (2019)	A case has been registered	Investigations are on 9the girl was working in Bangaluru - delivered a baby)
407	TOI	23.02.20	UP	Female	Minor	NA	Male	NA	NA	No	Rape	A case has been registered	Yet to be arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
408	TOI	23.02.20	MAHARASHTRA	Female	16 yrs	NA	Male	NA	NA	No	Rape	A case has been registered Accused is absconding (the girl was pregnant - she and her baby died after delivery)
409	TOI	24.02.20	CG	Female	14 yrs	NA	Males	3 males (includes a 17 yr old)	NA	No	Rape	FIR The accused arrested
410	NDTV	24.02.20	MP	Female	14 yrs	NA	Males	4 males (all minors between 13-14 yrs)	NA	No	Rape	Yes The accused has been detained
411	NDTV	24.02.20	UP	Female	Minor	NA	Male	Adult	NA	No	Rape	A case has been registered Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
412	ORISSA POST	25.02.20	ODISHA	1.Female 2.Female	1.4 yrs 2.4 yrs	1.NA 2.NA	1.Male 1.Male	1.12 yrs 2. Man	1.NA 2.NA	1.No 2.No	1.Rape 2.Rape	1.NA 2.A case has been registered	1. Sent to probation home 2.Arrested
413	IE	25.02.20	PUNJAB	Female	15 yrs	NA	Males	Two males - one 31 yrs, the other in early twenties	NA	Yes (one of the accused is the brother in law)	Rape	FIR	Arrested
414	TOI	25.02.20	UP	Female	11 yrss	NA	Male	55 yrs	NA	Yes	Rape	Registered a case	Arrested
415	TOI	25.02.20	UP	Female	Minor	NA	Males	4 males- aged between 14 -16 yrs	NA	No	Abduction and Rape	FIR	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
416	TOI	25.02.20	UP	Female	7 yrs	NA	Males	2 males - one 23 yrs old and a minor	NA	No	Rape and murder (2018)	Yes	The man is sentenced to life + and the minor is on trial
417	NDTV	25.02.20	MAHARASHTRA	Female	9 yrs	NA	Male	47 yrs	NA	No	Sexual molestation	A case has been registered	Arrested
418	TOI	26.02.20	UP	Female	14 yrs	NA	Male	19 yrs	NA	No	Abduction and rape	A case has been registered	Arrested
419	IE	26.02.20	MAHARASHTRA	Females	4 minors aged between in 10 and 17 and a 19 yr old	NA	Male	32 yrs	NA	Yes (distant)	Rape	FIR	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
420	NDTV	26.02.20	UP	Female	16 yrs	NA	Male	Man	NA	No	Rape And murder of the baby boorn	Yes	Arrested (The mother of the girl is also arrested for helping in killing the boy - born as a consequence of the rape)
421	NDTV	27.02.20	MP	Female	14 yrs	NA	Males	3 men	NA	No	Rape	NA	NA (the girl tried to commit suicide after the incident - admitted in hospital with 95% burn)
422	TOI	27.02.20	GUJRAT	Female	17 yrs	NA	Male	Around 20 yrs	NA	No	Teasing and threatening the girl and her father	FIR	Arrested
423	TOI	27.02.20	TRIPPURA	Female	7 yrs	NA	Male	27 yrs	NA	No	Rape and murder (2019)	Yes	HC abated death sentence to 25 yrs imprisonment
424	TOI	28.02.20	MAHARASHTRA	Females	17 minors	NA	Male	31 yrs	NA	No	Sexual abuse	NA	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
425	TOI	28.02.20	TN	Female	7 yrs	NA	Male	51 yrs	NA	No	Sexual abuse	Yes	Arrested
426	ABP	28.02.20	WB	Female	Minor	NA	Male	20 yrs	NA	No	Rape And attempt to murder	A case has been registered under POCSO Act	Arrested
427	TOI	28.02.20	MANIPUR	Female	13 yrs	NA	Males	2 males	NA	No	Rape	A case has been registered	Arrested
428	ORISSA POST	28.02.20	ODISHA	Female	5 yrs	NA	Male	Adult	NA	No	Rape	Yes	Arrested
429	NDTV	29.02.20	UP	Female	14 yrs	1.NA	Male	4 males were booked	NA	No	Rape and murder	Yes	One sentenced for life+, another sentenced for 5 yrs + and 2 have been acquitted

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
430	TOI	29.02.20	BIHAR	1.F em ale	1.15 yrs	1.NA	1.Mal es	1.2 males aged 29 and 22 yrs	1.NA	1.NO	1.Rape	1.NA	1.Arrested
				2.F em ale	2.13 yrs	2.NA	2. Male	2.2o yrs	2.NA	2.No	2. Rape	2. FIR	2.Arrested
431	TOI	29.02.20	GUJRAT	Fe mal e	14 yrs	NA	Male	22 yrs	NA	No	Rape	Yes	Arrested
432	TOI	29.02.20	CG	Fe mal e	Minor	NA	Male	Adult	NA	No	Rape and forced to undergo abortion	Yes	Absconding (another man co accused is arrested)
433	TOI	01.03.20	GUJRAT	Fe mal e	Minor	NA	Male	Adult	NA	No	Molestation	NA - no police complain t yet	NA
434	NDTV	01.03.20	ASSAM	Fe mal e	12 yrs	NA	Males	7 minor boys	NA	No	Rape and murder	NA	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
435	ORISSA POST	01.03.20	AP	Female	17 yrs	NA	Male	21 yrs	NA	No	Rape and attempt to murder	A case has been registered under POCSO Act	Arrested
436	TOI	02.03.20	TN	Female	14 yrs	NA	Males	3 men	NA	No	Rape And sex assault	Yes	Arrested
437	TOI	02.03.20	TN	Female	16 yrs	NA	Male	21 yrs	NA	No	Sexual assault	Yes	Arrested In the same article it is reported that another minor was sex assaulted last week by a man in the same area
438	TOI	03.02.20	UP	Female	16 yrs	NA	Males	3 men	NA	No	Rape and attempt to murder	Yes	Yet to be arrested
439	ABP	03.03.20	WB	Females between 8 to 10 (?)	2 - ages between 8 to 10	NA	Male	Adult	NA	No	Sex assault	NA	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
440	AJKAL	03.03.20	WB	Females	2 - minors	NA	Male	Adult	NA	No	Sex assault	Yes	Arrested
441	NDTV	03.03.20	UP	Males	2- aged 9 and 10 yrs	NA	Males	2 males	NA	No	Rape	FIR	One arrested - look out for the other
442	TOI IE	03.03.20 10.03.20	JHARKHAND	Female	6 yrs	NA	Males	3 adults	NA	One acc. Is a relative	Rape and murder (2020)	Yes	All 3 were sentenced to death +
443	TOI	04.03.20	MAHARSHTRA	Female	5 yrs	NA	Male	41 yrs	NA	No	Rape (2016)	Yes	Sentenced to 10 yrs +
444	TOI	04.03.20	RAJASTHAN	Females	3 minors	NA	Male	40 yrs	NA	No	Molestation and misbehaving	NA	Arrested
445	TOI	06.03.20	PUNJAB	Female	13 yrs	NA	Male	26 yrs	NA	No	Sex exploitation	A case has been registered	NA
446	TOI	07.03.20	TN	Male	10 yrs	NA	Male	25 yrs	NA	No	Sexual assualt	NA	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
447	TOI	07.03.20	TELENGANA	Females	11 minor girls	NA	Male	26 yrs	NA	No	Rape	Yes	Arrested
448	ORISSA POST	07.03.20	ORISSA	Female	Minor	NA	Male	Adult	NA	No	Misbehaving	A case has been registered	Arrested
449	TOI	07.03.20	RAJASTHAN	Females	Minors - many	NA	Males	4 - adult	NA	No	Showing obscene videos	A molestation case has been lodged (by a local person)	The 4 accused has been suspended along with another person (no complaint to the police yet) - police are also investigating
450	NDTV	08.03.20	GUJRAT	Female	16 yrs	NA	Males	2 males	NA	No	Rape	NA	Police - lookout

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
451	ABP	08.03.20	MAHARASHTRA	Female	17 yrs	NA	Male	NA	NA	Rape	Yes	Not arrested yet
452	TOI	08.03.20	MAHARASHTRA	Female	Minor	NA	Males	2 adults	NA	Rape and murder (2013)	NA	Acquitted by the court
453	TOI	09.03.20	UP	Female	6 yrs	NA	Male	NA	NA	Molestation	A charge sheet has been prepared	Arrested
454	TOI	09.03.20	GUJRAT	Female	8 yrs	NA	Male	23 yrs	NA	Rape	Yes	Will be arrested after preliminary investigation - police
455	TOI	10.03.20	TN	Female	13 yrs	NA	Males	3 - men	NA	Rape	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
456	TOI	10.03.20	GUJRAT	Female	15 yrs (at the time of the crime)	NA	Male	40 yrs (24 yrs at the time of the crime)	NA	No	Rape (2004)	Yes	Sentenced to 10 yrs
457	NDTV	10.03.20	GUJRAT	Female	16 yrs	NA	Male	NA	NA	No	The girl committed suicide - intimate video with her boyfriend was fed in the social media by him and friends	Yes (boyfriend for rape and 3 of his friends for circulating the video)	3 of the 4 has been arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste	Relation to child				
458	NDTV	10.03.20	GUJRAT	Girls and boys	Many	NA	NA	-14 +1	14 persons (authourity) + 1 person	NA	No	Showing pornographic video /photos, asking offensive questions, mental torture	FIR	The main accused is absconding + the others are probing personnel - no information about the status of the 14 persons
459	TOI	11.03.20	PUDUCHERRY	Female	9 yrs	NA	NA	Male	41 yrs	NA	Father	Sexual assault /rape (2019)	Yes	Sentenced to 25 yrs RI +
460	ABP	11.03.20	WB	Female	Minor	NA	NA	Male	Adult	NA	No	Rape (the girl is pregnant)	NA	Arrested
461	TOI	11.03.20	UP	Female	10 yrs	NA	NA	Male	23 yrs	NA	No	Rape and murder	FIR	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste	Relation to child				
462	TOI IE TOI	12.03.20 13.03.20 19.03.20	UP UP	Female	9 yrs	NA	Male (?)	NA	NA	NA	NA	Rape and attempt to murder -the girl died	FIR	Yet to be identified More than 10 suspects detained by police- action against 4 police personnel on charges of negligence 1600 mobiles under surveillance
463	TOI	13.03.20	GUJRAT	Female	16 yrs	NA	Males	6 males	NA	No	No	Rape And murder of father of the girl	Yes	Arrested
464	NDTV	13.03.20	HARYANA	Female	5 yrs	NA	Male	NA	NAA	No	No	Rape (2019)	Yes	Sentenced to 10 yrs +
465	TOI	14.03.20	GUJRAT	Female	16 yrs	NA	Male	40 yrs	NA	Stepfather		Rape	Police complaint	Police has launched a manhunt for the accused
466	TOI	14.03.20	TN	Females	15 girls	NA	Male	57 yrs	NA	No	No	Sex harassment	Yes	NA

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste			
467	NDTV	14.03.20	MEGHALAY	Female	NA	NA	Male	45 yrs	NA	Father	Rape	A case has been filed Arrested (the accused was in jail for raping his elder daughter when she was 16 (2016) released on bail - one assumes that the younger daughter is a minor)
468	TOI	15.03.20	UP	Female	16 yrs	NA	Male	NA	NA	No	Threatening to throw acid	Yes FIR - under IPC and POCSO Yet to be arrested
469	TOI	15.03.20	UP	Female	14 yrs	NA	Male	Adult	NA	Step father	Attempt to rape	Yes NA
470	IE	16.03.20	MAHARASHTRA	Male	15 yrs	NA	Males	4 men (?)	NA	No	Molestation	4 arrested - look out for 2
471	TOI	16.03.20	UP	Female	16 yrs	NA	Male	20 yrs	NA	No	Rape and causing injury	Yes Lookout for the accused
472	TOI	16.03.20	TN	Female	15 yrs	NA	Male	32 yrs	NA	No	Sex assault	Yes Arrested (in judicial custody)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
473	ORISSA POST	17.03.20	JHARKHAND	Female	16 yrs	NA	Male	17 yrs	NA	No	Rape (2019)	Yes	Sentenced to 20 yrs +
474	TOI	18.03.20	TN	Female	6 yrs	NA	Male	22 yrs	NA	No	Sexual assault	Yes	Arrested
475	IE	18.03.20	GUJRAT	Female	3 yrs	NA	Male	27 yrs	NA	No	Rape and murder (2018)	Yes	Sentenced to death
476	TOI	18.03.20	AP	Female	4 yrs	NA	Male	32 yrs	NA	NO	Rape	Yes	Arrested
477	ORISSA POST	18.03.20	ODISHA	Female	10 yrs	NA	Male	14 yrs	NA	No	Rape	A case has been registered	Arrested
478	TOI	19.03.20	TN	Female	16 yrs	NA	Male	20yrs	NA	Wife	Marriage of a minor and impregnating her	Yes	Arrested (the man had brought his wife to the hospital for delivery)

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator				Nature of offence	Whether case filed	Status update
				Sex	Age	Caste	Sex	Age	Caste	Relation to child			
479	TOI	20.03.20	MAHARASHTRA	Male	12 yrs	NA	Male	27 yrs	NA	No	Sexual assault	Yes	Arrested
480	NDTV	20.03.20	DELHI	Female	3 yrs	NA	Male	60 yrs	NA	No	Sexual harassment	A case has been registered	Arrested
481	TOI	23.03.20	MP	Female	8 yrs	NA	Males	4 boys	NA	No	Rape	A case has been registered - accused charged	None detained yet
482	TOI	24.03.20	UP	Female	12 yrs	NA	Males(?)	NA	NA	NA	Murder & Injury to private parts	FIR	Investigations on to identify the assailant
483	TOI	25.03.20	MAHARASHTRA	Female	15 yrs	NA	Male	22 yrs	NA	No	Stalking and harassment	Yes	Arrested

In the Best Interests of the Child?

No.	Paper Channel Website	Date of report	State	Profile of victim			Profile of perpetrator			Nature of offence	Whether case filed	Status update	
				Sex	Age	Caste	Sex	Age	Caste				Relation to child
484	IE	25.03.20	PUNJAB	Male	11 yrs	NA	Male	23 yrs	NA	No	Attempt to sodomy and murder	FIR	Arrested
485	NDTV	27.03.20	JHARKHAND	Female	16 yrs	NA	Males	9 males NA	NA	No	Rape	The girl filed a complaint	Police are on the lookout for the culprits
486	TOI	28.03.20	AP	Female	13 yrs	NA	Males	3 males	NA	No	Sexual assault	A case has been registered	Police are in the lookout for the culprits
487	IE	31.03.20	GUJRAT	Female	15 yrs	NA	Male	40 yrs	NA	Yes bro in law	Rape (the girl got pregnant and delivered a still born baby)	Yes	Arrested