

# Annual National Seminar

on

## “Working of POCSO Courts in India [P-1015]”

### CHALLENGES IN ADJUDICATION BY POCSO COURTS



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# **CRIMINAL JUSTICE SYSTEM -** **Two Equations**

- **Adult Vs. Child**
- **Accused Vs. Victim**



# **Inadequate Infrastructure**

# **Sex – A Taboo Subject**



# **Inherent Inhibitions**



# **Mental Trauma**

# Repetition of Narration



➤ **Court Over-burdened.**

➤ **No Sufficient Time or Space to make the child at ease and comfortable.**





# **Limited Vocabulary of Child**



# **Limited Understanding of Child**

# **Vulnerability of Child**



**Notions of Child Not Clear**



# **Court Procedure – Very Complicated**



# **Atmosphere of Court – Alien, Formal**



# **Non-familiarity of Child with Legal and Court System**



**Over-Zealousness / Inaction of P.P.**



**Cross-Examination –  
Aggressive, Confusing,  
at times intimidating  
and insulting**

**For Child – Court not  
taking active interest in  
recording of evidence.**

**For Child – Pressure  
from family, society – if  
accused is known.**



**For Child – No Support System**

**For Court – To balance**

**Rights of Accused**

**Vs.**

**Rights of Victim**



**For Child – Delay in Trial**

**For Child – To recite the  
incident with minor details,  
which incident she wants  
to forget**

**For Child – Being called  
repeatedly and matter  
being adjourned again and  
again.**



**For Child – Waiting endlessly  
in the Court for recording of  
evidence.**

**Being subjected to cross-  
examination for hours  
together.**

**For Child – Lack of sensitivity on the part of majority of stake-holders.**

# CHALLENGES IN INVESTIGATION

Investigating Officer not conversant with language of the child.

No sufficient time or space for him to record the statement of child.

**Medical Evidence – Not giving correct picture.**

**Faulty Procedures – in medical exam – Two Finger Test.**

Medical samples not collected or preserved properly.

DNA Test not conducted.

C.A. Reports from F.S.L. not forthcoming in time.

# For Court – In Adjudication

Best evidence not forthcoming.

In appreciation of evidence – No separate yardstick.

Child Witness – considered to be  
'dangerous' – susceptible to  
tutoring.



