

**Annual National Seminar**  
**on**  
**“Working of POCSO Courts in India [P-1015]”**

**CREATING A CHILD-FRIENDLY POCSO COURT**



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# Objects of POCSO Act

- To incorporate child-friendly procedures for recording of evidence, investigation and trial.
- To safeguard interest and well-being of the child at every stage of the judicial process.



# **Statutory Measures**

## **Section 33 in recording of evidence**

1. Questions to be put by the Judge.
2. Frequent Breaks.
3. Allowing a family member, a guardian, a friend or relative to be present in Court.

# Section 35

Expeditious hearing.

Within 30 Days – Evidence to be recorded.

Trial to be completed within 1 year.



# Section 36

Child not to be exposed in any way to the Accused.

Use of Video-Conferencing.

*OR*

Utilizing Single Visibility Mirror or Curtain

# **Section 37**

*Trial in Camera*

And

In the presence of Support Person



# Section 38

Assistance of Expert or Interpreter  
or Facilitator

## Which Other Measures Can Be Adopted ???

To assess competency of child – by asking and recording developmentally appropriate questions -

At the outset

And

Also throughout the testimony

And

To pass the appropriate order  
by recording a finding



**Pre-trial visit of the child and support person to the Court to familiarise them with the layout of the Court and procedures.**

**Before recording of evidence –  
Judge to explain the court  
process to the child to enable  
him to understand the  
procedure.**



**If possible, to appoint Guardian *ad-litem*, who can be a member from NGO, Bar, Professional, who will remain present with the child throughout and assist the child in every way.**

**To Provide Legal Assistance**

**On The Request**

**OR**

**Suo-Motu**



**To provide waiting area, which is separable, and furnished with essential requirements, like, water, wash-room etc.**

**To provide comfortable environment  
at the time of recording evidence –**

**As far as possible in separate room;**

**If not, in Chamber;**

**If in Court – allow to testify from any  
other place than the witness box;**

**At the same eye-level.**




**To maintain in-formal atmosphere;**

**If in chamber, allow the child to sit near the Judge;**

**An out-stretched hand-shake goes a long way in confidence building.**

**To dispense with Gown and Robes by every one.**



**Testimony to be recorded at the  
earliest, without making the  
child to wait for hours.**



**Such cases to be given priority.**

**Date and time for recording evidence  
should be fixed and followed.**

**Victim should be brought  
from a separate entrance.**

**Accused not to be brought  
in contact with child.**





**Child's memory should be refreshed.**

**Child should be introduced  
to P.P. Defence Lawyer.**



**Judge should make the child comfortable by asking preliminary questions.**

**Judge should set ground rules for examination of child for each case individually.**



The evidence of a child below 5 – 6 years should be dispensed with;

OR

Can be limited only for identification of Accused which should be done at the end.

Cross-examination should be relaxed,  
done gently and with respect.

Everyone should take care of body  
language, tone of voice, facial  
expressions etc.



# **Appreciation of Evidence –** **Must be Sensitive**

- 1. Regard must be had to the age of the child, the time period, trauma suffered by the child.**
- 2. Proper evaluation of medical evidence.**
- 3. Giving weight-age to medical, forensic and circumstantial evidence.**

**Sentence – Strict, Stringent.**

**To send proper signal.**

**Compensation should be granted  
invariably.**

**Rehabilitation of Child.**



# Kishan Lal Vs. State of Haryana

[ AIR 1980 SC 1252 ]

“A socially sensitized Judge is a better statutory armor against gender outrage than long clauses of a complex section with all protection writ into it.”

## **State of Punjab Vs. Gurmeet Singh**

***[ 1996 (2) SCC 384 ]***

“It is the sensitivity of a Judge, which prevents the justice from being a casualty.”



