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| <p style="text-align: center;">Additional Reading</p> <ul style="list-style-type: none"> • <i>Trauma informed judging by the national child traumatic stress network (NCTSN)</i> • <i>Defining justice – from multiple perspectives in perspectives of justice restorative justice and child sexual abuse in India, pp. 30-44, counsel to secure justice centre for criminology and victimology national law university Delhi 2018</i> • <i>Hidden nature – the struggle to disclose sexual abuse in perspectives of justice restorative justice and child sexual abuse in India, pp. 16-29, counsel to secure justice centre for criminology and victimology national law university Delhi 2018</i> • <i>Handbook on combating gender stereotypes, supreme court of India</i> • <i>Model guidelines under section 39 of the protection of children from sexual offences act, 2012, chapter-2, pp. 8-11, issued by ministry of women and child development, govt. of India (September, 2013)</i> • <i>Model guidelines under section 39 of the protection of children from sexual offences act, 2012, chapter-8, pp. 64-72, issued by ministry of women and child development, govt. of India (September, 2013)</i> | | |
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| 3. | Swagata Raha, <i>Challenges related to Age- Determination of Victims under the POCSO Act, 2012</i> , Chapter 6 from – Implementation of the POCSO Act, 2012 by Special Courts: Challenges and Issues published by (CCL), NLSIU along with TATA Trusts, (February 2018) | 123 |
| 4. | Dr. Chandresh Tailor et al. <i>The Profile of Age in cases of Victims of Sexual Offence</i> . J Indian Acad Forensic Med, 32(4), 303-307. | 139 |
| <p style="text-align: center;">Additional Readings (Suggestive)</p> <ul style="list-style-type: none"> • “Love”, Consent and the POCSO, published by Centre for Child and the Law (CCL) National Law School of India University (NLSIU) February 2018. | | |
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| 2. | Arijit Sirpurkar, <i>Critical Analysis of Reverse Onus Clauses under the POCSO Act</i> , 2.4 JCLJ (2022) 542 | 153 |
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| 4. | Dr Jagadeesh. N, <i>Appreciation of Medical Evidence by Special Courts in POCSO cases</i> , in Implementation of the POCSO Act, 2012 by Special Court: Challenges and Issues published by Centre for Child and the Law (CCL) National Law School of India University (NLSIU) February 2018. | 173 |
| 5. | Dr. Preeti Jacob & Dr. Kavita Jangam, <i>Appreciating the Testimonies of Children and Adolescents</i> Chapter 8 from - Implementation of the POCSO Act, 2012 by Special Courts: Challenges and Issues published by (CCL), NLSIU alongwith TATA Trusts, February 2018. | 188 |
| <p style="text-align: center;">Guidelines, Protocol, Resolution</p> <ul style="list-style-type: none"> • Guidelines for Recording Evidence of Vulnerable Witnesses, High Court at Calcutta Notification No. 2345-RG Dated - 27.04.2022 • Kerala Medico-Legal Protocol for Examination of Survivor of Sexual Offences 2019, issued by Government of Kerala, 2019 • Collection of Evidence in Sexual Assault Investigations, Physical Evidence Bulletin, California Department of Justice, Bureau of Forensic Services. • Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, ECOSOC Resolution 2005/20 | | |
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| 3. | Nuzhat Parveen Khan and Shabeena Anjum, <i>Restorative Justice : Meaning and Concept</i> , 26 ALJ (2018-19) 145 | 239 |
| 4. | Kevin Lalor and Rosaleen McElvaney, <i>Child Sexual Abuse, Links to Later Sexual Exploitation/High-Risk Sexual Behavior, and Prevention/Treatment Programs</i> , Trauma, Violence & Abuse , Vol. 11, No. 4 (October 2010), pp. 159-177 | 263 |
| 5. | P. V. Reddi , <i>Role of the Victim in the Criminal Justice Process</i> , Student Bar Review , 2006, Vol. 18, No. 1 (2006), pp. 1-24 | 282 |

Additional Readings (Suggestive)

- NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes – (2018)
- The Protection of Children from Sexual Offences Rules, 2020
- Protection of Children from Sexual Offence, published by National Human Rights Commission, 2021
- Smt. Sk. Shireen, VICTIMOLOGY AND COMPENSATION

Session 5 - Exploring Psycho-Social Aspects of POCSO Cases

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| 2. | Shailesh Kumar, <i>Child Sexual Abuse Cases in India and Judicial Officers' Perceptions and Experiences of POCSO-Related Special Training</i> , 18 SOCIO-LEGAL REV. 264 (2022). | 320 |
| 3. | Ibrahim H. Acar, Julia C. Torquati, Aileen Garcia and Lixin Ren, <i>Examining the Roles of Parent–Child and Teacher–Child Relationships on Behavior Regulation of Children at Risk</i> , Merrill-Palmer Quarterly , Vol. 64, No. 2 (April 2018), pp. 248-274, Published by: Wayne State University Press | 358 |
| 4. | Thomas R. Litwack, Gwendolyn L. Gerber & C. Abraham Fenster, <i>The Proper Role of Psychology in Child Custody Disputes</i> , 18 J. FAM. L. 269 (1979-1980). | 386 |

Additional Reading

- The Psychosocial Impact Of Child Sexual Abuse 2017 An Exploratory Pilot Study In Delhi

Judgments & Orders

(Judgments mentioned below include citations only. Please refer full judgment available in Pen Drive for conclusive opinion)

Age Determination under POCSO Act

1. ***P. Yuvaprakash v. State, 2023 SCC OnLine SC 846*** [School Transfer Certificate not acceptable for age determination of victim]
2. ***Rishipal Singh Solanki v. State of U.P., (2022) 8 SCC 602*** [A claim of juvenility may be raised at any stage of a criminal proceeding, even after a final disposal of the case. A delay in raising the claim of juvenility cannot be a ground for rejection of such claim. It can also be raised for the first time before this Court. Also, an application claiming juvenility could be made either before the Court or the JJ Board]
3. ***Eera through Manjula Krippendorf v. State (Govt. of NCT of Delhi) and Ors (2017)15 SCC 133*** [the definition of "child" in Section 2(1)(d) is strictly based on biological age. The Court emphasized that the term "age" as used in the Act pertains to chronological or biological years and does not extend to "mental age." Consequently, individuals who are biologically 18 years or older, even if they possess a mental age below 18, do not fall within the definition of a "child" under the Pocso Act.]
4. ***State of M.P. v. Anoop Singh (2015) 7 SCC 773*** [Ossification test is not sole criterion for determination of date of birth, when birth certificate and Middle School certificate are available.]
5. ***Jarnail Singh v. State of Haryana (AIR 2013 SC 3467)*** [On the issue of determination of age of a minor, one only needs to make a reference to Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007. In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted – (i) the matriculation or equivalent certificates,(ii) the date of birth certificate from the school,(iii) the birth certificate given by a corporation or a municipal authority or a panchayat and lastly, only in the absence of either (i), (ii) or (iii), the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child.]
6. ***Ashwani Kumar Saxena v. State of Madhya Pradesh (AIR 2013 SC 553)*** [The preferred evidence is the matriculation or equivalent certificate. If unavailable, the next preference is the date of birth certificate from the first attended school (excluding play schools).If those are also unavailable, then a birth certificate from a corporation, municipal authority, or panchayat is required. Medical opinion from a duly constituted Medical Board is sought only if the previous documents are unavailable. In the case of uncertainty, the court may, for recorded reasons, consider the individual's age on the lower side within a one-year margin.]
7. ***Mahadeo v. State of Maharashtra (2013) 14 SCC 637*** [In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the court or the Board or, as the case may be, by the Committee by seeking evidence by obtaining—
(a)(i) the matriculation or equivalent certificates, if available; and in the absence whereof;
(ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
(iii) the birth certificate given by a corporation or a municipal authority or a Panchayat;”
Under Rule 12(3)(b), it is specifically provided that only in the absence of alternative methods described under Rules 12(3)(a)(i) to (iii), the medical opinion can be sought for.]
8. ***Abuzar Hossain v. State of W.B., (2012) 10 SCC 514*** [the claim of juvenility may be raised at any stage even after the final disposal of the case. It may be rasied for the first time before the Supreme Court as well after the final diosposal of the case. The exprrssion ‘any court’ under rule 7 A (JJ Rules) is too wide and comprehensive.]
9. ***Shah Nawaz v. State of Uttar Pradesh (2011) 13 SCC 751*** [Entry relating to date of birth entered in the marksheet is one of the valid proofs of evidence for determination of age of an accused person. The school leaving certificate is also a valid proof in determining the age of the accused person.]

Compensation to the Victim and Rehabilitation

1. ***In Re : Right to Privacy of Adolescents, 2024 SCC OnLine SC 2055*** [The Supreme Court recently directed all States and Union Territories to strictly enforce the Protection of Children from Sexual Offences (POCSO) Act,2012 and the

Juvenile Justice (Care and Protection) Act, 2015, (JJ Act) to better protect victims of sexual offences. This came in response to the State of West Bengal's failure to adequately care for a victim under these laws. The Court specifically emphasized the need for immediate reporting of offenses to the Child Welfare Committee and Special Court, as mandated by Section 19(6) of the POCSO Act. Additionally, the Court criticized the Calcutta High Court's suggestion to amend the POCSO Act to decriminalize consensual sex among older adolescents, rejecting the idea of exceptions for "non-exploitative" acts.]

2. ***Nipun Saxena v. Union of India, (2019) 13 SCC 715*** [The Special Court may, at any stage after an FIR is registered, grant interim compensation on its own or upon application to meet the child's immediate needs for relief or rehabilitation. This amount will be adjusted against any final compensation awarded. The Special Court may recommend compensation: Upon conviction of the accused and If the accused is acquitted, discharged, or unidentified, but the child has suffered harm. Also mentioned the Factors Considered for Compensation]
3. ***Tekan v. State of Madhya Pradesh AIR 2016 SC 817 (Para 7, 15, 16, 18, 19)*** [*Indisputably, no amount of money can restore the dignity and confidence that the accused took away from the victim. No amount of money can erase the trauma and grief the victim suffers. This aid can be crucial with aftermath of crime*]
4. ***In Re: Indian Woman says gang-raped on orders of Village Court published in Business and Financial News AIR 2014 SC 2816 (Para 17, 18, 19)*** [No compensation can be adequate nor can it be of any respite for the victim but as the State has failed in protecting such serious violation of a victim's fundamental right, the State is duty-bound to provide compensation, which may help in the victim's rehabilitation. The humiliation or the reputation that is snuffed out cannot be recompensed but then monetary compensation will at least provide some solace.]

Other Important Judgments

1. ***Gyanendra singh @ Raja Singh v. State of U.P. 2025 INSC 335*** [The Supreme Court clarified that when a person is convicted for an offence under both the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") and the rape provisions of the IPC, Section 42 of the POCSO Act mandates the imposition of the higher degree of punishment prescribed either under the POCSO Act or Indian Penal Code ("IPC"). The court further stated that no plea for a lesser punishment under the POCSO Act can be entertained if the IPC prescribes a higher punishment for certain offences by arguing that Section 42A, as a special law, overrides the IPC, which is considered a general law.]
2. ***Sambhubhai Raisangbhai Padhiyar v. State of Gujarat 2024 INSC 987*** [considering the possibility of reformation as per behavioural and mental assessment reports, converted the death penalty of a convict guilty of sexual assault and murder of a 4-year-old child, to an imprisonment of 25 years]
3. ***Saibaj Noormohammad v. State of Maharashtra & Anr. Special Leave Petition (Crl.) No. 13890/2024*** [Sessions Court, which adjudicates a case concerning the bodily injuries such as sexual assault etc. particularly on minor children and women shall order for victim compensation to be paid having regard to the facts and circumstances of the case and based on the evidence on record, while passing the judgment either convicting or acquitting the accused. Secondly, the said direction must be implemented by the District Legal Services Authority or State Legal Services Authority, as the case may be, in letter and spirit and in the quickest manner and to ensure that the victim is paid the compensation at the earliest]
4. ***Just Rights for Children Alliance v. S. Harish, 2024 SCC OnLine SC 2611*** [Create awareness about the POCSO act among children, implement sex education programs- Don't use the term 'child pornography', instead use 'child sexual exploitative & abuse material' - Knowingly watching child pornography over the internet without downloading amounts to 'possession' under POCSO act - Storage of child pornography without deletion or reporting indicates intention to transmit, constitutes POCSO Act offence]
5. ***Ramji Lal Bairwa & Anr. V. State of Rajasthan & Ors., 2023 2024 INSC 846*** [matters related to sexual assault cannot be treated as private matters eligible for compromise-based quashing. The Court emphasized the societal impact of such crimes and mandated that proceedings continue in the interest of justice.]
6. ***State of Maharashtra v. Maroti, 2022 SCC OnLine SC 1503*** [it is obliged to promptly report the commission of an offence under POCSO Act to the specified authorities an failure to do so must be regarded as a serious offence.]
7. ***Attorney General v. Satish, (2022) 5 SCC 545*** [The expression 'touch' and 'physical contact' in section 7 of POCS cannot be construed as 'skin-to-skin' contact. The important ingredient for constituting offence of 'sexual assault' under POCSO suggests that both direct and indirect contact with sexual intent comes within the meaning of sexual assault.]

8. ***Re: Alarming rise in the number of child rape incidents 2020 (7) SCC 87*** [In districts where over 100 cases under the POCSO Act are reported, an exclusive Special Court will be established to handle only such cases. These courts will be funded under a Central scheme, covering the appointment of judicial officers, support staff, and the creation of child-friendly environments. The selection of support persons and Special Public Prosecutors will prioritize individuals dedicated to child rights and sensitized to children's needs. Additionally, awareness initiatives, including short clips on child abuse prevention and helpline numbers, will be mandated in movie halls, television broadcasts, schools, and other public spaces.]
9. ***Alakh Alok Srivastava v. Union of India and others, (2018) 17 SCC 291***[Child abuse damages a person for life and that damage is in no way diminished by the ignorance of the perpetrator. It is only with the uncovering of the complete truth as it affects all those involved that a genuinely viable solution can be found to the dangers of child abuse. Keeping in view the protection of the children and the statutory scheme conceived under the POCSO Act, it is necessary to issue certain directions so that the legislative intent and the purpose are actually fructified at the ground level and it becomes possible to bridge the gap between the legislation remaining a mere parchment or blueprint of social change and its practice or implementation in true essence and spirit is achieved.]
10. ***Independent Thought v. Union of India and Ors (2017) 10 SCC 800*** [sexual intercourse with a girl below 18 years of age is rape regardless of whether she is married or not. The Exception carved out in IPC creates an unnecessary and artificial distinction between a married girl child and an unmarried girl child and has no rational nexus with any unclear objective sought to be achieved. The artificial distinction is arbitrary and discriminatory and is definitely not in the best interest of the girl child. The artificial distinction is contrary to the philosophy and ethos of Article 15(3) of the Constitution as well as contrary to Article 21 of the Constitution and our commitments in international conventions. It is also contrary to the philosophy behind some statutes, the bodily integrity of the girl child and her reproductive choice.]

Other Relevant Judgments (for reference)

1. ***Rajak Mohammad vs. State of H.P. reported in (2018) 9 SCC 248***
2. ***State of Karnataka v. Bantara Sudhakara, (2008) 11 SCC 38***
3. ***Birad Mal Singhvi v. Anand Purohit (AIR 1988 SC 1796)***
4. ***Bhoopram v. State Of UP, (1989) 3 SCC 1***
5. ***Hari Ram v. State of Rajasthan and Another, (2009) 13 SCC 211***
6. ***Arnit Das v. State of Bihar, (2000) 5 SCC 488***
7. ***Babu v. State of Kerala, (2010) 9 SCC 189***
8. ***Dhanwantraai Balwantraai Desai v. State of Maharashtra 1964 (I) Cr. LJ 437 (SC)***
9. ***Narayan Govind Gavate Etc. vs State Of Maharashtra AIR 1977 SC 183***
10. ***Ravi Kumar v. State of Punjab (2005) 9 SCC 315***
11. ***Haryana v. Bhagirath (2006) 2 SCC 677***
12. ***State of Punjab v. Jagir Singh (1974) 3 SCC 277***
13. ***The Chairman, Railway Board & Ors. v. Mrs. Chandrima Das & Ors. AIR 2000 SC 988 (Para 43, 44)***
14. ***Shri Bodhisattwa Gautam v. Miss Subhra Chakraborty AIR 1996 SC 922 (Para 18, 20)***
15. ***Delhi Domestic Working Women's Forum v. Union of India (UOI) and Ors. (1995) 1 SCC 14 (Para 16, 17, 18)***
16. ***Bachpan Bachao Andolan v. Union of India and Others, (2011) 5 SCC 1***
17. ***Aparna Bhatt v. State of MP Live Law 2021 SC 168***
18. ***State of Karnataka v. Manjanna (2000) 6 SCC 188***
19. ***Dilip v. State of Madhya Pradesh (2013) 14 SCC 331***
20. ***State of UP v. Chhotey Lal (2011) 2 SCC 550***