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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 466/2016, CM Nos.31567/2017, 36582/2018, 11582/2019 & 32938/2019**

BACHPAN BACHAO ANDOLAN

..... Petitioner

Through: Mr H.S. Phoolka, Sr Adv. with Ms Shashi, Mr Bhuwan, Ms Surpreet Kaur, Mr Mandeep Singh and Ms Pragati Singh, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Udit Malik, ASC with Mr Vishal Chanda, Adv. for GNCTD.

+ **W.P.(C) 9175/2019**

DELHI CITIZEN FORUM FOR CIVIL RIGHTS

..... Petitioner

Through: Ms Joshini Tuli and Ms Hemlata, Advs. along with Mr Joginder Tuli, petitioner-in-person.

versus

STATE (NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr Udit Malik, ASC with Mr Vishal Chanda, Adv. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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29.11.2023

[Physical Hearing/Hybrid Hearing (as per request)]

W.P.(C) 466/2016

W.P.(C) 9175/2019

1. These matters have been received on transfer from Division Bench-I.

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2. Mr H.S. Phoolka, learned senior counsel, who appears on behalf of the petitioner in W.P.(C)No.466/2016, has placed before us a hard copy of the Minutes of Meeting (MOM) dated 23.06.2023 filed on behalf of the Special Commissioner of Police (Crime), New Delhi.

2.1 The MOM were filed, it appears, on 10.07.2023. The MOM, however, is not on the court record.

3. Mr Udit Malik, who appears on behalf of GNCTD in the above-captioned matters, says that he will ensure that the MOM are placed on the court record.

4. Having perused the MOM, according to us, it does not suffice.

5. Besides the above, Mr Malik has also brought to our attention an affidavit dated 05.12.2019 filed on behalf of the Forensic Science Laboratory, Delhi (FSL).

6. As is evident, this affidavit was filed nearly four years ago, and, therefore, it needs updation. Accordingly, Mr Malik is directed to file a fresh affidavit which will give the court an insight into the actual position which prevails today, with regard to the following:

(i) Complaints received under Indian Penal Code, 1860 [in short, "IPC"] with regard to sexual assault and Protection of Children from Sexual Offences Act, 2012 (POCSO).

(ii) Number of complaints which were converted into FIRs.

(iii) Number of cases in which chargesheets have been filed.

(iv) Number of cases which are undergoing trial.

(v) Number of cases which are at the stage of oral arguments.

7. The information with regard to the above will be given separately for

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adults and children.

8. Apart from what has been indicated above, the affidavit will also indicate the location of One Stop Centres (OSC), the facilities provided and manpower deployed in each OSC and the job function to be performed by the personnel deployed at the OSC.

9. Mr Malik says that counsellors have been appointed in the OSCs. What is not clear is as to what are the qualifications of these counsellors and whether any psychologists and psychiatrists have been appointed to deal with sexual assault cases.

9.1. The number of counsellors deployed at each of the OSCs will also be indicated in the affidavit.

10. We find on perusal of the aforementioned affidavit filed by the FSL that there is a reference to the fact that there is proposal for creation of 112 technical posts. [See paragraph 8 of the affidavit dated 05.12.2019].

10.1. It appears that the technical posts were created for cyber forensics. We have no visibility whether there are adequate number of forensic experts with biological aspects as their mainstay. We would want information to be placed before us with regard to both sets of forensic experts.

10.2. The affidavit will also indicate as to how many posts have been created and personnel deployed since the affidavit dated 05.12.2019 was filed in this court.

11. We make it clear that the affidavit(s) will be filed by the person/departments who are in charge and have dealt with each of these issues. Therefore, if necessary, more than one affidavit can be filed so that we have a granular view of the matter.



12. The GNCTD is accorded ten (10) days for this purpose.
13. Ms Aparna Bhat, Advocate, is appointed as a Local Commissioner in the above-captioned matters. Ms Bhat will visit the OSCs and file a report with the court.
- 13.1. Mr Malik will ensure that all help is rendered to Ms Bhat.
14. List the above-captioned matters on 14.12.2023.
15. Meanwhile, the Registry will scan and upload the hard copy of the MOM dated 23.06.2023 filed with the index dated 10.07.2023, so that it remains embedded in the case file.
- CM Nos.31567/2017, 36582/2018, 11582/2019 & 32938/2019 in W.P.(C) 466/2016**
16. Mr Phoolka says that the above-captioned applications can be disposed of having regard to the aforementioned directions issued by this court in the writ petitions.
- 16.1. It is ordered accordingly.
17. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

NOVEMBER 29, 2023/aj

[Click here to check corrigendum, if any](#)

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