

## **ANNEXURE 1.5**

### **List of Non-Negotiables for the E-Courts Portal**

***Note: All underlined headings are as per the existing page on the E-Courts Portal and all additions are in red font***

Case Type - SC Case

Case Filing Number and Date

Case Registration No. and Date

CNR Number

Case Title

#### **Case Status**

First Date of Hearing

#### **Pending**

Next Date of Hearing

Current Stage of Case

Current Court No. and Judge

#### **Disposed**

Date on which case is disposed / judgement pronounced

Nature of Disposal

Conviction

Acquittal

Discharged

Abated

Proceedings Quashed / Cancelled

Transferred to another appropriate court

Transferred to JJB

PO Consigned

**Petitioner(s) and Advocate**

**Respondent(s) and Advocate**

**Acts and Sections as in FIR**

**Acts and Sections as in Charge sheet**

**Acts and Sections under which Charges are framed**

**Acts and Sections under which accused(s) has been convicted**

**Acts and Sections under which accused(s) has been acquitted**

**IA Details**

IA Number

Party Name

Date of Filing

Hearing Date

Purpose of Hearing

Bail – interim or regular or anticipatory

Compensation – interim or final

Witness protection

Any other

History of case hearing / Daily Status

Proceeding to be explained in brief – this would depend on the application filed and purpose of hearing. Some examples are mentioned hereunder:

- *Arguments heard. Victim / victim's representative was heard while hearing the bail application*
- *Threat analysis report was received while hearing a witness protection application*
- *Victim impact assessment report was called for while hearing interim/final compensation application*
- *Order reserved*

Next Date and Purpose

IA Status

## **FIR Details (this could be changed to FIR and Chargesheet)**

FIR No.

Police Station

Date of FIR

Date on which charge sheet / final report / supplementary charge sheet is filed in court

## **History of Case Hearing**

Registration No.

Judge

Name of Judge

Court No.

Hearing Date

Purpose of Hearing

## **Order Details**

Order Number

Order Date

Order Details

Cognizance by court

Framing of Charges

Grant/Cancellation of Bail

Witness Protection Order

Interim Compensation Order

Final Compensation Order

Decision – Judgement pronounced in Court

Sentence

Orders to be passed by Children Court trying a CCL as adult

- Order for preparation of Individual Care Plan

- Order regarding follow up and review of Individual Care Plan
- Order assigning monitoring authority when the CCL is released after the age of 21

### **Transfer Details**

Transferred from - Courts/ **JJB**

Transferred to

### **Daily Status**

**Note: All points in black font are those already existing in the current Daily Status page on E-Courts portal. Only additions are in red font.**

CNR No.

Case Number (Case Type and Registration No.)

Case Title

Judge

**Judge Name**

**Court**

**Court No.**

Date

Presentee / **Attended by**

**Present for State**

**Present for Respondent(s)**

**Present for the Victim**

Business

**Effective Hearing**

**Non-Effective Hearing / Adjournment**

**Reason for Adjournment**

**Proceeding to be explained in brief – this would depend on the stage and purpose of proceeding. Some examples are mentioned hereunder:**

- **Arguments heard**

- *Accused not present and NBW issued against accused and notice to sureties*
- *Order reserved*
- *Written submissions filed by parties*
- *PW 1 and 2 were examined and discharged. PW 3 returned unexamined due to paucity of time / any other reason to be specified*
- *Copy of final report supplied*
- *PW 10 examined and thus prosecution evidence closed*

Purpose of Next Hearing

Next Hearing Date

## ANNEXURE 1.6

### List of Non-negotiables for Judgements and Orders written by the Judges.

*Note: This is not for the E-Courts Portal but for the Judges to follow and ensure*

#### Judgement Essentials

*While Section 354 of the Cr.PC lays down certain mandatory requirements for what judgements should contain, not only do different courts follow different styles of writing judgement, a lot of critical information pertaining to a case is also missing. Given that in cases of sexual offences, daily orders are not uploaded, such critical information should not get missed out in the judgements.*

*A list of non-negotiables is prepared after a thorough analysis of judgements available in cases under the POCSO Act across three states – Assam, Delhi and Haryana.*

*Necessary fields that tend to get missed in the judgment or sentencing order or compensation order and new fields that must be incorporated are typed in **red** font.*

*There may be different ways of ensuring that these non-negotiables fields get incorporated in the judgements/sentencing order/compensation order as the case maybe.*

*A suggestive format is created to help judges ensure they do not miss out on critical information. This format may be digitised with drop down menus made available to judges that make it easier for them to fill the format.*

#### General Recommendations

*A standardized format for date should be used i.e. dd/mm/yy.*

*Order on compensation should be a separate order and not as a part of the sentencing order as Section 357A of Cr.P.C. allows compensation to be granted even if a case ends in acquittal.*

#### Case introduction

1. Court name and Code
2. Judge Name and Designation
3. Case Title
4. SC No.
5. **CNR No.**
6. Date of Registration
7. Date of decision / Judgment
8. FIR No.
9. PS
10. Acts and Sections in FIR

#### Legal Representation and Support Services

1. Name of Special Public Prosecutor
2. **Name of Child's Lawyer, if any**

3. Name of Legal Aid Lawyer for the Child
4. Name of Lawyer for the Respondent
5. Name of Legal Aid Lawyer for the Respondent, if any
6. Name of Support person, if any
7. Support person appointed by – (Drop down Menu)
  - DLSA
  - Court
  - CWC
  - DCPU
  - Any Other (Specify)
8. Name of Translator, if any
9. Name of Interpreter, if any
10. Name of Special Educator, if any

#### Presence of Accused

1. Whether the accused is on bail / in JC?

#### Description of facts and circumstances

1. Date of Incident
2. Date of FIR
3. Place of incident (*multiple options can be filled*)
  - House of the victim
  - House of the accused
  - School complex
  - Public park
  - Jungle / Forest
  - Neighbour's house
  - House of victim's friend
  - House of accused's friend
  - Brothel
  - Hotel
  - Moving or Static Vehicle
  - Factory premises
  - Shop
  - Employer's House
  - Swimming pool
  - Coaching centre
  - Any other (Specify)
4. Victim related information
  - No. of Victim
  - Victim's age in years / Date of Birth

- Victim's gender – Male; Female; Others
- Disability, if any
- Pregnancy, if any
- Education status – Never been to school; Dropped out of School (in which class); Currently studying (in which class/year of college)
- Employment status – unemployed/employed (occupation)

5. Accused related information

- No. of Accused
- Gender of All Accused
- Accused's age in years / Date of Birth
- Disability, if any
- Education Status – Never been to school; Dropped out of School (in which class); Currently studying (in which class/year of college)
- Employment Status – unemployed/employed (occupation)

6. Proximity between Victim and Accused

- Known
- Stranger

7. If known, relationship between Victim and Accused

- Persons related by blood adoption and marriage
  - Father
  - Mother
  - Step-father
  - Step-mother
  - Grand Father
  - Brother
  - Step-brother
  - Victim's son
  - Sister
  - Step-sister
  - Husband
- Other close family members
  - Cousin
  - Paternal/maternal Uncle
  - Paternal/maternal Aunt
- Relatives and Family Friends
- Neighbour
- Friend
  - Boyfriend
  - Girlfriend
  - Online Friend on Pretext of Marriage
- Other Known Person



- Live in Partner
- Employer
- Co-worker
- School Teacher
- Tuition Teacher
- Sports Coach / any other Coach
- Doctor treating the child
- School bus driver / conductor
- School staff
- Driver, cook and any other house help hired by the family
- Any other, specify

#### Investigation related information

1. Date of arrest of Accused(s)
2. Medico-legal and Forensics examination related information (Victim and Accused)
  - Date of Medical Examination
  - Date of Collection of Sample for FSL
  - Date of Sending the Sample to FSL
  - Date on which FSL Report was generated
  - Date on which the FSL Report was filed in court
3. Whether the child was produced before the CWC and decision?
4. Recording of statement under Section 164 of Cr.P.C.
  - Date
  - Court and Judge
  - Administered on oath
  - In presence of parents / persons trusted by child
  - Recorded through video conferencing, if applicable
  - Recorded with the help of interpreter / translator / special educator (whichever is applicable)
5. Recording of statement under Section 161 of Cr.P.C.
  - Date
  - Place
  - IO
  - In presence of parents / persons trusted by child / any other
  - Recorded with the help of interpreter / translator / special educator (whichever is applicable)

#### Final Report, Cognizance and Charges

1. Date of filing of final report in court
2. Acts and Sections made out against accused(s) in final report
3. Date on which court took cognizance of the case
4. Decision on charge

- Acts and Sections under which charges were framed against accused(s)
- Discharged and reasons

#### Evidence and trial related information

1. Date on which prosecution evidence commenced
2. No. of witness cited in Final Report
3. No. and List of Prosecution Witnesses Examined i.e.
  - *PW 1 XXX, Victim*
  - *PW 2 (Name of witness), (introduction to witness e.g. Mother of Victim/ Doctor/Constable/Principal)*
4. List of documents relied upon by the Prosecution i.e.
  - *Exhibit 1 – School Record*
  - *Exhibit 2 – MLC / sealed parcel etc.*
5. No. and List of Prosecution Witnesses Dropped and reasons
6. Victim Protection Measures during trial
  - In-camera proceedings
  - Recording of victim's testimony
    - Courtroom
    - Judge's Chamber
    - VWDR
    - Screen between accused and victim / any other protective measures
    - Presence of Family member / Support Person
    - No direct and aggressive questioning allowed
  - Any other measures
7. No. and List of prosecution witnesses recalled
8. Date on which prosecution evidence closed
9. Date on which statement of accused under Section 313 of Cr.P.C. recorded
10. Date on which defence evidence commenced
11. No. and List of Defence Witnesses examined
12. Date on which defence evidence closed
13. Date on which final arguments commenced
14. Date on which final arguments closed

#### Age Determination

1. Process of age determination of victim and the outcome
2. Process of age determination of accused and the outcome

#### Decision

1. Final decision and reasons

#### Witness Protection

1. Whether application for witness protection was filed?
2. Whether any threat assessment report was called for?
3. Witness protection granted and type of protection granted
4. Witness protection denied and reasons for denial

#### Sentencing order

1. Aggravating and mitigating factors considered
2. Conviction under Act and Section
3. Imprisonment Period
4. Fine Imposed

#### Compensation and Rehabilitation

(As a separate order and not a part of sentencing order as even in a case ending in acquittal the victim is entitled to compensation if a bona fide case is made out.)

1. Interim Compensation granted – suo moto / on application (application filed by whom)
2. Victim Impact Assessment Report Filed by IO
3. Acts and Sections under which interim compensation granted
4. Date of granting interim compensation and amount
5. Interim Compensation rejected and reasons
6. Final Compensation granted – suo moto / on application (application filed by whom)
7. Victim Impact Assessment Report Filed by IO
8. Acts and Sections under which final compensation granted
9. Date of granting final compensation and amount
10. Final Compensation rejected and reasons
11. Any other rehabilitative measures for the victim were taken by the court?