

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

RAJYA SABHA
UNSTARRED QUESTION NO. 2394
TO BE ANSWERED ON 09.08.2023

IMPLEMENTATION OF POCSO ACT

2394. SHRI MASTHAN RAO BEEDA:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state?

- (a) the steps being taken to address the backlog of POCSO Act cases involving child sexual abuse;
- (b) whether it is a fact that only 15 per cent victims received compensation ranging between ₹ 30,000 and ₹ 50,000;
- (c) if so, the efforts being taken to ensure proper rehabilitation and support to child sexual assault victims;
- (d) whether it is also a fact that 33 per cent of assault survivors dropped out of school, with only 9 per cent planning to return to school;
- (e) if so, the steps being taken to lower the dropout rate among victims; and
- (f) steps taken to punish the culprits?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) The Government of India has enacted the Protection of Children from Sexual Offences (POCSO) Act, 2012 (as amended in 2019) to provide safeguards for children against sexual abuse. The act defines a child as any person below the age of 18 years. The POCSO Act, 2012 provides for establishment of Special Courts for the purpose of ensuring speedy trial.

In furtherance to the Criminal law (Amendment) Act, 2018, Department of Justice has started a Centrally Sponsored Scheme in October, 2019 for setting up of a total of 1023 Fast Track Special Courts (FTSCs) (including 389 exclusive POCSO Courts) across the country.

As on 31.05.2023, a total of 758 FTSCs including 412 exclusive POCSO(e-POCSO)Courts are functional in 29 States/UTs across the country. As per data provided by the High Court's up to May, 2023, total 169342 cases have been disposed of by these courts since inception of the Scheme.

(b) & (c) As per the information received from NATIONAL LEGAL SERVICES AUTHORITY the State/District Legal Services are involved in payment of compensation, the concerned Legal Services Authorities take expeditious steps for payment of compensation to the victims without any delay.

The data received from the SLSAs, with regard to passing of award by the Legal Services Authorities for payment of compensation to the Victims under Victim Compensation Schemes under section 357A Cr.P.C. during the last three financial years throughout the country, is as under:

Year s	Applicatio nsreceived directly by Legal Service Institution s (A)	Applicatio ns / orders marked / directed byany Court (B)	Applicatio ns received including Court Orders (A+B)	Applicatio ns Decided	Compens ati Awarde d (in ₹)
2020 - 21	8765	4050	12815	9786	1,45,62,36,01
2021 - 22	8715	8267	16982	15173	2,21,87,47,42
2022 - 23	15196	14740	29936	20900	3,47,80,37,35

The Government of India has also notified the POCSO Rules, 2020. Rule-9 of the POCSO Rules provides that the Special Court may, in appropriate cases, on its own or on an application filed by or on behalf of the child, pass an order for interim compensation to meet the needs of the child for relief or rehabilitation at any stage after registration of the First Information Report (FIR). Such interim compensation paid to the child shall be adjusted against the final compensation, if any.

Further, the POCSO Rules also provides that for special relief, if any, to be provided for contingencies such as food, clothes, transport and other essential needs, CWC may recommend immediate payment of such amount as it may assess to be required at that stage, to any of the following:

- i. the DLSA under Section 357A; or;
- ii. the DCPU, out of such funds placed at their disposal by state or;
- iii. funds maintained under section 105 of the Juvenile Justice (Care and Protection of Children) Act,2015 (2 of 2016);

Such immediate payment shall be made within a week of receipt of recommendation from the CWC.

(d) & (e): As per the information received from Department of School Education, Ministry of Education, Education is in the concurrent list of the Constitution and majority of the schools are under the domain of respective State and UT Government. Department of School Education and Literacy, Ministry of Education with effect from 2018-19 has launched an Integrated Centrally Sponsored Scheme for School Education- Samagra Shiksha. The scheme has now been aligned with the recommendations of New Education Policy (NEP), 2020 to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse

background, multilingual needs, and different academic abilities and make them active participants in the learning process.

Under the scheme, financial assistance is provided to States and UTs for undertaking various activities to reduce the number of Out of School Children (OoSC) including opening/strengthening of new schools up to senior secondary level, construction of school buildings & additional classrooms, setting up, up-gradation and running of Kasturba Gandhi Balika Vidyalayas, setting up of Netaji Subhash Chandra Bose Avasiya Vidyalayas, free uniforms, free text books, transport allowance and undertaking enrolment & retention drives.

Further, special training for age appropriate admission of out of school children and residential as well as non-residential training for older children, seasonal hostels / residential camps, special training centres at worksites, transport/ escort(facility are also supported to bring out of school children to the formal schooling system. Further, under the student oriented component for the children with special needs, financial assistance is provided for identification and assessment of children with special needs, aids and appliances, braille kits and books, appropriate teaching learning material and stipend to girl students with disability, etc. The above is for all drop out children including the victims of child abuse.

Further, under 'Pradhan Mantri Poshan Shakti Nirman' (PM POSHAN) one hot cooked meal in Government and Government aided schools is provided to students at the elementary level of education.

Also, Section 10 of the Right of Children to Free and Compulsory Education (RTE) Act states that it shall be the duty of every-parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, for elementary education in the neighbourhood school.

In addition, under National Means-cum-Merit Scholarship Scheme, scholarship is awarded to meritorious students of economically weaker sections to arrest their drop out at class VIII and encourage them to continue the study at secondary stage.

(f): The Protection of Children from Sexual Offences (POCSO) Act, 2012 was further reviewed and amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children, with a view to deter the perpetrators & prevent such crimes against children.
