

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3222**

TO BE ANSWERED ON THE 01ST JANUARY, 2019 / PAUSHA 11, 1940 (SAKA)

PROVISIONS RELATING TO CHILD ABUSE

**3222. SHRI ANIL SHIROLE:
SHRI PARBHUBHAI NAGARBHAI VASAVA:
SHRI GEORGE BAKER:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the salient features of the Code of Criminal Procedure(Cr PC) including provisions relating to child abuse across the country;

(b) the time limit for reporting the incidents across the country, State/UT-wise;

(c) whether cases of child abuse have been increasing in the country;

(d) if so, the details thereof and the reasons therefor, State/UT-wise including West Bengal and Maharashtra;

(e) the action taken/being taken by the Government to curb these incidents;

(f) whether the Ministry of Women and Child Development has proposed to this Ministry for removal of the time limit for reporting the incidents; and

(g) if so, the details thereof and the action taken by the Government in this regard?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a) to (e): The Union Government has enacted the Criminal Law (Amendment) Act, 2018 and following amendments have been made in the Code of Criminal Procedure(Cr PC), 1973 relating to sexual assault including child abuse:

- (i) Amendment in section 173 to provide that investigation in relation to rape shall be completed within two months,**
- (ii) Amendment in section 374 to provide that an appeal filed against conviction or acquittal in cases filed under section 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of Indian Penal Code (IPC) has to be disposed of within a period of six months from the date of filing of such appeal.**
- (iii) Amendment in section 438 to do away with the anticipatory bail for persons accused of rape or gang rape of women under 16/12 years of age.**
- (iv) Amendment in section 439 to add a new proviso that the High Court or Court of Session shall, before granting bail to a person who is accused of an offence triable under sub-section (3) of section 376, 376AB, 376DA, 376DB of IPC give notice of the application for bail to Public Prosecutor within fifteen days from the date of receipt of the notice of such application. Section 439 also provides that the presence of any person authorised by victim shall be obligatory at the time of hearing of bail application of the accused.**

Further, section 468 of CrPC prescribes the time period (limitation) for taking cognizance of various offences i.e. six months if the offence is punishable with fine only; one year, if the offence is punishable with imprisonment for a term not exceeding one year; and, three years if the

offence is punishable with imprisonment for term exceeding one year but not exceeding three years.

There is no period of limitation for offences which are punishable with imprisonment exceeding three years or which are punishable with death penalty. Further Section 473 of Cr.P.C. lays down that any Court may take cognizance of an offence after the expiry of the period of limitation, if it satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary to do so in the interests of justice.

As per the latest information published by National Crime Records Bureau (NCRB), details of State/UT-wise (including West Bengal and Maharashtra) cases registered under the Protection of Children from Sexual Offences (POCSO) Act, 2012, read with other sections of Indian Penal Code during 2014-2016 are given in Annexure-I.

'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of the citizens rest primarily with the respective State Governments. The State Governments are competent to deal with such offences under the extant provisions of laws.

The Criminal Law (Amendment) Act, 2018, provides for enhanced punishment for crimes such as rape including provision of death penalty for

the offence of rape on women below 12 years; completion of investigation, filing of charge sheet and trial in rape cases in 2 months and appeals against conviction or acquittal to be disposed of within 6 months. The other steps taken in this regard include modernization and capacity building of forensic labs for facilitating timely investigation, development of a National Database on Sexual Offenders to facilitate investigation and tracking of Sexual Offenders across the country, a project for developing an Emergency Response Support System based on a Pan-India 24x7 Helpline Number 112 and a scheme for setting up One Stop Centre in every district across the country.

Ministry of Home Affairs has also issued Advisories dated 14.07.2010 on “Crime against Children” and dated 25.06.2013 on “Hon’ble Supreme Court’s direction to file FIR in case of Missing Children”. These advisories are available on www.mha.gov.in.

In addition, the National Commission for Protection of Child Rights (NCPCR) has launched POCSO e-Box/email/sms on NCPCR website for easy and direct reporting of POCSO cases to the Commission. Apart from development of manuals such as the manual on “Guidelines on Safety and Security of Children in School Settings”, it has conducted POCSO Awareness Campaigns.

(f) & (g): No such proposal has been made to the Ministry of Home Affairs by the Ministry of Women & Child Development.

State/UT-wise Cases Registered under **Protection of Children from Sexual Offences Act, 2012** for
Crimes against Children during 2014-2016

SL	State/UT	2014	2015	2016
1	Andhra Pradesh	932	1054	830
2	Arunachal Pradesh	56	54	59
3	Assam	506	819	821
4	Bihar	191	187	233
5	Chhattisgarh	1684	1656	1570
6	Goa	107	79	75
7	Gujarat	613	1609	1408
8	Haryana	707	988	1020
9	Himachal Pradesh	209	206	205
10	Jammu & Kashmir	45	30	25
11	Jharkhand	112	182	348
12	Karnataka	1380	1526	1565
13	Kerala	1392	1486	1848
14	Madhya Pradesh	4995	4624	4717
15	Maharashtra	3926	4816	4815
16	Manipur	50	43	43
17	Meghalaya	118	167	151
18	Mizoram	165	169	167
19	Nagaland	17	15	27
20	Odisha	1126	1372	1928
21	Punjab	652	666	596
22	Rajasthan	1327	1311	1479
23	Sikkim	70	55	92
24	Tamil Nadu	1065	1544	1583
25	Telangana	924	1394	1158
26	Tripura	245	133	156
27	Uttar Pradesh	8009	4541	4954
28	Uttarakhand	189	168	218
29	West Bengal	1291	1504	2132
	TOTAL STATE(S)	32103	32398	34223
30	A & N Islands	29	39	49
31	Chandigarh	49	62	51
32	D&N Haveli	2	15	11
33	Daman & Diu	1	5	10
34	Delhi UT	2240	1936	1620
35	Lakshadweep	1	1	5
36	Puducherry	24	49	53
	TOTAL UT(S)	2346	2107	1799
	TOTAL (ALL INDIA)	34449	34505	36022