

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.2542
TO BE ANSWERED ON 04.08.2023

IMPLEMENTATION OF POCSO ACT

2542: SHRI Y. DEVENDRAPPA:
SHRI SUDHAKAR TUKARAM SHRANGARE:
SHRI DEVJI M. PATEL:
SHRI DILIP SAIKIA:
SHRIMATI RATHVA GITABEN VAJESINGBHAI:
SHRI RANJEETSINGH NAIK NIMBALKAR:
SHRI NARANBHAI KACHHADIYA:

Will the Minister of WOMEN AND CHILD Development be pleased to state:

- (a) Whether certain basic aspects of the Protection of Children from Sexual Offences (POCSO) Act, 2012 have still not been Enforced despite lapse of a period of more than 10 years;
- (b) If so, the details thereof.
- (c) the reason for delayed payment of compensation, lack of Rehabilitation, non-appointment of support people for an assault Survivor's family etc; and
- (d) The remedial steps taken by the Government in this regard?

ANSWER

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

(a) & (d): The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted by Govt. of India to safeguard children from sexual abuse and sexual offences. The Act clearly defines a child as any person below the age of 18 years. The POCSO Act provides punishment as per the gravity of offence.

The Act was further reviewed and amended in 2019 to Introduce more stringent punishment including the death penalty for Committing sexual crimes on children, with a view to deter the perpetrators & prevent such crimes against children.

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, Child Welfare Committee may recommend immediate payment of such amount as it may assess to be required at that stage, to any of the following:

- i. The District Legal Services Authority (DLSA) under Section 357A; or;
- ii. The District Child Protection Unit 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.

As per the POCSO Rules, Child Welfare Committees (CWC), on receiving a report under sub-section (6) of section 19 of the Act or on the basis of its assessment, and with the consent of the child and child's parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child in all possible manner throughout the process of investigation and trial. Support person has been given responsibilities under the POCSO Rules, 2020 for ensuring the best interest of the Child such as,

- i. render assistance to the child in all possible manner throughout the process of investigation and trial [Rule – 4(8)];
- ii. provides monthly report till the completion of trial, with respect to condition and care of child, including the family situation focusing on the physical, emotional and mental wellbeing, and progress towards healing from trauma, engage with medical care facilities, in coordination with the support person, to ensure need-based continued medical support to the child, including psychological care and counseling, and shall ensure resumption of education of the child, or continued education of the child, or shifting of the child to a new school, if required [Rule-4(12)];
- iii. inform about the developments, including the arrest of the accused, applications filed and other court proceedings [Rule- 4(13)];
- iv. provide following information to the child and child's parents or guardian or other person in whom the child has trust and confidence [Rule-4(15):-
 - a. the availability of public and private emergency and crisis services;
 - b. the procedural steps involved in a criminal prosecution;
 - c. the availability of victim's compensation benefits;
 - d. the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;
 - e. the arrest of a suspected offender;
 - f. the filing of charges against a suspected offender;
 - g. the schedule of court proceedings that the child is either required to attend or is entitled to attend;
 - h. the bail, release or detention status of an offender or suspected offender;
 - i. the rendering of a verdict after trial; and
 - j. the sentence imposed on an offender.

As per the information received from the 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 of the Criminal Procedure Code during the last three Financial years throughout the country, is as under:

Years	Applications received directly by Legal Service Institutions (A)	Applications / orders marked / directed by any Court (B)	Applications received including Court Orders (A+B)	Applications Decided	Compensation Awarded (in Rs.)
2020-21	8765	4050	12815	9786	1,45,62,36,012
2021-22	8715	8267	16982	15173	2,21,87,47,426
2022-23	15196	14740	29936	20900	3,47,80,37,352

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 Courts up to May, 2023, total 169342 cases have been disposed of by these courts since inception of the Scheme.
