

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 4348
TO BE ANSWERED ON 20.12.2024

IMPROVEMENTS IN POCSO ACT

4348. SHRI GURMEET SINGH MEET HAYER:

Will the Minister of Women and Child Development be pleased to state:

- (a) whether the Ministry is facing several issues including delays in investigation, lapses in evidence preservation and insufficient resources, if so, the details of the steps being taken by the Government to address these issues including providing adequate funds and training to law enforcement and setting up of special courts for POCSO cases;
- (b) whether the provisions of Act on age determination and evidence collection have led to complications in trials, particularly with the challenge of proving recent intercourse, if so, the details of the plan to resolve these challenges and improve the conviction rate under POCSO; and
- (c) whether the Government have plans for better inter-agency coordination and public awareness programmes to ensure effective implementation of the POCSO Act?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SAVITRI THAKUR)

(a) to (c): The Protection of Children from Sexual Offences, (POCSO) Act, 2012 enacted by Govt of India provides safeguards for children against sexual abuse. The Act defines a child as any person below the age of 18 years. It is a gender neutral Act and under the Act, the burden of proof rests on the accused. It mandates Child friendly practices in the processing of cases which includes fixed timelines for Investigation and prosecution. It prescribes stringent punishment for sexual crimes against children and provides for establishment of Special Courts for the purpose of ensuring speedy trial. Further, as per the Act, the evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and the Special Court shall complete the trial, as far as possible, within a period of one year from the

date of taking cognizance of the offence. The Act was 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.

Further Ministry of Women & Child Development notified POCSO Rules, 2020 which include provisions for mandatory police verification of staff in schools and care homes, procedures to report child sexual abuse material (pornography), imparting age-appropriate child rights education, among other things. The POCSO Rules 2020 also stipulate that the central government and every state government shall provide periodic training including orientation programmes, sensitization workshops and refresher courses to all persons, whether regular or contractual, coming in contact with the children, to sensitize them about child safety and protection and educate them regarding their responsibility under the Act. The assistance is to be provided to the child as mandated under the POCSO Act, 2012 and POCSO Rules, 2020

Department of Justice is implementing a scheme for setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO Courts for expeditious trial and disposal of cases related to rape and POCSO cases. As per the information received from High Courts, as of 31.10.2024, 750 FTSCs including 408 exclusive POCSO Courts are functional in 30 States/UTs, which have disposed more than 2,87,000 cases. Since the inception of the Scheme, exclusive POCSO Courts have disposed over 1,83,000 cases. As informed by the Ministry of Law and Justice, the disposal of pending cases in the Courts including POCSO cases, lies within the domain of the judiciary. Pendency of court cases is a multi-faceted problem. Due to the increase in the population of the country and awareness of their rights amongst the public, filing of fresh cases is also increasing year after year. Several factors may contribute to the high pendency of cases, including shortage of judicial officers & supporting court staff, complex evidence, and insufficient cooperation amongst stakeholders such as the bar, investigation agencies, witnesses, and litigants, as well as the lack of proper application of rules and procedures. In criminal cases, including POCSO cases, the criminal justice system relies on full support from various agencies such as police, prosecution, forensic labs, handwriting experts, and medico-legal experts & so on. Delays in receiving assistance from any of these allied agencies may exacerbate delays in case disposal. To address these challenges, the Department of Justice has conducted regular review meetings to ensure robust implementation of the Scheme, including the establishment of the FTSCs.

Further, the Government has taken various steps from time to time to create awareness of the provisions of the POCSO Act through electronic and print media, consultations, workshops and training programmes with stakeholders concerned. In order to generate awareness about the POCSO Act, a short film was disseminated in Cinema Halls and Doordarshan across the nation. Thereafter, Ministry has undertaken awareness campaign to encompass various aspects of the POCSO Act in an effective manner by way of a short video clips, an audio clip and a poster which have been

disseminated through various means all over India. For effective dissemination of these creatives, they have also been translated into regional languages for effective outreach. National Council of Educational Research and Training (NCERT) has published Childline 1098 which is a 24x7x365 toll free Helpline for children and POCSO E-box on the back side of the front cover of all the course books from class 6th to class 12th to equip the children with the information regarding the possible modes of protection/ complaints and emergency outreach.

Ministry of Women and Child Development has organized the following zonal conferences and sensitization/dissemination workshops under Mission Vatsalya Scheme:

i. Zonal Conferences: Outreach with State Governments/UT Administrations and Stakeholders through Zonal Conferences on Strategic Interventions for addressing Malnutrition Concerns and for the Development, Empowerment and Protection of Women and Children including Mission Vatsalya scheme during the last financial year.

ii. Dissemination Workshops: National Dissemination Workshop on Juvenile Justice (Care and Protection of Children) Act, 2015, Protection of Children from Sexual Offences Act, 2012 and the rules there under and the Adoption Regulations, 2017 including Mission Vatsalya Scheme on 17.08.2022 and 29.08.2022 with all States/UTs, line Ministries/ Departments, representatives from Police, National Institute of Mental Health and Neuro Sciences (NIMHANS), National Commission for Protection of Child Rights (NCPCR), Child Protection functionaries including members of Child Welfare Committees(CWCs)/Juvenile Justice Boards(JJBs) and other stakeholders.

iii. Workshops: Workshops on Sensitization/ Training Programme for representatives of Panchayati Raj Representatives (PRIs), Urban Local Bodies (ULBs) and Police on Child Rights & Protection including Mission Vatsalya Scheme at Srinagar, Jammu & Kashmir (J&K) on 16.11.2022 and 14-15.09.2023 in collaboration with UT Administration. This workshop was attended by officers from Ministry, NCPCR, UT of J&K, Administrative and Police Training. Institutes, District Child Protection Officers (DCPOs), CWCs, JJBs, Special Juvenile Police Units (SJPU), representative from UNICEF and other Stakeholders.

iv. Vatsal Bharat: Regional Symposiums on 'Child Protection, Child Safety and Child Welfare' including Mission Vatsalya were organized, starting from 02.07.2023 to 18.08.2023 at Delhi, Bhopal, Mumbai, Ranchi, Guwahati and Varanasi. In the Regional Symposiums, representatives from States/UTs including members of Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), Members of Village Child Protection Committee (VCPC) and Anganwadi Workers had participated.

v. A three day consultation was organized by the Ministry from 22.03.2023 to 24.03.2023 at NIPCCD to improve adoptability of Mission Vatsalya portal by its users/stakeholders.

vi. A virtual technical training Session on the Modules of Institutional and Non-Institutional Care in the Mission Vatsalya Portal for North Eastern States (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura) was organized by the Ministry on 15.11.2023.

The National Institute of Public Cooperation and Child Development have conducted a total of 65 Programmes under Section 3(6) of POCSO Rules during the year April, 2020 to December, 2023. These programmes were attended by about 3515 participants including Principals of Kendriya Vidyalaya, Government Officers of Railways Banks and others Public Service Undertaking (PSUs), Representatives of Voluntary Organizations working in the field of Women and Children, Officials of Ministry of Women and Child Development, Faculty of National Institute of Public Cooperation and Child Development, Child Development Project Officers, Supervisors, Aanganwadi Workers, Functionaries of Competition Commission of India (Superintendents, Child Welfare Officers, Protection Officers, Social Workers & Counsellors), School Teachers and Staff, Faculty of University, Secondary and Higher Secondary School Children, Functionaries of Mission Vatsalya (District Child Protection Officers, Protection Officers, I/C, Protection Officers NIC, Social Workers and Counsellors), Special Juvenile Police Units, Child and Functionaries, Law Enforcement Agencies like Police & Judiciary, Medical Professionals, Members of Child Welfare Committees & Juvenile Justice Board and Coordinators of Special Adoption Agency.
