

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 723
TO BE ANSWERED ON 29.11.2024

POCSO ACT

723. SMT. PRATIMA MONDAL:

Will the minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether there is any discrepancy between guidelines for women's and children's safety of the Union Government and delay in implementing critical support measures at the national level, given that the majority of States, including West Bengal, are yet to operationalize a significant number of Fast Track Special Courts (FTSCs), despite a nationwide backlog of cases under the Protection of Children from Sexual Offences (POCSO) Act and for rape victims and if so, the details thereof;
- (b) whether there is any proposal by the Government to assist and monitor States in activating these services, which are critical for prompt assistance and justice, particularly considering recent reports that highlights alarming statistics regarding violence against women and children nationwide; and
- (c) if so, the details thereof?

ANSWER

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

(a) to (c): Government accords the highest priority for ensuring safety and security of children and has undertaken various initiatives in this regard. To safeguard children against sexual abuse and sexual harassment, Government has enacted The Protection of Children from Sexual Offences (POCSO) Act, 2012. It defines a child as any person below the age of 18 years.

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.

Section 4 of the Act prescribes rigorous imprisonment for a minimum of 20 years, which can extend to life imprisonment, for "Penetrative Sexual Assault". If the assault results in the death or causes the victim to be in a persistent vegetative state, Section 6 provides for the death penalty or life imprisonment. Section 8 outlines imprisonment for a minimum of three to five years for those found guilty of sexual assault, while Section 10 increases this to a minimum of five years for Aggravated Sexual Assault

(A person can be charged with this offense in certain aggravating circumstances, such as if the rape occurs within a relationship of trust or authority, or if it leads to pregnancy, among others). The Act also includes Section 14, which imposes up to seven years of imprisonment for using children for pornographic purposes, with even harsher penalties if penetrative assault is involved.

Additionally, the Act mandates special courts for speedy trials under Section 28; ensuring cases are handled with the utmost urgency and sensitivity, reflecting the law's zero-tolerance approach to crimes against children.

Further the POCSO Rules, 2020 were also notified to protect the children from exploitation and violence and sexual exploitation. POCSO Rules under Rule-3 provide that any institution housing children or coming in regular contact with children including schools, creches, sports academies or any other facility for Children must ensure police verification and background check on periodic basis, of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of such Institution coming in contact with the child. Such Institution shall also ensure that periodic training is organized for sensitizing them on child safety and protection.

Ministry of Women and Child Development (MWCD) from the financial year 2023-2024, has also introduced a scheme namely "Scheme for Care and Support to Victims under Sections 4 & 6 of the Protection of Children from Sexual Offenses (POCSO) Act, 2012" from NIRBHAYA Fund to address the challenges faced by the minor pregnant girl child victims for implementation by the State/UT Governments. The main objectives of this Scheme are:

- i. To provide integrated support and assistance to minor pregnant girl child victims under one roof;
- ii. To facilitate their immediate, emergency and non-emergency access to a range of services for long term rehabilitation in terms of:
 - access to education,
 - police assistance,
 - medical (also comprising maternity, neo-natal and infant care),
 - psychological, mental health counselling,
 - legal support,
 - non-institutional care support, place of stay in Child Care Institutions/Aftercare facilities, and
 - health insurance cover for the girl child victim and her new-born baby under one roof to enable access to justice to such victimized girls.

National Commission for Women (NCW) also takes necessary action in such matters concerning women, through State Police Departments.

Further, as per the information received from Department of Justice (DoJ), DoJ is implementing a Centrally Sponsored Scheme since October 2019 for setting up 1023 Fast Track Special Courts (FTSC) including 389 exclusive POCSO Courts (e-POCSO) for disposal of pending cases of rape and POCSO Act. As per the information received from the High Courts, as on 30.09.2024, 750 FTSCs including 408 exclusive POCSO

Courts are functional in 30 States/UTs, which have disposed of more than 2,81,000 cases. The number of exclusive POCSO courts has increased from 272 Courts in 2019-20 to 408 courts as of 30.09.2024. Since the inception of the Scheme, the exclusive POCSO courts have disposed of more than 1,80,000 cases. The State/UT wise details of functional exclusive POCSO courts along with the cumulative disposal of POCSO cases since the inception of the Scheme are placed at **Annexure**.

ANNEXURE

STATEMENT REFERRED TO IN PARTS (A) TO (C) OF LOK SABHA ADMITTED UNSTARRED QUESTION NO. 723 FOR 29.11.2024 REGARDING “POCSO ACT” ASKED BY SMT. PRATIMA MONDAL INDICATING STATE/UT WISE DETAILS OF FUNCTIONAL EXCLUSIVE POCSO COURTS ALONG WITH CUMULATIVE DISPOSAL SINCE THE INCEPTION OF THE SCHEME. (AS ON 30.09.2024)

S.no	State/UT	Functional courts	
		Functional exclusive POCSO Courts	Cumulative disposal since the inception of the Scheme by exclusive POCSO courts
1.	Arunachal Pradesh	16	5655
2.	Assam	17	6837
3.	Bihar	46	13400
4.	Chandigarh	0	0
5.	Chhattisgarh	11	4386
6.	Delhi	11	1484
7.	Goa	0	34*
8.	Gujrat	24	10871
9.	Haryana	12	5065
10.	Himachal Pradesh	3	1222
11.	Jammu and Kashmir	2	126
12.	Jharkhand	16	5209
13.	Karnataka	17	7217
14.	Kerala	14	6761
15.	Madhya Pradesh	57	24022
16.	Maharashtra	4	11913
17.	Manipur	0	0
18.	Meghalaya	5	609
19.	Mizoram	1	66
20.	Nagaland	0	3*
21.	Odisha	23	10638
22.	Puducherry	1	101
23.	Punjab	3	2157
24.	Rajasthan	0	11180*
25.	Tamil Nadu	14	8142
26.	Telangana	0	2731*
27.	Tripura	1	195
28.	Uttarakhand	0	0
29.	Uttar Pradesh	74	40146
30.	West Bengal	6	184
	Total	408	1,80,354

*The POCSO cases are being disposed of by the FTSCs.
