

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 1205
TO BE ANSWERED ON 09.02.2024

CHILD ABUSE CASES

1205: SHRI ASHOK MAHADEORAO NETE:

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

- (a) whether the Government proposes to formulate any law to check child abuse;
- (b) if so, the details thereof; and
- (c) if not, the measures being taken by the Government to check the incidents of child abuse?

ANSWER

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

(a) to (b): To provide safeguards for children against sexual abuse, the Government of India has enacted the special law Protection of Children from Sexual Offences (POCSO) Act, 2012. The act defines a child as any person below the age of 18 years. Therefore, Government has not proposed to formulate any new law to check/prevent child abuse.

(c): The 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. The POCSO Act, 2012 also provides for establishment of Special Courts for the purpose of ensuring speedy trial.

Further, the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) (as amended in 2021) is the primary legislation for ensuring the safety, security, dignity and well-being of children. The Act provides for protection of children in need of care and protection and those in conflict with law by catering to their basic needs through care, protection, development, treatment and social re-integration. It defines standards of care and protection to secure the best interest of child. The Juvenile Justice (Care and Protection of Children) Rules and Adoption Regulations have also been promulgated under the Act.

The Ministry has notified the Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021), which has come into effect from 01.09.2022. The Ministry has also notified the Juvenile Justice (Care and Protection of Children) Amendment Rules, 2022 on 01.09.2022 and Adoption Regulations, 2022 on 23.09.2022. Among others, the Juvenile Justice (Care and Protection of Children)

Amendment Act, 2021 empowers the District Magistrate to function as the focal point for implementation of JJ Act, 2015 and decide the cases of adoption. The amendment also introduces eligibility conditions for appointment of the members of Child Welfare Committee.

As per Section 2(14)(iii) of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), who resides with a person (whether a guardian of the child or not) and such person— (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; is included as a “child in need of care and protection”, among others. Section 75 of the JJ Act, 2015 provides for punishment for cruelty to child.

Section 3 (vi) of JJ Act, 2015 talks about principle of safety which states that all measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter

The Ministry of Women and Child Development is implementing Mission Vatsalya Scheme for care, protection, rehabilitation and reintegration of children in difficult circumstances on predefined cost sharing basis between the Central and the State Governments. Under Mission Vatsalya Scheme, support is provided for setting up and maintenance of various types of Child Care Institutions (CCIs) and funds for Non-Institutional Care. Such children have access to both institutional and non-institutional care and rehabilitation as per Individual Care Plan (ICP) as mandated JJ Act, 2015 (as amended in 2021). CCIs provide/support for boarding & lodging; age-appropriate education; access to vocational training; recreation; health care; counselling, etc.

Ministry of Women and Child Development (MWCD) has also introduced, the centrally funded scheme namely “Scheme for Care and Support to Victims under Section 4 & 6 of the POCSO Act, 2012” from NIRBHAYA fund to address the challenges faced by the minor pregnant girl child victims and fills the gaps of the existing schemes for implementation by the State/UT Governments. The main objective of this Scheme is to provide integrated support and assistance to minor pregnant girl child victims under one roof and 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, neonatal 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 under one roof to enable access to justice and empowerment of such girl child victims.

Further The Criminal Law (Amendment) Act, 2013 was enacted for effective deterrence against sexual offences. Further, the Criminal Law (Amendment) Act, 2018 was enacted to prescribe even more stringent penal provisions including death penalty for rape of girls below the age of 12 years. The Act also inter-alia mandates completion of investigation and filing of charge sheet in rape cases in 2 months and trials to also be completed in 2 months (Section 173 CrPC).

Further, as per the information received from Department of Justice, Ministry of Law & Justice, in pursuance to the Criminal Law (Amendment) Act, 2018, the Government of India finalized a scheme in August, 2019 for setting up Fast Track Special Courts (FTSCs) for expeditious trial and disposal of cases pertaining to rape and POCSO Act, 2012 in a time-bound manner under Centrally Sponsored Scheme. As per data submitted by various High Courts, up to December, 2023, 757 FTSCs including 411 exclusive POCSO (e-POCSO) Courts are functional in 30 States/UTs across the country, which have disposed of more than 2,14,000 cases, since the inception of the Scheme till 31.12.2023. State-Wise details of functional FTSCS and Cases disposed Under FTSCS as on 31.12.2023 is at **Annexure -I**.

ANNEXURE TO THE LOK SABHA UNSTARRED QUESTION NO-1205 FOR 09.02.2024 REGARDING 'CHILD ABUSE CASES ' INDICATING STATE-WISE DETAILS OF FUNCTIONAL FTSCs AND CASES DIPOSED UNDER FTSCs AS OF 31.12.2023.

S.NO.	State/UT	Functional Courts		Cumulative Disposal since the inception of the Scheme
		FTSCs including ePOCSO	ePOCSO	
1	Andhra Pradesh	16	16	4083
2	Assam	17	17	4979
3	Bihar	46	46	9939
4	Chandigarh	1	0	244
5	Chhattisgarh	15	11	4377
6	Delhi	16	11	1503
7	Goa	1	0	44
8	Gujarat	35	24	10295
9	Haryana	16	12	5342
10	Himachal Pradesh	6	3	1282
11	J&K	4	2	151
12	Jharkhand	22	16	5822
13	Karnataka	31	17	8897
14	Kerala	54	14	16878
15	Madhya Pradesh	67	57	23613
16	Maharashtra	19	10	16907
17	Manipur	2	0	127
18	Meghalaya	5	5	382
19	Mizoram	3	1	169
20	Nagaland	1	0	57
21	Odisha	44	23	11960
22	Puducherry	1	1	44
23	Punjab	12	3	3565
24	Rajasthan	45	30	13003
25	Tamil Nadu	14	14	6228
26	Telangana	36	0	7799
27	Tripura	3	1	349
28	Uttarakhand	4	0	1355
29	Uttar Pradesh	218	74	55021
30	West Bengal	3	3	48
31	A&N Islands	0	0	0
32	Arunachal Pradesh	0	0	0
	TOTAL	757	411	214463