

**GOVERNMENT OF INDIA  
WOMEN AND CHILD DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:4493  
ANSWERED ON:19.12.2014  
POSCO ACT  
Tamta Shri Ajay

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

- (a) the salient features and the objectives of the Protection of Children from Sexual Offences (POSCO) Act, 2012 along with the extent to which the said Act has been successful in achieving its objectives since inception;
- (b) whether Section 39 of the act requires States/ UTs to prepare guidelines for utilisation of the services of NGOs, professionals and experts to assist the children during pre-trial and trial stage and if so, the details thereof;
- (c) whether all the States/UTs have formulated/ implemented the said guidelines;
- (d) if so, the details thereof, State/UT-wise including Uttarakhand and if not, the reasons therefore along with the corrective steps taken by the Government in this regard; and
- (e) the other steps taken/being taken by the Government to ensure better implementation of the POSCO Act, 2012 in the country?

**Answer**

MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI)

(a) The Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act deals with sexual offences against persons below 18 years of age, who are deemed as children. The Act for the first time, defines "penetrative sexual assault", "sexual assault" and "sexual harassment". The offence is considered graver if it is committed by a police officer, public servant, any member of the staff at a remand home, protection or observation home, jail, hospital or educational institution, or by a member of the armed or security forces.

The Act has come into force on the 14th November, 2012, along with the rules framed thereunder. The Act is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through appointment of Special Public Prosecutors and designated Special Courts. The Act incorporates child friendly procedures for reporting, recording, investigation and trial offences. The Act provides for stringent punishments which have been graded as per the gravity of offence.

(b) to (d): Section 39 of the POCSO Act requires the State Governments to prepare guidelines for use of NGOs, professional and experts or persons to be associated with the pre-trial and trial stage to assist the child. On request from several State Governments, Model Guidelines were developed by the Ministry of Women and Child Development and sent to all the State Governments/UT Administrations in September, 2013, which can be adopted or adapted by them for better implementation of the said Act. Further, as per the report of National Commission for Protection of Child Rights (NCPCR), seven States/Union Territories (excluding Uttarakhand) have confirmed formulation/acceptance of guidelines for various stakeholders.

(e): Section 44 of the Protection of Children from Sexual Offences Act, 2012 empowers the NCPCR and State Commission for Protection of Child Rights for monitoring the implementation of the provisions of this Act in such manner as may be prescribed. In discharge of its duties NCPCR has been taking up the matter with regard to implementation of the POCSO Act in respect of following aspects:-

- (i) Designation of Special Courts;
- (ii) Appointment of Special Public Prosecutors;
- (iii) Formulation of Guidelines u/s 39 of POCSO Act for various stakeholders;
- (iv) Designation and implementation of modules for training of various stakeholders;
- (v) Steps taken for spreading the awareness on the provisions of the POCSO Act;
- (vi) Setting up of child Welfare Committees (CWCs), District Child Protection Units (DCPUs) and Special Juvenile Police Units (SJPUs);
- (vii) The number of FIRs filed under the Act, cases in which charge-sheet filed, compensation awarded to the victims, number of cases in which accused convicted/ acquitted, number of cases in which witness turned hostile, cases in which appeal has been filed etc.
- (viii) Number of trial of sexual abuse cases which have been pending with Special/Session Court for more than a period of one year;
- (ix) Number of applications for compensation received by District Legal Services Authority, number of cases compensation awarded by the Special Court, number of cases pending for receiving the amount of compensation for more than 30 days etc.

