

**File No.: R-32/5/2020-PRPP (RU-2)**  
**National Human Rights Commission**  
**Research Unit - II**

**Subject: Minutes of the meeting of the Core Group on Children held on 31.01.2024**

A Core Group meeting to examine the “**Issues in the Implementation of the POCSO Act, 2012, and Measures for Strengthening the Same**” was held on 31st January 2024 under the Chairmanship of Shri. Rajiv Jain, Hon’ble Member, NHRC. Senior officers of the Commission as well as domain experts participated in the meeting (List is annexed).

**Smt. Anita Sinha, Joint Secretary, NHRC**, welcomed the participants to the meeting and explained the idea behind the Core Group on the said agenda and sub-agendas of the meeting. Ms Sinha highlighted the issue of crimes against children and expressed concerns over the delays in disposing of cases under the POCSO Act. She emphasized the need for a comprehensive compensation scheme and outlined mechanisms to expedite case resolutions.

**Shri. Rajiv Jain, Member, NHRC** emphasised the nature of complaints received at the Commission relating to child sexual abuse and the issue regarding the delay in awarding compensation in such cases. He mentioned four different kinds of problems relating to these cases. First is the issue of delay in awarding compensation to the victims. Secondly, in some states, the schemes do not align with the law on the subject. The third problem is in most cases the administration tries to process the matter under Section 357A CrPC and not to the POCSO Courts under the POCSO acts. Last but not least the issue regarding viewing and browsing child pornography on the internet which in many cases is not brought under the ambit of Prosecution. He also shed light on the constitutional bench judgement in the Lalita Kumari Case where it was made clear that once information related to a cognizable offence is received, the offence has to be registered which becomes even more mandatory in POCSO cases.

**Shri Rajiv Kumar, Senior Consultant, DCPCR** highlighted the pendency of POCSO cases and the delay in finalising the cases by the criminal justice system and how the act has been misused under section 22 of the act. He suggested monitoring the false cases and how children in need must receive immediate help.

**Smt. Farida Lambay, Co-Founder, Pratham**: Highlighted the importance of incorporating awareness and education initiatives within the school curriculum. It was highlighted that cultivating a sense of awareness among students should be a fundamental aspect of the educational framework. The emphasis was placed on the practices implemented by the Pratham Foundation in collaboration with Anganwadi centres, mothers, parents, and children. These practices have proven to be effective on the ground and were acknowledged as

valuable resources for guiding educational strategies.

**Asha Bajpai, Former Professor of Law and Founding Dean, of Tata Institute of Social Science:** Addressed the magnitude of the problem under the POCSO Act. It was highlighted that various factors such as lack of parental control, migration, poverty, and children living in street situations render them more vulnerable and exposed to such crimes. It was acknowledged that the effects of these crimes extend far beyond the immediate incident, often resulting in unresolved trauma for the victims. It was emphasized that this issue should be viewed as a public health problem and a “silent epidemic” requiring urgent attention and appropriate action. It was also discussed that currently the awareness among the general public is very limited and it is difficult to identify the concerned stakeholders and designated officials i.e. special police officers, social workers and others.

**Mr. Anant Kumar Asthana, Child Rights Lawyer:** Focused on the role of technology and *Legal Procedures and Justice*, raising the concern about the lack of data transparency in the data and not being available to the concerned stakeholders. The audio and recording of statements is a mandatory provision but the allocation of funds and lack of uniform data are to be addressed as problems in the role of technology where the CCTV Cameras and use of facial recognition have side effects which can be related to the aforementioned legislation. He also emphasised on how victim compensation has become a matter of concern due to the multiplicity and overlapping of legislature as highlighted in POCSO, JJ and special courts under the POCSO Act. He also pointed out at the need of uniform data collection by the organisations.

**Hasina Kharbhih: Founder & Chairperson, Impulse NGO Network:** Discussed concerns regarding the Optional Protocol of the United Nations Convention on the Rights of the Child (UNCRC), focusing particularly on challenges within refugee camps and trafficking of children in border states.

- Emphasized the precarious situation of children residing in refugee camps, highlighting their vulnerability to sexual offenses.
- Noted the weakness of justice mechanisms in these areas, with limited awareness of issues related to child safety and trafficking.

**Ms. Swarghata Raha, Legal Researcher, & Head of Restorative Practices Enfold India** focused on Legal Procedures and Justice-

- Highlighting the attitudinal gaps concerning the identification of victims versus the accused, noting the extended duration of convictions compared to the accused individuals.
- Emphasized the need to expedite legal proceedings to ensure timely justice for victims of sexual offenses.
- Highlighted concerns regarding the failure to properly

safeguard evidence, particularly in the medical examination of victims, leading to challenges in prosecution.

- Addressed operational challenges in implementing victim compensation schemes within the legal procedure and justice system.

**Bhuwan Ribu Child Rights Lawyer and Activist, Delhi**  
**Bachpan Bachao Andolan**, Discussed on Sub-Agenda- Impact on survivors and support highlighting the following:

- There are four categories of victims: those abused by individuals known to them; those exploited in commercial areas, including instances of child sexual abuse condoned within child marriages; victims of online and digital abuse.
- Discussions have centered around the formulation of a national action plan aimed at ensuring the mental health rehabilitation and safety of these victims. This involves establishing institutional frameworks within villages and communities, appointing support persons, and increasing public awareness of their roles and responsibilities.
- Budgetary concerns have been raised regarding the allocation of resources among para-legal volunteers, social workers, and other stakeholders. It has been noted that a significant portion of children, around 6 out of 10, are unaware of the mechanisms available to them in such cases.
- Furthermore, issues pertaining to the lack of compensation and interim relief for victims during court proceedings, particularly in cases of adjournment by advocates, have been highlighted. Additionally, the underreporting of child abuse due to social stigma and lack of awareness remains a significant challenge.
- Efforts to address these issues are hindered by the absence of real-time data on compensation disbursed to victims. There is a call for Supreme Court and High Court cases to be concluded within a time-barred manner to expedite justice delivery.

**Representative of CRY (Child Rights and You) Foundation -**  
Discussed on Sub-Agenda- Implementation and Enforcement that a comprehensive scheme for child protection could be established through interdepartmental collaboration, aiming to enhance welfare services at both village and panchayat levels while integrating the implementation of the Protection of Children from Sexual Offences (POCSO) Act across rural and urban areas. This initiative could involve establishing committee-based small institutions dedicated to facilitating POCSO-related work, alongside engaging youth groups through the Legal Services Authority to raise awareness about child protection issues. Moreover, encouraging stakeholders to create child-friendly environments within police stations and developing a sustainable monitoring mechanism to provide ongoing support to victims would be pivotal components of this scheme.

**Nirmala Pandey, UNICEF India** - She underscored the urgent need for capacity building among stakeholders and the nationwide strengthening of the legal aid system, particularly addressing concerns surrounding lawyers' reluctance to handle POCSO cases due to discomfort and lack of expertise. Furthermore, she emphasized the crucial importance of recognizing and understanding the trauma experienced by victims as a catalyst for societal change. Highlighting the limited availability of child-centric services, she advocated for their promotion by the Ministry of Health, alongside endorsing personal safety education initiatives to enhance preventive measures against child abuse.

**Prof. (Dr.) Paromita Chatteraj NLU, Orissa** emphasised on here study Title: "Challenges in Investigating and Prosecuting Rape and POCSO Cases in Orissa, Jharkhand, and West Bengal: A Critical Analysis" In her study, the focus lies on the investigation and trial procedures of rape and POCSO (Protection of Children from Sexual Offences) cases within the regions of Orissa, Jharkhand, and West Bengal. One prominent issue she highlights is the location where victim statements are recorded; instead of being conducted in a secure environment like a police station, they often take place in less conducive settings. Furthermore, she underscores the absence of female police officers or specialized personnel to handle such cases, contributing to delays in processing and disposal, often exceeding a year due to insufficient evidence. The lack of audio and video testimonials further exacerbates this problem. Moreover, she sheds light on the failure of these police stations to adopt a child-friendly approach, subjecting victims to the harsh realities of criminal proceedings without adequate support. The inadequate storage facilities for medical evidence pose a significant concern, as crucial evidence is susceptible to damage or loss due to improper handling. Additionally, she points out the gender disparities within the POCSO framework, where male victims are not afforded the same procedural safeguards as their female counterparts.

**Uma Subramanian, Director, Rati Foundation, Aarambh India,** Propose eliminating the categorization of sexual offenses, advocating for stakeholders and police officers to adhere to a standardized set of rules or SOPs at various stages of the process.

- Highlight the detrimental impact of delays in legal proceedings, leading victims to become hostile and reluctant to support prosecution efforts.
- Address concerns regarding delays in compensation schemes, which, when disbursed, are often subject to exploitation by independent entities, thereby hindering children from accessing their entitled benefits.
- Note the correlation between insufficient support for victims and a low conviction rate in sexual offence cases.
- Call for the effective enforcement of beneficial provisions

outlined in the POCSO Act.

- Advocate for a comprehensive discussion on the backlog of cases under the POCSO Act.

**Smt. Vijaya Bharathi Sayani, Member, NHRC** emphasised on the aspect of training of Police officers on dealing with the victims of POCSO or other crimes against children, especially cyber crime investigators. The various stakeholders of the Criminal Justice System such as the Police, Courts, Prosecution, and FSLs should be trained on aspects related to dealing with POCSO cases.

**Shri. Rajiv Jain, Member, NHRC** concluded the core group discussion with an emphasis on the objectives of the core group meeting. He placed special importance on the gap between the legislature and its implementation and on the issues raised by the core group members. He mentioned that there are several gaps even within the legislation such as between international conventions and domestic laws which need the attention of the policy makers. He also stressed the aspect of research on the implementation of the various national and state-level compensation schemes.

**Dr Rajul, Consultant Research NHRC,** proposed the vote of thanks towards the end of the meeting.

**Representatives of NHRC:**

1. Shri. Rajiv Jain, Member, NHRC
2. Dr. Dnyaneshwar M. Mulay, Member, NHRC
3. Smt. Vijaya Bharathi Sayani, Member, NHRC
4. Smt. Anita Sinha, Joint Secretary, NHRC
5. Dr Rajul Raikwar, Consultant Research, NHRC
6. Ms. Swarna Singh, JRC, NHRC

**Other Dignitaries:**

1. Shri Rajiv Kumar, Senior Consultant, DCPCR
2. Nirmala Pandey, UNICEF India.
3. Ms. Farida Lambay, Co-Founder, Pratham & Director, PCVC, Mumbai
4. Dr. Asha Bajpai, School of Law, Rights & Constitutional Governance, TISS
5. Ms. Swagata Raha, Legal Researcher, & Head Restorative Practices Enfold India, Bangalore
6. Ms. Hasina Kharbhih, Founder & Chairperson, Impulse NGO Network, Shillong
7. Adv. Anant Kumar Asthana Child Rights Lawyer, Delhi
8. Mr. Bhuwan Ribhu, Child Rights Lawyer and Activist, Delhi
9. (Dr.) Paromita Chatteraj, NLU Odisha
10. Uma Subramanian, Director, Rati Foundation
11. Representative, Director, Policy, Advocacy and Research and Documentation, CRY