



Report of

NATIONAL ANNUAL STAKEHOLDERS CONSULTATION ON CHILD PROTECTION

**FOCUS ON PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES (POCSO) ACT, 2012 IMPLEMENTATION**



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Contents

1. Background	9
1.1 The process of consultations	9
1.2 Impact of the roundtables	10
2. Ten years of POCSO Act: A reflection	11
3. National Consultation 2022	13
3.1 Key areas of action	13
3.2 Inaugural session	16
3.3 Coping with fear, stigma and vulnerabilities: an interactive session with the POCSO survivors and family members	18
3.4 Understanding POCSO implementation from the evidence	21
3.5 Analysis of special (POCSO) court judgement on “Romantic Cases” across three Indian states	22
3.6 Ten years of POCSO: Good practices from states	23
3.7 Stakeholder consultations on four thematic areas	26
3.8 Closing session	34
4. State-level reflections	38

Abbreviations

ART	Assisted Reproductive Technologies
ANC	Antenatal Care
BBA	<i>Bachpan Bachao Andolan</i>
BBBP	<i>Beti Bachao Beti Padhao</i>
BfC	Budget for Children
BPR&D	Bureau of Police Research and Development
CARA	Central Adoption Resource Authority
CARINGS	Child Adoption Resource Information and Guidance System
CBGA	Centre for Budget and Governance Accountability
CBS	Child Budget Statement
CCI	Child Care Institutions
CICL	Children in Conflict with Law
CNCP	Children in Need of Care and Protection
CPS	Child Protection Services
CPU	Child Protection Unit
CPCR Act	Commissions for Protection of Child Rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSAM	Child Sexual Abuse Materials
CSR	Child Sex Ratio
CWC	Child Welfare Committee
CWPO	Child Welfare Police Officers
DCPCR	Delhi Commission for Protection of Child Rights
DCPU	District Child Protection Unit
DCWPCs	District Child Welfare and Protection Committees
DLSA	District Legal Services Authority
DWCD	Department of Women and Child Development
FTSC	Fast Track Special Courts
GAWA	Guardians and Wards Act
GPDPs	Gram Panchayat Development Plans
HAMA	Hindu Adoption and Maintenance Act
ICDS	Integrated Child Development Scheme
ICPS	Integrated Child Protection Scheme
IEC	Information, Education and Communication
ILO	International Labour Organization
IPC	Indian Penal Code
ITPA	Immoral Traffic Prevention Act
IVF	In-Vitro Fertilization

JJ	Juvenile Justice
JJB	Juvenile Justice Board
LBSNAA	Lal Bahadur Shastri National Academy of Administration
MHRD	Ministry of Human Resource Development
MHCA	Mental Healthcare Act
MIS	Management Information System
MoLJ	Ministry of Law and Justice
MoU	Memorandum of Understanding
MoPR	Ministry of Panchayati Raj
MoWCD	Ministry of Women and Child Development
NALSA	National Legal Services Authority
NCPCR	National Commission for Protection of Child Rights
NFHS	National Family Health Survey
NGO	Non-governmental organization
NIMHANS	National Institute of Mental Health and Neurosciences
NIPCCD	National Institute of Public Cooperation and Child Development
NPAC	National Plan of Action for Children
NPC	National Policy for Children
NSSO	National Sample Survey Organisation
OTT	over-the-top platforms
OSC	One Stop Centre
PCMA	Prohibition of Child Marriage Act
PC&PNDT	Pre-Conception and Pre-Natal Diagnostic Techniques
PMMVY	Pradhan Mantri Matru Vandana Yojana
POCSO	Protection of Children from Sexual Offences
PwDs	Persons with Disabilities
RTE	Right of Children to Free and Compulsory Education
SAA	Specialised Adoption Agency
SAMVAD	Support, Advocacy and Mental Health Interventions for Children in Vulnerable Circumstances and Distress
SARA	State Adoption Resource Agency
SCPCR	State Commission for Protection of Child Rights
SCPS	State Child Protection Society
SCWPS	State Child Welfare and Protection Society
SDG	Sustainable Development Goals
SJPU	Special Juvenile Police Unit
SRB	Sex Ratio at Birth
UT	Union Territory
VLCPCs	Village-level Child Protection Committees
WHL	Women Helpline



Background



1.1 The process of consultations

Effective implementation of the **Juvenile Justice (JJ) (Care and Protection of Children) Act, 2015** and the **Protection of Children from Sexual Offences (POCSO) Act, 2012** is a high priority concern for the Supreme Court and High Court Juvenile Justice Committees (JJC). UNICEF has been collaborating with the Judiciary in its efforts to build adequate structures, systems and capacities for the effective implementation of relevant national and international legislations related to the protection of children.

Since 2014, the Supreme Court has been conducting National Stakeholder Consultations annually, which brings all relevant partners from State JJC of the respective High Courts (JJC-HC), Judicial Academies and Judicial Training Institutions, Police and Police Training Institutions, relevant ministries and government departments, especially the Ministry of Women and Child Development (MoWCD), the National and State Commissions for the Protection of Children's Rights (NCPCR and SCPCR), civil society organizations (CSOs), child and adolescent voices, etc., together for momentum, attention, oversight and direction to push priority areas related to protection of children in India (Refer to Box 1).

Box 1: Chronology of roundtables

- First round (August 2014 and March 2015): Effective functioning of statutory bodies;
- Second round (August 2015 and July 2016): Strengthening restoration and rehabilitation of children;
- Third round (November 2016 and July 2017): Rehabilitation services and linkages with the POCSO Act, 2012;
- Fourth round (Feb–July 2018): Focus on the Integrated Child Protection Scheme;
- Special round of Thought for Leaders and Practitioners (6 April 2019, Mumbai): Focus on reformation of services for children in need of care and protection (CNCP) in line with JJ Act;
- Fifth round (Sept–Dec 2019): Focus on Childcare reform and strengthening accountability for children;
- Sixth round (28 and 29 November 2020): Proper implementation of JJ Act; and
- Seventh round (18 and 19 December 2021): Focus on reviewing working of JJ institutions.

1.2 Impact of the roundtables

Over the years, the roundtables anchored by SC-JJC with technical support from UNICEF have institutionalized a process for participative change. The roundtables have been able to show impressive advances in the areas as summarized below:

- **Constitution of statutory bodies and structures under the JJ Act:** Tremendous progress has been made in setting institutional structures and filling up vacancies in: Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs) District Child Protection Units (DCPUs), Special Juvenile Police Units (SJPUs), setting up the Juvenile Justice Fund (JJ Fund) and Child Protection Committees (CPCs).
- **Establishment of structures under POCSO Act:** Several states have set up at least one special court per district for hearing POCSO cases and have taken initiative in setting up child-friendly special courts.
- **Establishing rehabilitative services for children:** There is an increase in the preparation of Individual Care Plans (ICPs), provisions for counselling services and setting up of mental health centres and provision of education, vocational and skill training, as well as recreational services. De-addiction services for children have been introduced in some states. There is also an increase in Social Investigation Reports (SIRs) to provide appropriate rehabilitative services to children for adoption, foster care and sponsorship.
- **Awareness and access to Legal Aid:** Legal Aid Lawyers (LALs) are now increasingly being empanelled for providing legal aid to children entering the system. Legal aid clinics have also been set up within CCIs and JJBs in a few states. Paralegal Volunteers (PLVs) and law students have also been engaged in several states for providing legal assistance to children and for generating legal awareness on child rights.
- **Notification of State JJ Rules:** States have notified the State JJ (Care and Protection of

Children) Rules in 2018. States also reported of having notified guidelines on other issues such as sponsorship, vulnerable witnesses and foster care.

- **Data management:** Functional Management Information System (MIS), including the National Child Tracking Portal have started in states. Data entry operators are being appointed. MIS has facilitated quick service delivery and helped address pendency.
- **Monitoring and convergence:** Several High Court Committees on JJ have initiated regular convergence meetings to enable stakeholders to interact with each other.
- **Trainings, capacity building, skill development, awareness initiatives and workshops:** Training programmes on child protection laws have been conducted for a wide category of stakeholders including the police, staff of CCIs, judges, members of JJBs and CWCs and LPOs, among others. State representatives also reported holding numerous awareness programmes on child rights issues such as legal aid, child marriage, child labour, etc.

Thus, the preparatory work for each roundtable has been offering an opportunity to examine and establish a common understanding on the status of implementation of the twin-Acts and trigger collective thinking to address bottlenecks. Every year, the Regional Roundtables and the National Consultation Act as a barometer, indicating where States and the Country stand in relation to implementation and prioritization of the twin-Acts. This serves as a strong reference to guide future works of SC-JJC.

The design of the Regional Roundtables combines thematic technical presentations with group discussions. This allows for expression, tabling of the positive gains, aberrations and gaps. The opening session also creates a platform for building political commitment at the highest levels of hosting States and the MoWCD. Regular dialogue has made it possible to sustain the focus and make the agenda of child protection a priority of various departments. The policy dialogue has provided immense traction to the cause of child protection.

Ten years of POCSO Act: A reflection



The year-on consultations since 2014, largely focused on the implementation of JJ Act for CNCP and children in conflict with law (CCL) (Refer to Box 2). However, in 2020, almost 92 per cent cases of crimes committed against children were related to POCSO of which 32 per cent cases belong to cases of sexual abuse and 60 per cent cases refer to cases of child rape. Reporting of POCSO cases has also seen a six times increase since 2014. Furthermore, the COVID-19 pandemic saw a new surge in the cases of violence against women and children.

The National Consultation 2022, therefore, focussed on the finding gaps and challenges in the implementation of POCSO Act. ***The year 2022 also marked 10 years of implementation of the POCSO Act*** which lent a strong case for a stock-taking exercise.

A range of activities preceded the National Consultation to make it a comprehensive reflective exercise.

→ **State-level consultations under the aegis on respective JJC-HC:** Although, much has been achieved in the past 10 years of POCSO Act, gaps and challenges are intrinsic in the evolutionary journey of this landmark Act. In this regard, prior to the National Consultation, State Consultations were organized by the respective State JJCs under the aegis of the High Courts to take stock of the contextual situation in each State and amalgamate learnings for the National Consultation. The emerging insights from the State Consultations are summarized in Chapter 4 on “State-level reflections”.

Box 2: Thematic areas for State and National Consultations 2022

- ⦿ Rehabilitation and reintegration of POCSO survivors and preventive measures – Practices, gaps and opportunities;
- ⦿ Child-friendly court procedures during prosecution for POCSO survivors – Practices, gaps and opportunities;
- ⦿ Investigation of cases under POCSO – Role of police, medical officers (MOs), special public prosecutors (SPPs), legal-cum-probation officers (LPOs) and support person; and
- ⦿ Building Capacity of functionaries under POCSO Act and the role of State-run training institutions.

- Centre for Child Rights and Juvenile Justice, National Law University, Delhi and UNICEF collaborated for a study titled: **Trials and Tribulations – Preliminary Findings on the Adjudication of POCSO Cases in India**¹ to build research evidence on the implementation-side lacunae of POCSO Act, i.e., extent of speedy trials and child-friendly systems. The study highlighted three types of implementation challenges: (i) excessive burden placed by unprosecuted cases, largely consensual; (ii) inconclusive evidence because of factors like improper handling of evidence, poor infrastructure, low awareness, etc., and (iii) delays emanating from procedural hurdles, no electronic service of summons, poor infrastructure, lack of adequately trained personnel, etc.
- Enfold trust and UNICEF collaborated to conduct an analysis of age of consent, romantic cases and POCSO Court judgements under the study titled: **“Romantic” Cases under the POCSO Act: An Analysis of Judgments of Special Courts in Assam, Maharashtra & West Bengal**.² The study concluded that the balance between protection and evolving autonomy of adolescents is being compromised in the current legislative environment – *“instead of protecting adolescents from abuse, the law exposes those in factually consensual and non-exploitative relationships to the risk of a criminal prosecution and compromises the child protection mandate”*. The data also showed significant proportion of romantic cases in the criminal justice system which raises concerns about over-criminalization and overburdening of system. The study calls for reflection on a legal amendment to decriminalize consensual sexual acts involving adolescents above 16 years of age, while also ensuring that all children below 18 years are protected from sexual offences under the POCSO Act.
- **Quantitative data analysis from States** which provided an analysis of progress versus the provisions under the POCSO Act to highlight gaps and areas of future interventions. The fact sheet is presented in Annexure 1.



¹ Link to report on “Trials and Tribulations – Preliminary Findings on the Adjudication of POCSO Cases in India”: https://drive.google.com/file/d/1jOIK0ZAVzktg9_SKa6RUxP7f128aZ5s/view?usp=share_link

² Link to report on: “Romantic” Cases under the POCSO Act: An Analysis of Judgments of Special Courts in Assam, Maharashtra & West Bengal. <http://enfoldindia.org/wp-content/uploads/2022/12/Romantic-cases-under-the-POCSO-Act.pdf>

National Consultation 2022



The 2022, National Consultation, acted as a platform to *amalgamate the state-level reflections and data-driven research evidence to identify critical action areas for improved implementation of POCSO Act while also learning from sharing of good practices*. The deliberations lead to identification of measurable, concrete priority actions that JJC's, MoWCD/departments and other duty bearers can take forward at both National and State level on four thematic areas (Refer to Box 3). An Action Plan will be developed which will be monitored for implementation in 2023–2024.

The Consultation had technical sessions from key sectoral experts, sharing of good practices from States, and narratives from organizations and front-

line workers engaged in preventing and addressing sexual violence against children as well as child survivors. The detailed agenda is presented in Annexure 2.

3.1 Key areas of action

An overall area of action is designed for all States under aegis of the JJC-HC to develop a concrete plan of action for addressing the challenges identified during the state and national consultations, build on some of the good practices and cross-learning and enable mechanisms for regular coordination among the multiple stakeholders responsible for the effective implementation of POCSO.

Box 3: Session plan for the National Consultation 2022

- Inaugural Session
- FILM: Ten Years of Journey of POCSO Act in India
- Coping with fear, stigma and vulnerabilities: An interactive session with the POSCO survivors/family members
- Understanding POCSO implementation from the evidence
- Analysis of special (POCSO) court judgement on “Romantic Cases” across three Indian States
- Ten Years of POSCO: Good Practices from States
- Stakeholder Consultations on Four Thematic Areas
- Closing Session

3.1.1 Develop victim-centric systems

1. States and districts to focus on mechanisms for **improved coordination** of various POCSO stakeholders. This activity could be done through the POCSO or JJs of the High Court at State level and under the aegis of District Magistrates at district level. District Legal Services Authority (DLSA) can be a coordinating secretariat to enable this activity at the district level.
2. Develop models of **restorative justice** which works towards repairing the harm caused by sexual violence, through compensation, restoration and rehabilitation beyond just the criminal justice system.
3. **Cases for consensual relationship** between adolescents require a 360-degree review in the light of such cases clogging the POCSO system.
4. **Role of support persons** needs to step up distinctively to manage coordination across legal, medical, psycho-social, and rehabilitation and compensation services, and provide end-to-end integration of services. The cadre of support persons needs to be adequately resourced, capacitated and professionalized.
5. **PLVs were identified as an untapped resource**, which can be nurtured in the future, to strengthen the child protection system and support services. They may be used as support persons with adequate training.
6. **One Stop Centres (OSCs) need to be strengthened**, now so that they can be established in nearly all districts with special focus given on training of the staff involved and also on the child-centric approach for dealing with cases of minor girls.
7. Streamlining mechanisms for **timely economic compensation and linkages with social protection** need to be accelerated such that children and families can be supported in the healing process. This will also address some of the barriers to reporting and risks factors encouraging sexual abuse to



“There is no healing without justice, but also, there will not be justice without healing from the wounds sexual violence leave behind. Childhood adversities are seven times more likely to be involved in interpersonal violence irrespective of being the victim or perpetrator and 30 times more likely to commit suicide.”

occur; States to review the efficacy of victim compensation schemes and put necessary mechanisms in place to ensure timely and adequate compensation.

8. The system needs to accord due **relevance to mental health and psycho-social support**. The system needs to build an entire workforce of well-trained mental health experts to ensure child-friendly services.

3.1.2 Focus on prevention

1. Violence against children, including sexual violence, needs to be reflected as a **public health priority** and further integrated in the public health system and services, at the prevention and rehabilitation level. The topic should be introduced into medical curriculum and training programmes with lead of Ministry of Health and Family Welfare (MoHFW).
2. Align programmatic interventions to equip children and young people to manage risks and navigate through interpersonal relationships, including through, life skills, comprehensive sexual education interventions, school-based initiatives like School Health and Wellness Programme under *Ayushman Bharat*, and through expansion of opportunities for participation,

through platforms like National Service Scheme (NSS)/Nehru Yuva Kendra Sangathan (NYKS)/MoWCD led Scheme for Adolescent Girls.

3. **Mass awareness campaigns** which address the '3S' that surrounds sexual violence: Shame, Secrecy and Stigma, stir public debate and social awakening are required as a prevention measure.
 - Duty bearers need to be made more responsible in supporting community mobilization and social dialogue to change deeply ingrained social norms and behaviours that perpetrate stigma which ultimately enables sexual violence to continue occurring.
 - Convergence action from allied structures, like Panchayats, self-help groups, as well as other CSOs and other grassroots organizations, is required.
 - Promote positive parenting practices and reduce the risk of violence within the homes as a cost-effective prevention strategy.
4. Efforts at **generating evidence, investing in research** and integrating of 'violence against children' in surveys, are necessary to continually understand the evolving magnitude, drivers, risk and protective factors, and inform policies and budget allocations.



"Sexual violence is never inevitable and is always preventable. No matter how effective justice and rehabilitations system are, sexual violence will take away a part of the integrity, dignity and trust of the child that will be difficult to return."

3.1.3 Strengthening system capacities

1. Standardization and review of **child-friendly procedures** for all duty bearers need to be taken forward to address bottlenecks like issues around testimony documentation, language barrier and scope for further enhancing the creation of a child-friendly atmosphere through all stages of the process. Development of Standard-Operating Procedures (SOPs) has emerged as a unanimous call from all stakeholders to provide a ground-level initiative to their roles and responsibilities and inculcate accountability at each level.
2. **Enhance resource allocation, fill vacancies and address gaps in human resources (HRs)** allocation, specialization and professionalization of personnel are essentials to enhance quality of services and avoid re-victimization.
3. Establish **training and curriculums that are fully institutionalized** with the support of the National Academies and other institutions with capacity building mandate, which includes POCSO as well broader knowledge of JJ Act, Children's Rights provisions, as well as Child Psychology elements with a focus on converting knowledge to practice.
4. Leveraging the **use of technology** is required in all spheres including investigations, child-friendly court procedures, capacity development.



"POCSO architecture has a robust framework but any infrastructure is as good as its parts. The definition of "child friendly" as defined under JJ Act goes beyond physical infrastructures."



3.2 Inaugural session

The National Stakeholder Consultation was the grand finale of nationwide State-level consultations. It was a culmination of deliberations by a range of stakeholders in the child protection machinery to guide future action plan and learn from the decadal journey of POCSO Act implementation.

Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC, Supreme Court of India in his inaugural address pointed that JJC-SC is a platform for unified approach for CCL and CNCP. He sets the tone for the National Consultation by defining its purpose, thus:

- ➔ Reflect on positive and negative aspects in the decade of POCSO implementation;
- ➔ Identify and learn from cautionary lessons from a multi-stakeholder's perspective;

- ➔ Evolve beyond unidirectional understanding of POCSO and look at restorative justice where the accused child is considered as important as victim; and
- ➔ Deliberate on the way forward with regards to aspects of HRs, training and capacity building, mass sensitization and victim compensation.



“Challenge is to bridge the gap between law as written and its implementation on the ground. We are the flag-foot holders to translate this need, ensure swift justice and restore children’s’ lives back in the society.”

Ms. Cynthia McCaffery, Country Representative, UNICEF India Office applauded the visionary steps taken by JJC-SC as a stellar demonstration of India's priority from the highest levels towards protection of child rights. She gave a global perspective and said that "Convention on the Rights of the Child (CRC)" is the bedrock to build the superstructure for a resilient and inclusive child protection system. Commitment to this foundation comes with obligation and determination to drive continuous action for change. Some of the key points from her **introductory address** are captured below:

- ➔ Need to recognize the document progress and build further through replication and scaling up;
- ➔ Need for stronger legislation and improved implementation;
- ➔ Need to designate adequate resources for the child protection system as showcased through **Mission Shakti and Mission Vatsalya**;
- ➔ Need to realize the importance of front-line workers as first responders and undertake their training and capacity-building;
- ➔ Need to work with communities for mass sensitization as prevention models, break stigma and culture of silence. Campaigns like "Save the Girl Child" and Child Marriage Campaigns have set up precedence to draw lessons to turn child protection into a mass movement; and
- ➔ Need to build sub-district structures and deepen the reach of child protection system for early detection.



"India has a long-standing historical precedence to stand for children in adversity with not just prescription of minimum standards but an ever-expanding effort to nurture a society where children may grow and flourish."

Ms. Smriti Zubin Irani, Hon'ble Minister for Women and Child Development, Government of India gave emotions to the narrative and emphatically marked the importance of the National Consultation from the perspective of India's children. Quoting a poem by Justice Bhat, she said that a CNCP reveals a *"story of betrayal, broken trust, a life of strife, innocence stolen and separation from loved ones"*. She drew attention that child protection is a one issue which can bring together multi-stakeholders as *"they are the only entity who are not vote bank"*.

She quoted the World Bank Report to highlight the exigencies in the child protection system related to pendency, delays, poor conviction rates, and need for urgent and robust interventions. She spoke about soft-issues related to humane treatment of children as well as the child protection stakeholders. She highlighted that judges and other office bearers who work in the system also require support to deal with such issues psychologically and emotionally. She laid the expectations from the National Consultation by highlighting some of the key areas of enquiry as follows:

- ➔ How to make the system child-friendly at each step such that re-traumatisation is curtailed?
- ➔ Delays in compensation: She specifically urged for solutions to address this issue during the National Consultation;
- ➔ How to improve victim-centric evidence collection, role of police and first responders?
- ➔ How to improve mechanisms at grassroots level through effective use of NIRBHAYA funds, especially with regards to expanding the infrastructure bandwidth like operationalization of fast-track courts?
- ➔ How to plug delays and look at restoration?



"The consultation is a platform to pay homage to the ones who got justice and who are still waiting for justice. We need to reinstitute a sense of trust, if not on the ones who betrayed, but at least on the system."

Hon'ble Dr. Justice Dhananjaya Y Chandrachud, Chief Justice of India (CJI) in his keynote address put spotlight on the contemporary significance of child rights and child protection. He said that POCSO Act was a watershed moment in the child rights in India as it had many firsts – it was gender neutral; it covered aspects of identity and privacy of child; and it started in-camera proceedings. However, despite its landmark significance, POCSO Act was the first step in the journey and the National Consultation will help in taking stock of 10 years of its implementation. Some of the key aspects underlined are summarized hereunder:

- ➔ Slow pace of POCSO Act implementation and the manner of implementation which cause re-traumatisation due to un-friendly procedures and environment.
- ➔ Role of police as first responder and how is it falling short.
- ➔ Issues of stigma, culture of silence, harmful stereotypes, myths like “*only girl is subjected*” or “*perpetrator is a stranger*”. These issues leave the child with little agency if the parents don't want to report. How to deal with honour of family versus best interest of the child.
- ➔ How to address the protection of street children as prevention as well as when they are either CICL or CNCP?
- ➔ Access to healthcare for child victim or accused. How to address the psycho-mental-emotional health to deal with trauma, rehabilitate and find social cohesion again. How to step up counselling services across India.
- ➔ How to address the correlation between rape and school dropouts?

- ⦿ Foundation: CRC
- ⦿ Obligation: Society Approach
- ⦿ Demonstration: POCSO legislation
- ⦿ Continued Action for strong legislation, strong child protection system, work with communities to address harmful social norms
- ⦿ Partnership

- ➔ How to build prevention measures? How to spread education on safe and unsafe touch? How to lend vocabulary to children to enable reporting?
- ➔ Delays in compensation:
 - Training and capacity building need cross multi-stakeholders at every level. Judicial academies also need to rethink the content and mode of trainings.
 - How to leverage the use of technology to make the system for responsive?
 - How to intensify multi-stakeholder collaboration for coordinated and catalysed response?
 - How to improve rehabilitation services in the system?
 - How to deal with “romantic” cases and concerns related to the age of consent under the Act, which criminalizes consensual sexual activities even in ‘romantic’ relationships for those under the age of 18 years? The CJI admitted: *“In my time as a judge, I have observed that this category of case poses difficult questions for judges across the spectrum. There is a growing concern surrounding this issue which must be considered by the Legislature”*.



“Children may not have the same vocabulary. This does not mean that they do not know what the perpetrator has done to them. Children of different ages may express themselves differently. But the essence of what they are communicating must be understood especially during cross-examination. Their contact with the criminal justice system must suit their needs as a vulnerable class of people.”

Hon'ble Mrs. Justice BV Nagarathna, Judge, Supreme Court of India summed up the inaugural session on some thought-provoking proverbs. She said that “There may be illegitimate parents but there are no illegitimate children”. There is a need to plant seeds of change such that “it never hurts to be a child”. Justice needs to be made accessible, speedy and adapted to child needs. There is a need to recalibrate resource allocation and efficient usage of existing funds for child protection. She pinpointed that India is one of the youngest country with 31 per cent population under 18. Thus, the responsibility to safeguard children’s future is a multi-stakeholder endeavour (Figure 1).

3.3 Coping with fear, stigma and vulnerabilities: An interactive session with the POSCO survivors/family members

This session started with actual voices from child survivors and their families where they narrated their trauma and the difficulties of navigating through the system to find justice and the challenges in rehabilitating their lives. The live testimonials were a moving reminder of what needs to be changed and how the stakeholders present at the National Consultation can contribute to the change (Figure 2).

Figure 1: FILM: Ten years of journey of POSCO Act in India



Source: <https://www.youtube.com/watch?v=s2vj7tS6ZPg>

The film is a poignant reminder of the trauma that the child goes through and how it can be minimized through the concerted efforts of stakeholders.

Figure 2: Stories from survivors and how they navigate the system

When family betrays	It happens with boys	Vulnerabilities with migrants
- The perpetrator was family. Child spent a month in mental health institution. There was a lack of access to parents, pressure to not report. The only thing that the survivor wanted was perpetrator should not abuse other children. WHO HELPED? - Presence of support persons was like a backbone.	- A young boy was sexually and physically abused by another boy. Mother reported and took the child to the hospital, but doctor gave an incorrect report. WHO HELPED? - First CWC helped by connecting with Legal Aid, but the perpetrator was released. The victim filed a complaint again but there was no response. NGO provided legal help and helped in fight with the court battle.	A school boy was living with his grandmother. Parents were migrant labours. On the way to school, he was abused. Parents reported to police. Medical examination was conducted. Threats received from perpetrator family. In fear, the victim was sent to village. Parents had no clue on the case proceedings. However, they won case with compensation. Now, parents are still receiving calls for extortion of money.



Ms. Justice Mukta Gupta, Judge and Chairperson JJC, High Court of Delhi spoke about the multifarious forms in which the abuse impacts the victim and the family.³ She said that the impact may vary based on the severity and duration of the abuse, age of the victim, relationship with the perpetrator, any disabilities already suffered, manner in which the child interprets what has happened, the family and the community environment and the support system available to the victim.

Mapping the impact: In a very exhaustive manner, she mapped how the negative perceptions of the society impacts the victim and the case and what can be the remedial measures. Some of the common societal perceptions, which intrude, are:

- (i) Family members have a hard time in believing if the abuser is a family member. Sometimes, the family members continue to maintain their relationship with the abuser.
- (ii) Rape is the most heinous offence which tarnishes the image of the victim woman, while any other form of sexual abuse like inappropriate touching, stalking, making sexual

advances and such other forms of abuses are acceptable to the society.

- (iii) If the abuser is economic provider, the family may decide to not report or turn hostile in deposition.
- (iv) To protect the “image” of the family and avoid social boycott, victim is suggested to marry the attacker or the case is not reported.
- (v) The “boys will be boys” type of ideology protects the boys for committing sexual abuse.
- (vi) Victim blaming mind-set of the society acts as the roadblock.
- (vii) Conflicting advices from friends, family, or religious leaders to the victim to forgive the perpetrator/completely sever the connection.
- (viii) Political or social presence and possible media attention is another deterrent in reporting.



³ The detailed presentation is here: https://docs.google.com/presentation/d/1KFChv1tM_bPJq6eqw5jk6OtnGAS7R4Nd/edit?usp=share_link&ouid=117761478624922791042&rtpof=true&sd=true

Justice Gupta suggested the following points as “Way Forward”:

- Strengthening the role of support persons;
- Avoidance of multiplicity of agencies, support persons and lawyers dealing with the victims;
- Mandatory-free mental health support ranging from first aid to long-term care;
- Free and accessible counselling to child and the parent/guardian;
- Paralegal support to help documentation and connection to government schemes;
- Timely dispensation of victim compensation, especially in cases of incest; and
- Special care and assistance at courts to explain procedures and its consequences along with provision of allied services like vulnerable witness deposition complex (VWDCs), child-friendly police stations, travel reimbursement for court hearings, financial support to motivate parents towards child’s healing and rehabilitation, without having to prioritize between day-to-day existence and child’s healing.



“Father was the perpetrator. Mother turned hostile. She said, if he is out of jail, then my daughters are only prey to him or else they are an open prey to all. We have no funds since the time he is in jail. So role of compensation is this crucial.”

Important observations by Justice Bhat:

- There is a need to move beyond material aspects and minimize trauma, especially social trauma.

- Efforts need to be built to give voice and vocabulary to children such that they are able to express trauma, if faced with a situation of abuse.
- A system requires a case-sensitive approach with empathy at its roots.
- Judges and policymakers need to be advised by child specialists and psychologists to deal with trauma on a case-to-case basis.

3.4 Understanding POCSO implementation from the evidence

Mr. Justice Vijay Bishnoi, Judge, JJC-HC, Rajasthan spoke on the implementation of the POCSO Act based on the data evidence and highlighted what the courts are facing. Based on the analysis of POCSO cases in each State for two districts between 2014 and 2019, he highlighted that the most difficult POCSO cases are where the accused is family as:

- (i) Collecting evidence is hard;
- (ii) The case requires caution to bring the victim to witness box and speak, especially when there is financial dependence involved on victim;
- (iii) Social stigma plays a role and
- (iv) Most often, the family does not support the victim.

To address these challenges, he pinpointed some important aspects which can help:

- (i) Presence of support persons;
- (ii) Timely dispensation of victim compensation and
- (iii) Child-friendly court environment which can instil trust.

Ms. Mihira Sood, National Law University presented⁴ a summary of the report titled: **“Trials and Tribulations: A preliminary report of the adjudication of POCSO cases in India”**

⁴ The link to the presentation is here: https://drive.google.com/file/d/1J107I-F8zs14lojGrOaO7wbex6S4p07h/view?usp=share_link

commissioned by Supreme Court of India and conducted by National Law University, Delhi with Centre for Child Rights and JJ and UNICEF. The report examined the implementation side of POCSO Act over 10 years (2014–2019) covering aspects of: (i) speedy trials, (ii) child-friendly courts and (iii) romantic cases. The key aim of the study was to *identify factors that impede functioning of POCSO Act, especially with regards to data needs, data management, data uploading, data maintenance and the technology used*. Some of the key-revealing facts emerging from the Study were:

- ➔ Under-reporting is a concern even bigger than what is shown by National Crime Records Bureau (NCRB) data.
- ➔ The number of SJPU's and female police officers are insufficient in the system.
- ➔ Cases of penetrative assault is higher. But the data also show the importance attached societally to this form of abuse over others.
- ➔ Overall 76 per cent of the cases had an accused aged below 20 years.

Apart from systemic and infrastructure-related issues, a key observation from the data was that blanket criminalization of romantic cases is an area of concern.

3.5 Analysis of special (POCSO) court judgement on “Romantic Cases” across three Indian States

Ms. Swagata Raha, Director, Research, ENFOLD Trust shared insights from an **Analysis of Judgements of Special Courts in Assam, Maharashtra and West Bengal (2016–2020)** for “Romantic” Cases under the POCSO Act. Some of the observations from her presentation⁵ were:

- ➔ Mostly 24 per cent of the POCSO cases presented in Special Courts are romantic cases.
- ➔ In 71 per cent cases, parents are the key informants.
- ➔ About 65 per cent of the cases are reported when the girl leaves home.
- ➔ Parental disapproval was the key reason to leave home. In most cases, girl is the “victim” and boy is the “accused”. Only 1.9 per cent cases where girl and accused were married, resulted in a conviction.



⁵ The link to the detailed presentation is here: https://docs.google.com/presentation/d/1PjlsNtpN-dRv7Xj5qTXzsdg8SEjdidhy/edit?usp=share_link&ouid=117761478624922791042&rtfpof=true&sd=true

- ➔ Only 14 per cent cases had a problematic element. Yet 89 per cent of the cases had a charge of penetrative assault, even when 88 per cent girls admitted in the court to the romantic relationship and 82 per cent girls did not testify against the accused. Acquittal rate is 94 per cent.

This analysis provides evidence that criminalization of consensual and non-exploitative acts involving adolescents is detracting from the purpose of the POCSO Act and diverting time, resources, and energy away from the investigation and trial of actual cases of sexual violence and exploitation. This analysis is built on a case for decriminalization of adolescent sexuality with a view to ensure balance between protection from exploitation and acknowledgement of normative sexual behaviour among adolescents. It calls for exploration of interim measures to reduce the harms caused by criminalization while adhering to the existing legal framework.

The open-house discussions following the presentation also threw more insights on ground-level challenges for both CNCP and CICL in romantic cases. Stakeholders highlighted that many a times, perpetrator is also a child and requires equal attention from the system. The JJB needs to be more vigilant in such cases to avoid wrong convictions and unnecessary detentions. It was also felt that although POCSO is a gender-neutral Act, but in romantic cases, males predominantly are treated as 'accused' with girl 'playing the victim'.

The stakeholders also discussed that the role of police and use of their subjective discretion in dealing with romantic cases at first approach can offer possibilities of resolution at ground-level. Stakeholders agreed that many matters can be avoided at court if the role of police as first-responder is strengthened in romantic cases by leveraging their skills as counsellors and social negotiators.

Some of the key reflections and areas for future intervention identified in the session are as follows:

- ➔ **Age determination and investigative rigour:**
 - Documents and related facts are not collected with rigour at the initial stage of enquiry by Police.

- In case of migrant child, the fact-finding around age and other relevant details about the victim as well as perpetrator requires investigative rigour from Police.
- It was suggested that courts should have direct access to birth registration office to reduce dependence on Police.

- ➔ **Lack of female judicial officers** was a common concern raised. It was also felt that most times, additional district government counsel (ADGC) ranks are appointed as Special Prosecutors for POCSO cases, whereas judicial officers for POCSO require different skills and mindsets to deal with the cases.

- ➔ **Delays can be avoided with local coordination between stakeholders and strengthening of monitoring mechanisms.** For instance, if the case appears at odd hours and the quorum of three JJB members is not established, then secondary victimization and harassment of the child by resorting to institutionalization can be avoided through proactive decision-making procedures laid at ground level.

- ➔ **Crucial role of support persons** was duly recognized in case of management as well as rehabilitation.

- Unanimous suggestion for a directory of support persons came forth.
- The forum also agreed that eligibility criteria's need to be developed for induction of support persons along with proper trainings.
- An accountability mechanism also needs to be developed for support persons.

- ➔ There is a need to review **relevance of medical examination in non-penetrative cases.**

- Consent of victim for examination is child rights issue which is often side-lined and still poses a challenge in taking forward the case.
- Lack of female doctors is an impediment in this regard.

In conclusion, all stakeholders, across all the States agreed to face a huge systematic crisis due to overburdening of legal cases around consensual sex among the adolescents. There was undivided opinion to review the age for consensual sex in India and rethink about the level of discretion that the judiciary can practice in such cases without compromising the “best interest of child”, whether victim or accused.



“POCSO is a gender-neutral Act. In case of consensual relationships, experience shows that male is predominantly the accused. Law plays out in a gender-biased manner with girl playing the victim.”

3.6 Ten years of POCSO: Good practices from States

This session captured the real-life scenario of POCSO Act implementation from the selected States and traced out what has changed during 10 years. Gujarat, Maharashtra and West Bengal showcased their good practices and lessons. The session was chaired by **Hon’ble Ms. Justice Meenakshi Madan Rai, Chairperson, JJC-HC Sikkim.**

3.6.1 Good practices from Gujarat

Hon’ble Ms. Justice Sonia Gokani, Chairperson JJC-HC, Gujarat presented the good practices⁶ from the State. Gujarat undertook a mass awareness and outreach campaign called ‘*Bachpan Sanrakshan*’ between 26 September and 28 October 2022. The campaign led to the constitution of school-level structures called “*Nirbhaya Brigade*” for continual peer outreach and awareness on child protection issues. The campaign also involved:

- ➔ Training of paralegal workers to strengthen the system of first responders and enlarge force of support persons.
- ➔ Sensitization of Jail Authorities to ensure quality legal aid to accused and creation of separate barracks for POCSO inmates.
- ➔ Ensuring creation of **Vulnerable Witness Centres** in every district with regular training.

Some of the challenges acknowledged by Gujarat were with regards to: (i) providing support-services post-trial, (ii) dealing with romantic cases and criminalization of adolescent sexuality, especially because the State has a declining sex ratio. Gujarat also recognized the strengthening agency of girls where they want to be active decision-makers in their own lives.

3.6.2 Good practices from Maharashtra

Hon’ble Ms. Justice Revati Mohite-Dere, Chairperson JJC-HC, Mumbai presented the good practices from Maharashtra. The State has been undertaking awareness and sensitization with a focus to build vocabulary among children to deal with child sexual abuse (CSA). Age-appropriate curriculum to teach on POCSO-related matters, cybercrimes and sex education is underway. The awareness campaigns have also been targeting social myths, gender norms and stereotypes.

At court, child-friendly procedures are being continually improved. Some of the noteworthy initiatives are as follows:

- ➔ Hybrid approach has been adopted to record statements from forensic experts, doctors, etc., to avoid delays due to their unavailability.
- ➔ The statement under Section 164 is recorded in separate rooms, which are at par with video conferencing, keeping in mind that this is the first interface of the victim with the court.
- ➔ Only concerned persons with the case are allowed in the room to keep the atmosphere free from crowd.

⁶ The link to the detailed presentation is here: https://docs.google.com/presentation/d/189mMqxVL_bybI0Jc2LROLPk9egR12y1w/edit?usp=share_link&oid=117761478624922791042&rtpof=true&sd=true

- The child is allowed to visit the court before the deposition for acclimatization.



“The world of adults can be daunting. The environment at court is hierarchical at every level – the podium is high up, police in uniform, the lawyers are questioning ... when an adult finds it nerveing then how can a child be not daunted!”

3.6.3 Good practices from West Bengal

Hon’ble Mr. Justice Harish Tandon, Chairperson JJC, Kolkata High Court presented the good practices.⁷ West Bengal has created a standard design for child-friendly courts which includes the following features:

- Separate entrances for accused and victims;
- Separate space for children waiting and child giving statement or interview;
- Video-conferencing facilities for interacting with children;
- Provisions for books, games, toilets, food and drinking water for children and
- Ensuring no direct eye contact between accused and victim or with family members.

The key factor for success in creating a child-friendly environment in West Bengal was identified as the convergent action from four key stakeholders – police, prosecution, support persons and judges. This coordinated convergence has also led to increase in case registration and trial rates.

The open-house discussions, which followed the State presentations, also brought forward more good practices from other states as well as identified areas for further intervention.

- National Institute of Mental Health and Neurosciences (NIMHANS) under the Support, Advocacy and Mental Health Interventions for Children in Vulnerable Circumstances and Distress (**SAMVAD**) programme has prepared SOPs for counselling services which is now available to each State for adoption.
- Madhya Pradesh has formed “**Shaurya Dal**” under the aegis of Department of Women and Child Welfare (DWCP) at village and ward level. These groups consist of girls and women from the age group of 15–45 years who contributed in the areas of education, health, nutrition, hygiene, financial security and prevention of violence against women. From 2013 till 2022, a total of 1,924,259 members have joined “Shaurya Dal” out of which 795,429 members are adolescent girls and 1,129,530 members are women.
- Madhya Pradesh Police has introduced a recognition award given by Chief Minister called the [Asli Hero initiative](#) to encourage common citizens to report and raise their voice against violence and crimes against women and children.
- Sikkim has also taken several initiatives as narrated by the session chair Hon’ble Ms. Justice Meenakshi Madan Rai, Chairperson, JJC-HC, Sikkim:
 - Provisions for residence-based statement recording are there.
 - Police is encouraged to record statement in-verbatim without prompting.
 - Remand lawyers are there in every police station.
 - Intense training is being given in psychological aspects to first responders.
 - Government hospitals have a designated room with separate entrance for medical examination.
 - Separate waiting rooms have been created at courts to avoid contact with accused.
 - Deposition is being done through video conferencing in the presence of a guardian for support.
 - Immediate interim compensation is paid.

⁷ The detailed presentation is here: https://docs.google.com/presentation/d/1ralp-GQwvyeSNLaoSkXnncTlvLV13bS8/edit?usp=share_link&ouid=117761478624922791042&rtpof=true&sd=true



The session was concluded with discussions on the urgent areas of attention as identified by various stakeholders. These are summarized as follows:

- ➔ There is a need to address the '3E' – education, enactment and enforcement. The stakeholders put emphasis on education with regards to developing curriculums and awareness generation programmes, which can build the vocabulary of the child to recognize, report and respond to abuse.
- ➔ To reduce procedural errors and weed-out delay, there is an urgent need to prepare SOPs for each stakeholder, which clearly delineates the role, responsibility and accountability of the stakeholder.
- ➔ Role of convergent action from multi-stakeholders was identified as a priority area of action in the interest of improving the quality of response.
- ➔ It was felt that counselling of the family is as important as the victim to help them deal with the child (whether victim or accused) as well as the situation or social stigma.
- ➔ The role of support persons was flagged repeatedly.
- ➔ Religious institutions and leaders are the key perpetrators of ideologies and myths. They need to be roped in the net of awareness building for catalysing mindset change.
- ➔ Use of technology needs to be leveraged in each area or process like awareness building, trainings, data management, etc. The need to develop mobile-friendly awareness content was specially highlighted.
- ➔ The role of first responder and the matching skills to deal with this role was seen as an area of concern. Rigorous training, especially in psychological aspects is required for the front-line workers who deal with the victim and trauma.

3.7 Stakeholder consultations on four thematic areas

The key objective of the National Consultation 2022 was to offer an opportunity for multiple stakeholders to take stock and stir discussions for critical actions to improve implementation of the POCSO Act. To take forward this agenda, *structured participation through group work* was envisaged (Refer to Annexure 3). Stakeholders were divided into four groups based on the four key themes of the National

Consultation. Each group was chaired by one Chairperson of JJC-HC. Presentations were made by selected States on the topic to provide a context to be discussed in the respective group. Post the presentations, group discussions were initiated. The guidance note for each group is presented in annexures.

Each of the group was also supported by a moderator and rapporteur to enable effective documentation of emergent points. The group work culminated in a succinct presentation, which highlighted the progress, gaps, challenges, good practices and way forward, on the theme. The key objective of this group work and thematic presentation was to guide and lay down the map for an Action Plan to be prepared post the National Consultation. A summary of the key discussion points in each group is presented in the ensuing sections.

3.7.1 Group 1: Rehabilitation and reintegration of POCSO survivors and preventive measures

The group session led by **Hon'ble Mr. Justice N. Kotishwar Singh, Chairperson, JJC, Guwahati High Court and Co-chaired by Hon'ble Mr. Justice Aparesh Kumar Singh, Chairperson, JJC, High Court of Jharkhand** delved into identification of **good practices, challenges and recommendations** on two aspects: (i) rehabilitation and reintegration of POCSO survivors and (b) prevention. The key areas of enquiry are listed in Annexure 3.

3.7.1.1 Good practices

Jharkhand

- The active role played by Jharkhand Legal Services Authority (JHALSA) in coordination and monitoring till district level laid the foundation for success in the state.
- Jharkhand has effectively implemented Section 16(2) of JJ Act for the constitution of a High-Level Committee for review of pendency in inquiry. In the case of Jharkhand, the Chairperson, JJC is also the Executive Chairperson of JHALSA, who has proven

to have a greater efficiency impact in the implementation of both JJ Act and POCSO Act.

- Jharkhand leveraged the role of PLVs through their deputation at all Police Station for identification of missing children. PLVs were also trained as support persons. The good practice showcases the need to further deepen their role and build a workforce of PLVs.
- The reach of the Legal Aid Clinics till last mile is another good practice.
- Legal Literacy Clubs have been opened in schools as an awareness measure among the children.
- In Jharkhand, victim compensation has been dispensed to the tune of INR 18 crores during 2021–2022 alone, which shows a positive trend. Additionally, Jharkhand also has a yearly increase in allocation for compensation.
- The state has addressed the needs of children who have lost both parents and sole parent due to the COVID-19 pandemic through Project Shishu. These children were placed in family-based care with effective linkage to existing government schemes to ensure that they do not become vulnerable to trafficking. This proved as an effective prevention measure.

Kerala

- Effective coordination between stakeholders is anchored through the **Nirbhaya Cell** which acts as the nodal agency.
- Kerala has been focussing on non-institutionalization of CSA survivors through community-based rehabilitation and reintegration under **Kaval Plus Scheme**. The scheme also provides psycho-social care with continuous follow-up till mainstreaming, including – family enrichment; parent's training; individual counselling; group work through psycho-social mediums, life skill training, etc.
- Victim-centric customized services for institutional and non-institutional care are available in the State.
- For prevention, CPCs are strengthened through regular trainings. *Jagratha Samiti's* have been formed up to ward level.

- Education Department has undertaken a process for gender auditing of textbooks to make the curriculum more compliant.
- Kerala has prepared a SOP for legal-aid services.
- During emergency immediate financial aid is provided to survivors under *Aswasnidhi* Scheme.

Assam and Gujarat: Both the states have showcased good practices in mass awareness building through engagement with community-level structures.

Chhattisgarh: The state is doing vulnerability mapping and hotspot identification for targeted awareness building.

Chandigarh: It highlighted a good practice to appoint two support persons in cases, which involve intra-state complexities. For rehabilitation, the children are employed as per the Labour Act Rules, where employer is trained as a mentor and support person to reintegrate the child in society.

3.7.1.2 Challenges

- How to balance the needs of the victim first, rather than delving on delivery of justice?
- How to build institutional structures for effective multi-stakeholder coordination and convergence?
- How to materialize cross-disciplinary skill building across multi-stakeholders at scale?
- How to plug the inadequacy of HRs and workforce (SJPU, mental health professionals, child protection functionaries, health professionals, POCSO judges and support persons)?
- How to address the low remuneration for child protection workforce and how to mobilize funds to meet the need?
- How to improve data and information sharing between systems (police, legal services and CWCs). The lack of data information systems further accentuates the challenge to reach rehabilitation services?
- How to strengthen POCSO and JJ intersections and increase their coordination between

Multi-stakeholder coordination

Dearth of trained HRs

Timely victim compensation

POCSO Court and CWCs for effective rehabilitation services to all the victims. Ad-hoc tenure and political appointment of CWCs mars the spirit of their critical role?

- How to ensure timely emergency financial relief and victim compensation. Existing directives of SC in “*Ankush Gaikwad vs. State of Maharashtra and Delhi Domestic Womens’ Forum*” Case already sets precedence in this regard but widespread implementation remains a challenge?
- How to ensure adherence to Section 16 of JJ Act (review of pendency of inquiry at district and state level) for regular monitoring by High-Level Committee. Jharkhand offers a Best Practice?

3.7.1.3 Recommendations

- State and District Legal Services as a nodal institutional mechanism must be tapped. It can act as a common platform to bring together the Executive and Judicial wings for improved stakeholder coordination in the areas of prevention of education and awareness.
- Mass awareness campaigns, community engagement and community structures are the way forward for: (i) prevention, (ii) addressing underreporting and (iii) rehabilitation and reintegration. School curriculum must focus on personal safety and not be limited to safe-unsafe touch.
- Transparent appointment of CWCs with adherence to prescribed qualifications focused on the objectives and spirit of the twin-Acts needs to be ensured.

Mass awareness



Enhanced role of DLSA's for convergence



Institutional and infrastructure reach till grassroots



Infuse women workforce



Step-up psycho-social support

- Child protection machinery will have to go beyond district and reach till grassroots. In this regard, using local self-governance systems can help institutionalize Child Welfare and Protection Committees (CWPCs).
- Women workforce needs to be infused in all systems under POCSO along with gender sensitization of existing workforce.
- Financial investments are required to develop and expand the HRs.
- Existing provisions for stakeholder convergence in the POCSO Act needs to be revisited and activated. High-Level Committee under JJ Act needs to be used effectively as an institutional mechanism.
- "Local issues require local solutions." For instance, in many States, tribal cultures and communities have different sensibilities and community laws, which governs child marriage and age for consensual relationships.
- Role of PLVs in prevention, rehabilitation and reintegration can be leveraged. They are the foot soldiers and can act as support persons to fill the HR gap.
- Parent and family counselling are as important as counselling the victims and the accused.
- Rehabilitation for CICL needs to be accorded as much priority as victims.

- Dedicated online national platform for convergent solution mapping/seeking/sharing the best practices is required for ready reference to any stakeholder facing an issue.

3.7.1.4 Identified areas for more thought and attention

- Raising the age of marriage for girls requires a thought to assess the pros and cons.
- How to expand family-based alternative care options and services?
- How to bridge the gap of trained mental health professionals and expand psycho-social care services. There is a dearth of trained clinical psychiatry professionals across India?
- How to find and mobilize fiscal resources for rehabilitation fund and remuneration for support persons?
- Can rehabilitation services consist of a package of financial aid, educational aid and health aid rather than just focusing on money?
- How to address growing cybercrimes and online sexual exploitation?
- How to provide aftercare for victims where reintegration with family is not possible. How to institute mechanisms for vocational training while also ensuring shelter?
- Restorative Justice for healing child victims and their families.
- What are the kinds of skills and approaches for working with trans-gender children and how to develop these skills?



"Ensuring 'justice' is the weakest ideology. We need to focus on what the victim wants. Rehabilitation starts from the moment offence is discovered or reported. It is not co-terminus with judicial process or conviction or acquittal."



3.7.2 Group 2: Child-friendly court procedures during prosecution for POCSO survivors

The group session led by **Hon'ble Ms. Justice KS Mudagal, Chairperson, JJC, High Court of Karnataka** delved into identification of **good practices, challenges and recommendations** on child-friendly court procedures. The key areas of enquiry are listed in Annexure 3.

3.7.2.1 Good practices

- ➔ *Bharosa Centres* in Telangana act as OSCs to help prevent re-victimization and catalyse convergence for child-friendly procedures. These centres provide services like medical examination, evidence collection, provision of victim-assistance funds, Bharosa-attached courts, ensuring forensic report within 15 days and trained counsellors.
- ➔ To ensure timely update on the status of case and to mitigate bottlenecks, WhatsApp coordination is done during investigation among child, family, IOs, doctors, CWC, witness, etc.

- ➔ The state has adopted SAMVAAD'S training programmes or materials and SOPs on essential interventions and skills for addressing mental health in CSA.
- ➔ Preventive engagement and awareness generation on POCSO Act is undertaken by DLSA with the help of PLVs who sensitize front-line workers and communities on POCSO, sexual violence and provisions for Legal Aid in Jharkhand.

3.7.2.2 Challenges

- ➔ How to ensure better convergence among stakeholders like DLSA, SJPU (including CWPOs), IO, CWC, JJB, SP, child and family, SPP, defense counsel, POCSO court judges, DWCD and DHFW (MO, Counsellor/Trauma Counsellor)?
- ➔ How to improve access to justice for community at the grassroots and improve awareness on available provisions and legal rights?

**Multi-stakeholder
coordination**



Heavy case load



Weak investigations



Insufficient HR

- ➔ How to address re-victimization due to gaps in the Court procedures and delays emanating from reasons like:
 - Heavy case load as well as unnecessary adjournments due to multiple stages of evidence gathering;
 - Intimidating Court environment and line of enquiry and
 - Defense counsel and SPPs are not sensitized/oriented on the specific child-friendly requirements of POCSO Act and JJ Act.
- ➔ How to plug delays emanating from police procedures and the multifarious reasons attached to delays like:
 - Weak evidence gathering, especially age-determination documentation;
 - Delays in receiving Forensic Science Laboratory (FSL) reports and medical reports;
 - Insufficient budget for the IOs to comply with requirements of JJ Act and POCSO Act;
 - Heavy case load and
 - Lack of sensitization on the specific child-friendly requirements.
- ➔ How to step-up integrated approach to legal support and address inadequacy (in number and capacity) of support persons, trauma counselors and LALs?

3.7.2.3 Recommendations

Prevention

- ➔ Integrated curriculum in schools for systemized and improved awareness and understanding among adolescents and young people was a unanimous recommendation.
- ➔ Greater engagement of front-line workers, Anganwadi workers, especially PLVs for sensitization was seen as an effective strategy.

Improved access to justice

- ➔ Institutionalized convergence for effective dispensation of justice keeping in mind the best interest of child was a prime concern and recommendation.
- ➔ Statutory grid on legal intersections with other related laws including child marriage, child labour, JJ and Medical Termination of Pregnancy (MTP) was suggested as an important measure to case management.
- ➔ Appointing PLVs as support persons emerged as an area worth investing in moving towards Trans Disciplinary Forensic Interview as a method of enquiry rather than interrogation was seen as a strategy to reduce trauma, re-victimization and inculcate child-friendly court procedures.

Mass awareness



**Institutionalize
convergence**



**Enhance role of PLVs
as support persons**



**Systematic
capacity building**



**Child-friendly
infrastructure and intent**

Improved child-friendly procedures

- Infrastructural improvements coupled with changes in legal processes was advocated as a measure to make the system more child-friendly procedures.
- Systematic capacity-building on POCSO procedures in investigation, cross examination, witness statements, gathering forensic evidence and addressing trauma was identified as an urgent need.
- Child-friendly procedures like video conferencing from child's home, use of storytelling to encourage the child to express and share experience were advocated with replication of good practices.
- Trauma-informed court counsels were also recommended.



“Dearth of funds is no excuse to not provide for victim. It is the legal obligation of State to ensure that victim is taken care of.”

3.7.3 Group 3: Investigation of cases under POCSO – Role of police, MO, SPPs, LPOs and support persons

The group session led by **Hon'ble Mr. Justice Kaushal Jayendra Thaker, Chairperson, JJC, High Court of Allahabad** delved into identification of **good practices, challenges and recommendations** on investigation of cases and role of stakeholders. The key areas of enquiry are listed in Annexure 3.

3.7.3.1 Good practices

- Jammu and Kashmir has launched a special software for Police called 'JK ECops' to increase citizen interface and provide them ease of reporting and access to services.

- Madhya Pradesh has developed Student Police Cadet who are trained in JJ and POCSO Acts to provide community-level help such that reporting can be increased. The state is also providing training to bus drivers and conductors as the active first-responders.

3.7.3.2 Challenges

- How to curtail delays in investigation and its ripple effect on delays in filing charge sheet leading to longer pendency?
- How to address the huge vacancies across all the investigating agencies?
- How to improve the investigative process of age determination?
- Existing skills and capacities of IOs and MOs fall short in many respects:
 - Police officers are not knowledgeable enough to refer victims to support services;
 - Delays in sending forensic material to the laboratory, which often renders the sample useless and
 - Medical workers are often not sensitized to deal with victim and family.
- Sheer dearth of Special Educators, especially at sub-districts levels poses difficulties in being child friendly.
- How to deal with increasing number of false cases coupled with higher number of cases referred for DNA (deoxyribonucleic acid) test?
- How to address aversion to medical examination, as children, parents and/or caregivers often refuse. Scarcity of female doctors is a contributing factor?

3.7.3.3 Recommendations

- Awareness generation among children about Child Rights with a combined efforts of all the entities like DLSA, Police, Child Helpline, DCPU with supports obtained from the Department of Education and DWCD is required. PLVs under DLSAs can be deployed for community engagement.

- Convergence and coordination between stakeholders need to be stepped up with mechanisms for periodic updates, regular meetings and data sharing for an efficient investigation and case management. Some suggested measures were as follows:
 - Using Red Flag alerts in POCSO cases so that high ranking police officials can monitor the investigation;
 - Compulsory coordination meetings across all investigation agencies at least once a month is required;
 - Bi/weekly review of cases to ascertain the causes of delays;
 - A CHECKLIST should be provided by appropriate authorities to monitor the progress, map areas of delays and the cause of delay and
 - Police should mandatorily inform CWC of registered POCSO cases within 24 hours (*Junaid vs. State of UP*).
- OSCs should be strengthened and linked with MOs, IOs and SPP.
- Compulsory appointment of the SPPs across all the POCSO courts should be ensured.
- Child marriage cases should be linked and tried as POCSO cases as well.
- The hospitals should have declaration that they have facilities for victims of POCSO.
- Every district should have a clinic or hospital with facility to preserve the evidence so that the veracity is not lost in travel.

Filing of vacancies



Multi-stakeholder convergence and coordinated follow-up mechanisms



Systematic convergent capacity-building



Link between child marriage and POCSO cases

- Concerned departments should ensure the filling up of the critical positions.
- Capacity development convergence for training modules is required between different academies, across the cadre. Group of Master Trainers should be created to make all stakeholders to work together (IOs, MOs, SPP, etc.)
- N/SLSA should consider developing a review mechanism on the disbursement of compensation (interim as well as the final) to the victims. Compensation should be given for the victimization and not as a form of justice.



“A large number of cases for DNA examination are fake which unnecessarily burden the already weak infrastructure of forensic labs. Additionally, delays in sending forensic materials makes the sample useless.”

3.7.4 Group 4: Building capacity of functionaries under POCSO Act and the role of State-run training institutions

The group session led by **Hon'ble Mr. Justice Tarlok Singh Chauhan, Chairperson, JJC, High Court of Himachal Pradesh** delved into **recommendations and way forward** on capacity-building needs. The key areas of enquiry are listed in Annexure 3.

3.7.4.1 Recommendations

Role of state-level training institutions in institutionalizing capacity-building

- Integrating preventive modules into Education (School) curriculum.
- Multi-stakeholder convergent training programmes which integrate POCSO and child protection modules in SIRD, SCERT,

Training for Police, Nurses, Health and other functionaries. Some of the aspects of training programmes that should be addressed are as follows:

- Instituting regularity in training calendars;
 - Developing and nurturing a list of empanelled trainers;
 - Partnership with Domain Experts like UNICEF, TISS, NIMHANS, etc.;
 - Focus on Section 164 in the training for Magistrates;
 - All police personnel (not just SJPU/ CWPO) should be trained in POCSO Act, JJ Act and skills of engaging with children and
 - Child Protection Modules should integrate behavioural and soft-skill aspects.
- Regular mapping of stakeholders and their training needs assessment, which are evidence-based, need-based and demand-based.
- Pre-test and post-test feedback should be ensured as an essential for course correction;
 - Regular Google-based quizzes can be undertaken to understand the capacity-building needs of stakeholders and
 - Monitoring of the quality of capacity-building programmes and quality assurance of the training programmes should be done.

Filing of vacancies



Systematic convergent capacity-building



Leverage use of technology



Focus on behavioural and soft-skill training



Mentoring, handholding and learning from good practices

Availability of adequate child protection workforce

- Filling up vacancies and engaging in continual recruitment to expand the workforce.
- Reviewing staffing and rationalization of HR for case management.
- Cadre-based police personnel should deal with children in POCSO cases.
- Resources for meeting the needs of children in difficult circumstances needs to be identified and arranged.
- Creating a conducive work environment for police to handle case sensitively should be ensured.
- Professional Development Programmes for child protection workforce should be encouraged.
- Regular monitoring and performance appraisal of workforce should be undertaken.
- Incentivizing and recognizing good trainers, as well as good work by child protection workers should be done on a regular basis.



“Capacity building of court staff is as important. Even if they are rude, that will act as a deterrent in recording of statement.”

“Feedback after training is important to bridge gaps. Have we imparted anything more than what we are already doing? Quality assurance pre and post training is required.”

“Capacity building investment go in vain when permanency is not in place.”

Moving from knowledge to practice

- Mentoring and handholding programmes are essential.
- Learning visits to replicate good practices need further impetus.
- Consulting with children is required to improvise Training Modules, including behavioural components.
- Police's outreach programmes to front-line workers (Anganwadi, Health) should be strengthened.
- Community Policing, including engagement with adolescents needs to be catalysed.

Effective use of technology

- E-Modules, which encourage self-learning through interactive courses, need to be explored.
- Investing in investigation skills on emerging issues, especially cyber safety is required.
- Apps for creating alerts to keep the system prepared for speedy delivery of services and case management should be developed.

3.8 Closing session

Reflections by Ms. Soledad Herrero, Chief, Child Protection, UNICEF-India shared her reflections from the two-day National Consultation and summed up the key takeaways. She began by reviewing the 10 years of POCSO Act and achievements: (i) dedicated legal framework for CSA is in place; (ii) robust gender-neutral, child-friendly procedures and Special Courts have been established; (iii) expanded categories of sexual abuse are comprehensively covered; (iv) the burden of proof has been eased; (v) benchmarks for disposal have been set up; (vi) programmes for response and rehabilitation, especially those under the MoWCD Mission Vatsalya and Mission Shakti are progressive.



“POCSO has put in place a robust architecture but any infrastructure is as good as the parts. The National Consultation, is a culmination of a nationwide reflective exercise that started with State consultations. This process has offered a plethora of reflections, suggestions and areas that require further attention.”



The key takeaways from the State and National Consultation summed up in her closing speech covered the following broad points: (i) the need to make the system more victim-centric; (ii) increase focus on preventive measures as a cost-effective strategy; (iii) work towards social mind-set change through behaviour change and communication campaigns; (iv) strengthen system capacities and (v) invest in data systems to guide evidence-based action.

Mr. Indevar Pandey, IAS, Secretary, MoWCD, Government of India in his special remarks put forth MoWCD's eagerness to be a key contributor in changing child protection systems in India through convergence and coordination. He emphasized the need to identify key doubles in time-bound period, while targeting the low-hanging fruits first for quicker results.

He highlighted MoWCD's intensive involvement in developing gender-sensitive curriculum and appreciated that education will give long-term generational change. Community-level engagement and local governance structures needs to be credible partners in this journey. Adolescents will prove to be the harbingers of change and he laid the need for their active involvement for larger mind-set change.

He also agreed on the critical need for capacity building and inter-departmental convergence. At the same time, he also pinpointed that several resources have been already developed for training and capacity-building, especially under SAMVAD by NIMHANS; however, widespread uptake of these materials at state level is yet to be seen. Use of technology for capacity building also needs to be leveraged as shown under Mission Vatsalya. He also proposed to form a Capacity Building Commission.

With regards to forensic lab infrastructure, he drew attention to the resources available under NIRBHAYA Fund. On the whole, he shared his experience with weak fund utilization at the State level, where often unutilized funds are surrendered.



“Once information is there, it's easy to plug it. We knew the solutions, but the mobile tracking systems are letting us know that the extent of problem is massive.”

Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC, Supreme Court of India in closing remarks marked the importance of this face-to-face physical National Consultation as a special platform by JJC-SC to engage with and learn from a wide group of stakeholders such that effective solutions are being sought to improve the child protection system in India.

He highlighted that the “**real challenge is implementation**”. He drew attention from the good practices that came forth during the consultation and emphasized the need for **institutionalized regular meetings between stakeholders** as a mechanism red-flagging delays and joint actions.

Another proposal made was to start a mechanism where the POCSO judges will fill a form for each case to map the journey of **case management** and state clear reasons for adjournments and delays. The underlying principle for this mechanism should not be based on 'blaming' but to 'find lacunae'.

The third suggestion was given with regards to **‘breaking the work culture of silos’** and avoid vertical set ups. Institutional mechanisms have been created to foster mentoring and handholding as a key mechanism for training. These mechanisms should be further complimented by a comprehensive and sustained capacity-building and training plan for HR development.

Fourthly, he spoke on the **importance of ‘feedback’**. Standard feedback forms will be sent to High Courts bi-annually for sharing their insights with Supreme Court.

Lastly, his closing remarks were for **“simplification”**. He appreciated the existence of several guidebooks and handbooks which will help in POCSO implementation but questioned their “practicality of use”. There is an immediate need to make such reference material “short, crisp and simple with 2–3 FAQs along with translations to local languages”.



“National consultation should not be an end but a start of action.”

State-level reflections



As a precursor to the National Consultation, multi-stakeholder State-level consultations by respective JJC-HC were held across India between Sept-Oct 2022, to discuss gaps and challenges and to propose a way forward. The broad structure and reporting format for the State Consultations were prescribed by JJC-SC to ensure synchronization (Refer to Annexure 2). Some of the common observations and threads of thoughts emerging from States are summarized as per the thematic areas.

Theme I: Rehabilitation and reintegration of POCSO survivors and preventive measures

Progress:

All the States reported to have expanded support systems and services including provision of Support Persons; OSCs providing medico-legal, police, mental health and psycho-social supports; helplines; rehabilitation services; interim shelters; and victim compensation. Also, CPCs have been established at village, ward and block levels. Community-awareness efforts have led to increased reporting and also functioned as a preventative measure and facilitated rehabilitation within community. Adolescent champions of change for peer-to-peer support and education have also emerged.

Challenges:

Offences against children and more particularly sexual offences have been increasing day-by-day. Social stigma is a deterrent in reporting, especially when the perpetrator is family. Conflict between the practices of customary and traditional laws and the implementation of the POCSO Act, particularly in the context of child marriage; consensual sexual relationships between adolescents and MTP is a challenging area.

Gaps:

Lack of awareness among survivors about the support services available to them, nor do they receive the support in a child-friendly manner. Child protection machinery is faced with increasing caseloads and shortage of staff. "Support Persons" are not being appointed in most POCSO cases and capacities and follow-up on mental health and psycho-social support are severely inadequate. Compensation dispensation and CWC awareness on the same is weak.

Way forward:

Understanding the importance of a support person in the process of investigation and trial (pre, during and post) and developing a workforce concomitant to needs is critical. End-to-end integrated services that provide medico-legal, psycho-social, and social rehabilitation measures to survivors and families need to be improved. Case management systems need strengthening to plug delays and address pendency. Integrating the issue of ending violence against children, age-appropriate knowledge on POCSO and comprehensive sexuality education (particularly around consent) is key for prevention.

Theme II: Child-friendly court procedures during prosecution for POCSO survivors

Progress:

Majority of the States established dedicated Special Courts/POCSO Courts. A select number of States even established Fast-Track Special Courts (FTSCs). States showed progress in provision of a Support Person, translators or interpreters; appointment of SPPs; deployment of PLVs for free legal aid; child-friendly witness/survivor waiting room, video conferencing facilities to depose online; curtain partition and/or separate entrance for accused and victim. In addition, several States reported to set-up Vulnerable Witness Deposition Centres for safe environment for recording statements.

Gaps:

"Delays in trial" is rule than exception, driven by systemic issues like: (i) insufficient number of (full-time) Special Judges and POCSO Courts;

"End-to-end integrated services that provide medico-legal, psycho-social, and social rehabilitation measures to survivors and families need to be improved."

let alone the availability of female judges; (ii) lack of counsellors, support persons, translators, interpreters and legal aid persons and (iii) insufficient funds and coordination among stakeholders. Harsh cross-examination of children occurs, and children are repeatedly called to testify. Privacy and confidentiality of the survivor's information is often breached. There is insufficient data collection on pendency and rate of conviction. Support for children with disabilities is largely absent at all fronts.

Way forward:

(i) Sensitization and training of judges, prosecutors, defence lawyers and court staff to adopt a child-friendly approach; (ii) Regular coordination meetings between stakeholders to strengthen convergence; (iii) Appointment of support person and counselling services needs to be ensured and (iv) Additional resources are required to strengthen the child-friendly infrastructure at Courts.

Theme III: Investigation of cases under POCSO: Role of police, MOs, SPPs, LPOs and support person

Progress:

Overall, most of the States reported the increase in POCSO cases, except for Jharkhand and Mizoram, who reported a small decline. An increase in cases has also to do with an increase in reporting of cases

due to awareness and mandatory reporting. Majority of the States has established SJPU, Child Welfare Police Officers (CWPO) with majority as female police officers and creation of child-friendly spaces to improve investigative processes. A number of States have SOPs on the application of medico-legal care.

Challenges:

However, unreported cases are still high because of social stigma, fear of perpetrators and inadequate knowledge on the process, available services and support. Non-availability of forensic laboratory was identified as a major cause for delay in cases.

Gaps:

States have reported that police as a first responder to the offense is still not child-friendly enough in its attitude, behaviour and environment. Secondary traumatising and re-victimization are common in the investigative processes. Lack of a child-friendly atmosphere and infrastructure in hospitals and the scarcity of female doctors is an added gap. Aversion to medical examination has also been noted as a complication. Age determination and poor investigation at the initial stage for necessary documentation have a spill-over effect in the entire cases and related delays. Delays in filing charge sheets, incomplete charge sheets and delays in sending forensic materials to laboratories are rendering the materials useless as evidence. Police officers are often not knowledgeable about referring survivors to support services that the survivor could access such as OSCs, free legal aid and a Support Person.

Way forward:

Sensitization of stakeholders, repeated in-service training and increased HRs is required. Coordinated efforts between stakeholders such as IOs, MOs, SPPs, LPOs, Support Person and DCPUs are crucial in the investigation and prosecution. Periodic updates, regular meetings and data sharing among stakeholders require stimulation for an efficient

investigation to facilitate linkages to services such as support persons, counselling, legal aid, compensation and post-rehabilitation follow-up. Special attention is also required to address cybercrime as an emerging priority.

Theme IV: Building capacity of functionaries under POCSO Act and the role of State-run training institutions

Progress:

All the States have reported numerous capacity-building programmes being implemented by covering judges, prosecutors, CWCs, JJBs, police personnel, SJPU, DCPU, DLSA, Support Persons, LALs, medical practitioners, Child Care Institutions (CCIs), CHILDLINEs, OSCs and NGOs. However, as the State of Madhya Pradesh puts it: “*There often appears to be an overall lack of empathy and compassion when dealing with survivors of POCSO cases*”.

Gaps:

Capacity-building programmes are often sporadic and not systematic. Stakeholders tend to have separate capacity development programmes which do not provide clarity regarding each other's roles and responsibilities leading to a lack of convergence.

Way forward:

Revisiting existing training curriculum (in-service and pre-service) to address the knowledge and skill gaps, change attitudes and behaviours and facilitate coordination and convergence is required. Training materials need to be more user-friendly and adopt local languages. Extensive use of technology and technology-as-aid for faster dealing with cases need to be stepped up.

Annexures

Annexure 1: Quantitative data analysis from States

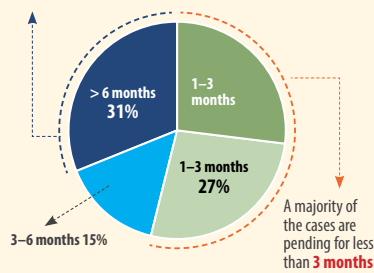
HIGHLIGHTS FROM THE POCSO DATA COLLECTED FROM STATES



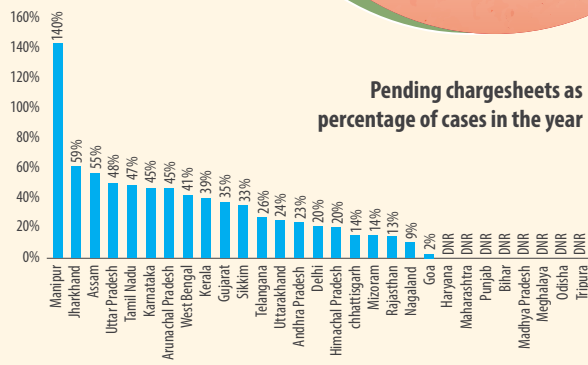
POLICE- PENDING CASES

Chargesheets pending at police (Total 14,468)

A large percentage of pending cases for more than 6 months

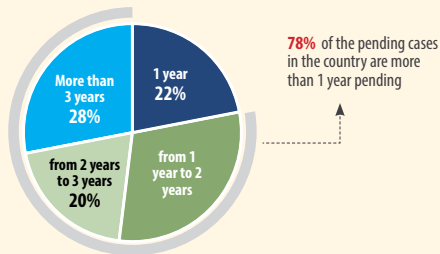


Pending chargesheets as percentage of cases in the year

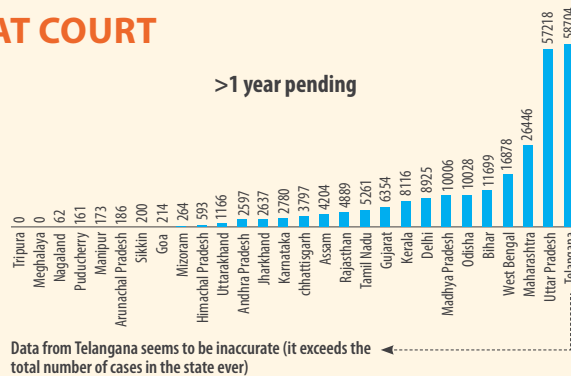


PENDING OF POCSO CASES AT COURT

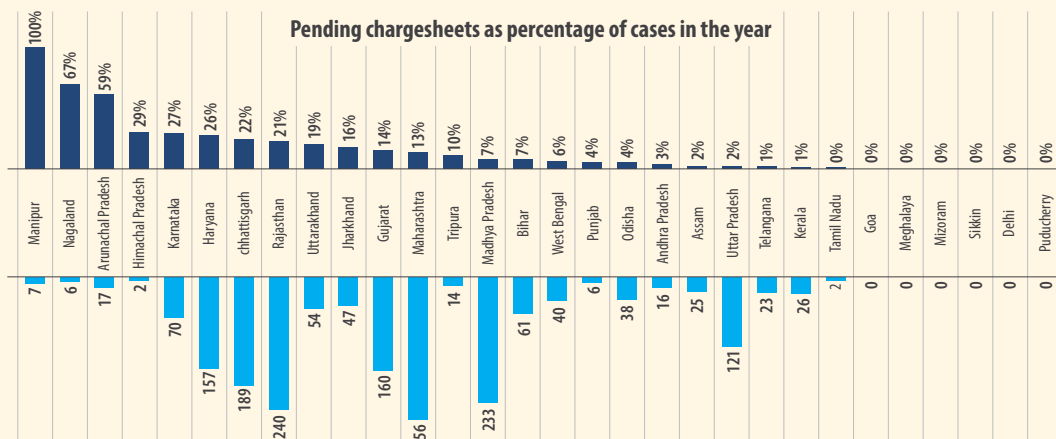
Pending cases by duration of pendency



> 1 year pending



STATE WISE STATUS OF VICTIM COMPENSATION



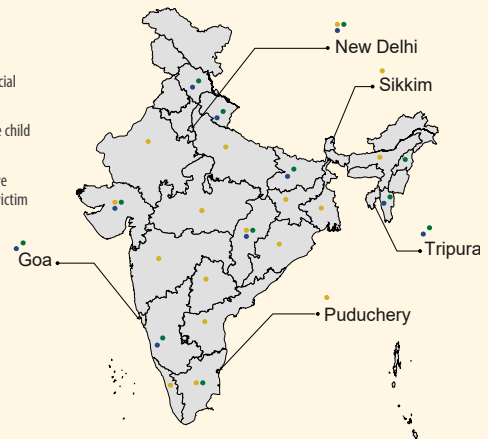
SPECIAL COURTS

Only **Gujarat, Chhattisgarh** and **New Delhi** fulfil all the 3 requirements

Tamil Nadu, has **100%** districts with special/ **POCSO courts** and have reported child friendly Practice.

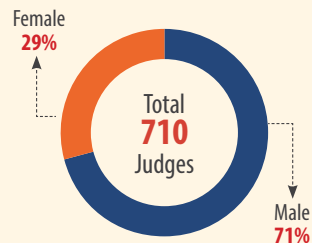
Many states have 100% districts with dedicated special/ POCOSO courts but neither have **child friendly practice** or have **victim witness** corner in all the courts

- All districts have special POCOSO court
- All special court have child friendly practice
- All special courts have witness corner for victim

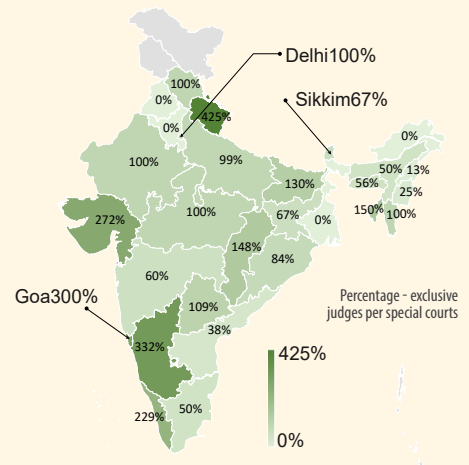
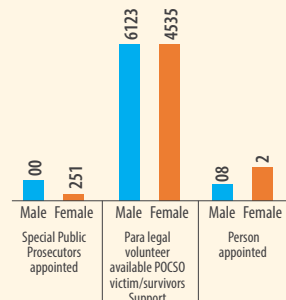


HUMAN RESOURCE

Exclusive judges available for POCOSO Court/Special Court

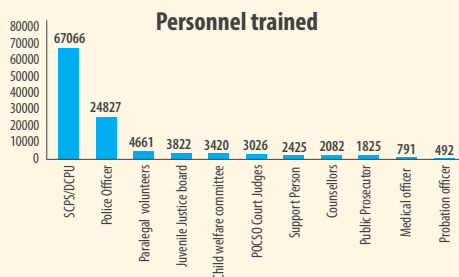
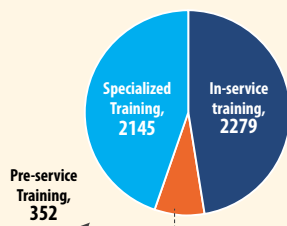


Other human resource

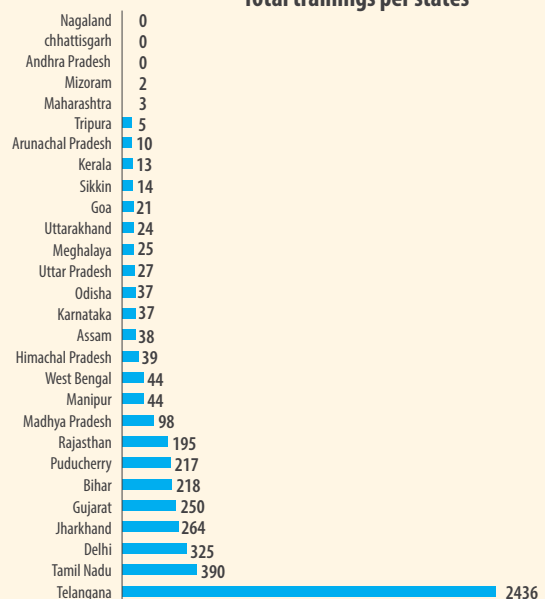


CAPACITY BUILDING

Number of POCOSO specific training 4776 sessions



Total trainings per states



Annexure 2: Detailed agenda



National Annual Stakeholders' Consultation on Child Protection

Focus on Protection of Children from Sexual Offences (POCSO) Act, 2012 implementation

Seventh Round Under the aegis of Hon'ble Supreme Court Committee on Juvenile Justice

Date: December 10-11, 2022

Venue: C- Block, Additional Building Complex (ABC), Supreme Court of India, Mathura Road, New Delhi

Inaugural Session

Saturday, December 10, 2022

Venue: Auditorium, 3rd Floor, C-Block, Addl. Building Complex

Time	Program
09:00 - 10:59 hrs	Arrival of Participants and Registration
10:00 - 10:04 hrs	Welcome the Guests
10:05 - 10:10 hrs	Address by: Mr. Justice S. Ravindra Bhat Hon'ble Chairperson, Juvenile Justice Committee, Supreme Court of India
10:11 - 10:20 hrs	Video on ten years of Journey of POCSO Act in India
10:21 - 10:26 hrs	Introductory Remarks: Ms. Cynthia McCaffrey Country Representative, UNICEF India Office
10:27 - 10:36 hrs	Address By: Smt. Smriti Zubin Irani Hon'ble Minister for Women and Child Development, Govt. of India
10:37 hrs onwards	Keynote Address: Dr. Justice Dhananjaya Y. Chandrachud, Hon'ble Chief Justice of India
	Vote of Thanks: Mrs. Justice B.V. Nagarathna Hon'ble Judge, Supreme Court of India
11:00 - 11:30 hrs	Group Photograph followed by Tea



Technical Sessions: Day – I
December 10, 2022, Saturday
Venue: Auditorium, 3rd Floor, C-Block, Addl. Building Complex

11:30 - 12:00 hrs	Coping with fear, stigma, and vulnerabilities (An interactive session with the POSCO survivors/ family members) Panelists: 1. Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC and Judge, Supreme Court of India– Chair 2. Hon'ble Ms. Justice Mukta Gupta, Chairperson, JJC, High Court of Delhi
12:01 -13:00 hrs	Understanding POCSO implementation from the evidence Panelists: 1. Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC and Judge, Supreme Court of India– Chair 2. Hon'ble Mr. Justice Vijay Bishnoi, Chairperson, JJC, High Court of Rajasthan 3. Prof. Mihira Sood, Director, Centre for Child Rights & Juvenile Justice, NLU Delhi. 4. Ms. Swagata Raha, ENFOLD Proactive Health Trust, Bangalore
12:01 - 12:15 hrs	Presentation of the preliminary findings of the national POCSO study 2022 undertaken by NLU, Delhi in association with UNICEF and JJC, Supreme Court of India
12:16 - 12:30 hrs	by Prof. Mihira Sood, Director, CCRJJ, NLU Delhi. OPEN DISCUSSION
12:31 - 12:45 hrs	Presentation on analysis of special (POCSO) court judgments on “Romantic Cases” across three Indian States by Swagata Raha, ENFOLD Proactive Health Trust, Bangalore.
12:46 - 13:00 hrs	OPEN DISCUSSION
13:00 – 14:00 hrs	Lunch Break
14:01 - 15:00 hrs	Ten Years of POCSO: revisiting commitments and priorities [Prevention & Awareness, Monitoring and Coordination Mechanism, Child Friendly Court Procedures] Good Practices sharing by States of Gujarat, Maharashtra, West Bengal (Venue: Auditorium, 3rd Floor, C-Block, Addl. Building Complex) Panelists:
14:01 - 14:05 hrs	1. Hon'ble Ms. Justice Meenakshi Madan Rai, Chairperson, JJC, High Court of Sikkim – Moderator
14:06 - 14:15 hrs	2. Hon'ble Ms. Justice Sonia Gokani, Chairperson JJC, High Court of Gujarat
14:16 - 14:25 hrs	3. Hon'ble Ms. Justice Revati Mohite-Dere, Chairperson JJC, High Court of Bombay
14:26 - 14:35 hrs	4. Hon'ble Mr. Justice Harish Tandon, C Chairperson JJC, Calcutta High Court
14:36 - 14:58 hrs	OPEN DISCUSSION
15:00 –17:30hrs	Thematic Group Discussion - Parallel Sessions

15:00 – 15:10 hrs	Briefing on Group Work (in Auditorium and thereafter participants to depart to their respective Group Sessions venue)
	Group I Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures – Practices, Gaps and Opportunities (Venue – Auditorium, 3rd Floor, C-Block, Addl. Building Complex) Panelists: Hon’ble Mr. Justice N. Kotiswar Singh Chairperson, JJC, Gauhati High Court– Chair Hon’ble Mr. Justice Aparesh Kumar Singh, Chairperson, JJC, High Court of Jharkhand – Co-chair Mr. Mukesh Chandra Sahu Principal Secretary, Women and Child Development, Govt. of Assam Ms. Sreela Menon State Coordinator, Nirbhaya Cell, Govt of Kerala
15:11 – 17:30 hrs (Parallel Sessions in respective venues)	Group II Child friendly Court Procedures during prosecution for POCSO survivors – Practices, Gaps, and Opportunities. (Venue – Multipurpose Hall, 2nd Floor, C-Block, Addl. Building Complex) Panelists: Hon’ble Ms. Justice K S Mudagal Chairperson, JJC, High Court of Karnataka Dr Shekhar Seshadri, SAMVAAD, NIMHANS.
	Group III Investigation of Cases under POCSO (Role of Police, Medical Officer, Special Public Prosecutors, Probation Officer, and Support Person.) (Venue - Conference Hall, 2nd Floor, C-Block, Addl. Building Complex) Panelists: Hon’ble Mr. Justice Kaushal Jayendra Thaker, Chairperson, JJC, High Court of Allahabad – Chair Ms. Rekha Lohani, Addl. DGP, Crime Against Women & Children Wing, Crime Branch, Odisha. Dr S K Jain, Director, CFS, MHA, Govt. of India
	Group IV Building Capacity of functionaries under POCSO Act and the role of Staterun training institutions (Venue : Lounge Hall, 2nd Floor,C-Block, , Addl. Building Complex) Panelists: Hon’ble Mr. Justice Tarlok Singh Chauhan, Chairperson, JJC, High Court of Himachal Pradesh – Chair Mr. D.Lingeswaran, Director, Tamil Nadu State Judicial Academy Ms. Anuradha Shankar Addl. DGP Training, Madhya Pradesh Police Dr. KPA Ilyas Assistant Director, National Police Academy, Hyderabad
End of Day I	

Day – II
December 11, 2022, Sunday
Venue: Auditorium, 3rd Floor, C-Block, Addl. Building Complex

09:00 - 10:00 hrs	Arrival of Guests and Participants
10:00 – 11:00 hrs	Presentation of Summary of Focus Group Discussions Part I- Presentation by Group I & II Panelists: 1. Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC and Judge, Supreme Court of India- Chair 2. Hon'ble Mr. Justice N. Kotiswar Singh, Chairperson, JJC, High Court of Gauhati 3. Hon'ble Mr. Justice Aparesh Kumar Singh, Chairperson, JJC, High Court of Jharkhand 4. Hon'ble Ms. Justice K S Mudagal, Chairperson, JJC , High Court of Karnataka 5. Shri Indevvar Pandey, Secretary, Ministry of Women and Child Development, Govt. of India <i>(10 minutes presentation & 20 Minutes discussion for each Group work)</i>
11:00 - 12:00 hrs	Part II - Presentation by Group III & IV Panelists: 1. Hon'ble Mr. Justice S. Ravindra Bhat, Chairperson, JJC and Judge, Supreme Court of India- Chair 2. Hon'ble Mr. Justice Kaushal Jayendra Thaker, Chairperson, JJC, High Court of Allahabad 3. Hon'ble Mr. Justice Tarlok Singh Chauhan, Chairperson, JJC, High Court of Himachal Pradesh 4. Shri Indevvar Pandey, Secretary, Ministry of Women and Child Development, Govt. of India <i>(10 minutes presentation & 20 Minutes discussion for each Group work)</i>
12:00 – 12:30 hrs	Tea Break
12:30 – 13:15 hrs	Closing Session Venue: Auditorium, 3rd Floor, C- Block, Addl. Building Complex
12:31 – 12:40 hrs	Reflections Ms. Soledad Herrero Chief, Child Protection, UNICEF India
12:41 – 12:50 hrs	Special Remarks Shri Indevvar Pandey, Secretary, Ministry of Women and Child Development, Government of India
12:51 hrs onwards	Closing Remarks Hon'ble Mr. Justice S. Ravindra Bhat Chairperson, Juvenile Justice Committee and Judge, Supreme Court of India
13:15 hrs onwards	Lunch and Departure

Annexure 3: Group session plans

Group 1	Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures
Duration	15:10 hrs to 17:30 hrs
Session Focal Point	Ms. Alpa Vohra Ms. Nirmala Pandey
Session Chair	Hon'ble Mr. Justice N. Kotishwar Singh Chairperson, JJC, Gauhati High Court
Co-Chair	Hon'ble Mr. Justice Aparesh Kumar Singh Chairperson, JJC, High Court of Jharkhand
Speakers	1. Mr. Mukesh Chandra Sahu, IAS Principal Secretary, Women and Children, Government of Assam 2. Ms. Sheela Menon State Coordinator, Nirbhaya Cell, Government of Kerala
Rapporteur	1. Ms. Megha Jain 2. Ms. Meera Bhardwaj 3. Ms. Tanvee, Secretary JJC, High Court of Jharkhand, Ranchi – will support
Roles and Responsibilities	Session Focal Point will introduce the panelist and focus on the time and content management of the thematic discussion and provide inputs to the chair and co-chair on periodic interval. Chair and Co-chair will lead the discussion process by opening remarks on the subject and encourage participants to cite examples of good practices, challenges, and recommendations within the time limit in succinct. They will also moderate the discussion by inviting speakers (pre-identified) for 7-10 minutes and later open the discussion to larger group. The job of rapporteurs is to capture the essence of the thematic group discussions in designated templates and finalize the presentation in consultation with session focal points and share with Chair and Co-chair for review and finalization.
Pointers for Discussion	Rehabilitation and Reintegration Victim compensation (National and State) to the survivor and families and role of different institutions. This includes panchayat at community level, legal service authority, Child Welfare Committee and CSO as support person. Does CWC provide special compensation/assistance to POCSO survivors/victims? Do we have example from states where JJ funds have been used to cover victim compensation? How is the fund flow scenario between center and state government; and coordination mechanism prevails at district and state level among various stakeholders such POCSO court, DLSA, DCPU, CWC, etc. Quality legal aid services: Provision of para-legal volunteers and role of State and District Legal Service Authority (S/DLSA). Do we have examples from states where para legal volunteers have been engaged in spreading awareness and assisting victims and families in accessing compensation and other social protection benefits? Support person services to the survivor and families and role of Child Welfare Committee, and Civil Society Organizations as support person as well expert organization. Does the states have list of resource pool (support person, expert, special educators etc.)? How do CWC appoint Support person? What mechanisms are in place to facilitate support person role in the pre-trial and trial process?

	Rehabilitation support including referrals to medical care/treatment, education, life skill, vocational skills, family support to healing and life with dignity, Restorative Justice. This includes mechanism to facilitate legal documents for accessing entitlements. Mental health and psychosocial care and support, counselling – the present forms, gaps and way forward. Do we have adequate number of professionals available for the services? What kind of institutions available at the state to provide mental health services? Interim shelters and considerations around institutionalization of victims as interim arrangement from safety and security perspective. This includes provision for adequate services for children with special needs who have experienced and survivor of sexual abuse/ violence. Prevention Awareness and engagement with community level structures on prevention of incident, community monitoring mechanism and respectful rehabilitation of survivors within community setting. Engagement with adolescent and young people in educational institutions for prevention of sexual abuse, or any form of abuse, violence and discrimination including online safety. Leveraging flagship program platform – Do we have examples where the state has used existing flagship program such as Mission Vatsalya and Mission Shakti for addressing the critical needs of POCSO victims and families. This includes opportunities for inter- and intra-developmental convergence at district and state level. The role of state-run institutions in prevention. Any example from the participating State?
Group 2	Child-friendly Court Procedures during Prosecution of POCSO Survivors
Duration	15:10 hrs to 17:30 hrs
Session Focal Point	Ms. Paromita Neogi
Session Chair	Hon'ble Ms. Justice K S Mudagal Chairperson, JJC, High Court of Karnataka
Speakers	1. Dr. Shekhar Seshadri, SAMVAAD, NIMHANS 2. Ms. Meenakshi Das, Additional Session Judge, POCSO Court, Nuapada District, Odisha
Rapporteur	Ms. Mary Thomas
Roles and Responsibilities	Session Focal Point will introduce the panelist and focus on the time and content management of the thematic discussion and provide inputs to the chair and co-chair on periodic interval. Chair will lead the discussion process by opening remarks on the subject and encourage participants to cite examples of good practices, challenges, and recommendations within the time limit in succinct. Chair will moderate the discussion by inviting speakers (pre-identified) for 7-10 minutes and later open the discussion to larger group. The job of rapporteurs is to capture the essence of the thematic group discussions in designated templates and finalize the presentation in consultation with session focal points and share with Chair for review and finalization.
Pointers for Discussion	Location of Special POCSO Courts: Sometimes it poses a difficulty, during case proceedings, to coordinate with Chief Judicial Magistrate (CJM) because of the location of the courts in different/far-off places to one another. Do we have separate infrastructures (physical and human resource) available at district level? Any examples where state has allocated additional resources for facilitating provisions as defined under POCSO Act?

	Coordination among key stakeholders: What existing coordination mechanism/platform that we have come across at district and state level? Do we have an integrated information management system available to track the cases at various stages? How often the Investigating Officer (IO), Medical Officer (MO), Special Public Prosecutor (SPP), Legal Cum Probation officer (LPO) and Support Person (SP) meet during pre-trial and trial process. Do they have a checklist available to refer? Reliving the trauma: The child relives the trauma multiple times narrating the incident to multiple stakeholders. What steps do we need to take to minimise the victim's interface as part of the investigation process? Statement of the victim and role of support person/expert/special educators: The statement of the victim should be taken verbatim. While interpreting, chances are there that very nuanced information might get lost. How do we address this gap? The role of support person in pre and during trial process/do we have examples available to refer? Do we have guidelines available or issued by any state to define the role of support person at various stages of child-friendly court procedures? Child-friendly atmosphere at different places such as Police Station, Hospital and Court: Do we have adequate physical infrastructures available in these places to address the specific needs of POCSO victims/survivors? Are these places easily accessible by the victims? Do we have train staff available in these service points? Do we have list of standard questions available to refer during trial procedures? POCSO-related child-friendly procedures. This includes survivor protection pre, during and post court proceedings. Practice of protocols from reporting to disposal of cases by various authorities/functionaries (medical examination and treatment, police during the enquiry, counselling services, compensation, legal services, and post-rehabilitation support, participation of survivors and parents at all stages are crucial). Functionality of Child-friendly Courts. This includes setting up appropriate child friendly environment within court premises such as separate room, vulnerable witness centres, recording of the statement before the magistrate under 164 CrPC, availability of Special Prosecutors, support person, translators, or interpreters as per the legal provision. Intersection of POCSO, JJ (CPC), PCM and Personal Laws: The issue of child/early marriage, elopement, consensual and romantic relationships, medical termination of pregnancy of children and rights of the survivors and the child conceived from the act of sexual abuse, treatment facilities, etc. Conflict between the practices of customary laws and implementation of POCSO act, out of court settlements, role of community-based tradition institutions such as caste panchayats, religious bodies, and role of other community level key influencers.
Group 3	Investigation of Cases under POCSO and role of Police, Medical Officer, Special Public Prosecutors, Probation Officer, and Support Person
Duration	15:10 hrs to 17:30 hrs
Session Focal Point	Mr. Sayed Mansoor Umar Qadri
Session Chair	Hon'ble Mr. Justice Kaushal Jayendra Thaker Chairperson, JJC, High Court of Allahabad
Speakers	1. Ms. Rekha Lohani, IPS, ADGP Crime Against Women & Children, Odisha Police 2. Dr. S.K Jain, Director, CFS, MHA, GOI 3. Representative from Ministry of Health
Rapporteur	Mr. Manveer Sinha

Roles and Responsibilities	Session Focal Point will introduce the panelist and focus on the time and content management of the thematic discussion and provide inputs to the chair and co-chair on periodic interval. Chair will lead the discussion process by opening remarks on the subject and encourage participants to cite examples of good practices, challenges, and recommendations within the time limit in succinct. Chair will moderate the discussion by inviting speakers (pre-identified) for 7-10 minutes and later open the discussion to larger group. The job of rapporteurs is to capture the essence of the thematic group discussions in designated templates and finalize the presentation in consultation with session focal points and share with Chair for review and finalization.
Pointers for Discussion	Recording of the statement under Section 161 CrPC. Child not to be seen as accused at the time of testifying. Procedures in case the commission of offence by the child and age determination, and role of different functionaries (CWC, MO, SJPU, JJB etc.). What are the current practices – does POCSO court have in-camera facility available? Do we have victim protection corner available as part of child friendly court infrastructures? Provisions of assistance of an interpreter or expert while recoding evidence. Do we have guidelines for the child to take assistance of experts? Role of Special Juvenile Police Unit and Child Welfare Police Officer in the investigation process. Collection and protection of evidence, coordination and networking with other key stakeholders such as forensic lab and medical officer, district child protection unit and legal cum probation officers, and public prosecutors. Medical examination of the child. Guidelines/Protocols on application of medico-legal care for survivor and victims of sexual violence. Involvement of parents and legal guardian during and post-medical examination and case hearing process, and support for counselling services. Convergence with other actors and role of District Child Protection Unit. Periodic update and regular data sharing among the key institutions, quarterly multi-stakeholders' convergence meeting, support to ensure smooth access and facilitate linkages to avail services such as counselling, legal aid, compensation and post-rehabilitation follow-up support to survivors. Intersection of POCSO, JJ (CPC), PCM and Personal Laws: The issue of child/early marriage, elopement, consented and romantic relationships, clarity on application of section under various special laws along with IPC and CrPC while filing FIR and Chargesheet. Importance of use of uniform reporting format. Alternate punishment (Section 42 of POCSO Act): Do we have any examples from states to refer? • Legal Aid and assistance • Special Relief and Compensation • Reporting of pornographic material involving a child • Monitoring of implementation of the POCSO Act 2012 and role of SCPCR/NCPCR
Group 4	Building Capacity of Functionaries under POCSO Act and the Role of State-run Training Institutions
Duration	15:10 hrs to 17:30 hrs
Session Focal Point	Mr. Lolichen P Joseph
Session Chair	Hon'ble Mr. Justice Tarlok Singh Chauhan Chairperson, JJC, High Court of Himachal Pradesh
Speakers	Mr. D. Lingeswaran Director, Tamil Nadu State Judicial Academy Ms. Anuradha Shankar, IPS ADGP Training, MP Police Dr. KPA Ilyas, IPS Assistant Director, National Police Academy, Hyderabad

Rapporteur	Mr. Dhaaban Deka
Roles and Responsibilities	Session Focal Point will introduce the panelist and focus on the time and content management of the thematic discussion and provide inputs to the chair and co-chair on periodic interval. Chair will lead the discussion process by opening remarks on the subject and encourage participants to cite examples of good practices, challenges, and recommendations within the time limit in succinct. Chair will moderate the discussion by inviting speakers (pre-identified) for 7-10 minutes and later open the discussion to larger group. The job of rapporteurs is to capture the essence of the thematic group discussions in designated templates and finalize the presentation in consultation with session focal points and share with Chair for review and finalization.
Pointers for Discussion	Role of state level training institutions such as Judicial Academy, Police Academy, SCERT, SIRD and Universities in developing training module and building capacity of key functionaries in different form such as inclusion of POCSO theme in-service and pre-service training; and organization of special/customized course; and standardized training curriculum for all stakeholders. Follow up and feedback after training pre and post analysis, undertaking training need assessment and developing annual calendar. For instance, introduction of new emerging challenges in different forms such as online safety, cybercrime, positive masculinity and engaging with boys. Extensive use of technology: Technology can aid in faster dealing with cases, for example, a Special Public Prosecutor deals with a huge number of cases and referring to physical copies of each case-related document is a humungous task. A digital version will be much easier to navigate through different cases. Pre-service and in-service capacity building: Systemic engagement with state-run institution like judicial academy, police academy, state institute of rural development and state teacher training institute can be roped into build the in-house capacities of various key duty bearers by revisiting existing training curriculum (in-service and pre-service) and in-built a roadmap for addressing the knowledge and skill gaps.

