

## Protecting the young ones with the POCSO Act



TRANSFORMING HARYANA THROUGH SDG IMPLEMENTATION

SDG 16 : Peace, Justice and Strong Institutions



**SDGCC**

SUSTAINABLE DEVELOPMENT GOALS  
COORDINATION CENTRE

# POCSO ACT AND COMMITTED ENACTMENT PROMPTS SAFE CHILDHOOD IN HARYANA

## *An Abstract*

To check the heinous crimes of sexual abuse and sexual exploitation of children, the Ministry of Women and Child Development devised and applied stringent legal actions under the Protection of Children from Sexual Offences Act. Protecting its children is on priority for Haryana and the government was able to use the provisions of IPC, 1860 effectively. The Act defines a child as any person below eighteen years of age, and regards the best interests and well-being of the child as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child.

Major constraints in the past had been low outreach of the legislation, harassment of the victims, low conviction rate and poor interdepartmental coordination in follow up of cases

But, the recent innovative implementation of strategies by the state has been a welcome change. Time-bound investigations, trial and disposal of appeals, restrictions on bail, new fast-track courts, and special forensic labs, have all given teeth to the law.

These tactics and their results are what this case study chronicles. But their true impact can be witnessed in the smiles of the young ones of Haryana.





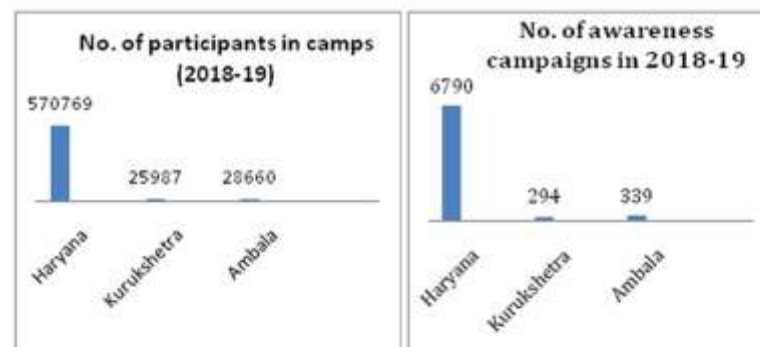
# PROTECTING THE CHILDREN OF HARYANA FROM 'BAD-TOUCH-UNCLES'



India is a signatory to the United Nations Convention on the Rights of Children to ensure that no child is coerced into any sexual activity. Yet because of the social stigma attached to sexual abuse, family prestige, and often a delicate relationship between victim and perpetrator”, victim children don’t share their plight and the offenders go scot free or even if their crime is reported the acquittal rate remains high.

Haryana Government enforced the POCSO Act 2012 to address the issue. Experience was that enforcing the Act brought the spotlight on the child sexual abuse and therefore the media attention it deserved. But the social stigma attached to sexual abuse, family reputation, and the often-seen delicate relationship between victim and perpetrator put pressure on victims to keep quiet about the abuse. Consequently, despite progressive law and active agencies, cases of child sexual abuse went unreported and acquittal rate of the culprits remained high.

The state government implemented victim-friendly strategies to address the above issues. It also initiated pilot projects in 18 districts, i.e. Panchkula, Kurukshetra, Karnal, Yamunanagar, Hisar, Sirsa, Fatehabad, Rohtak, Bhiwani, Jind, Kaithal, Rewari, Mahendragarh, Ambala, Gurgaon, Faridabad, Palwal and Mewat to create awareness.



Source: WCD, Haryana

The Women and Child Development Department took the lead and appointed a nodal officer to ensure regular reviews with the District Headquarters. The Chief Minister Office too personal interest and conducted monthly meetings to receive timely updates on the project. Consequently, in 2018 the state observed an increase in conviction (32%) and appeal (25%) rate from up from 15% conviction and 10% appeal rate in 2017.

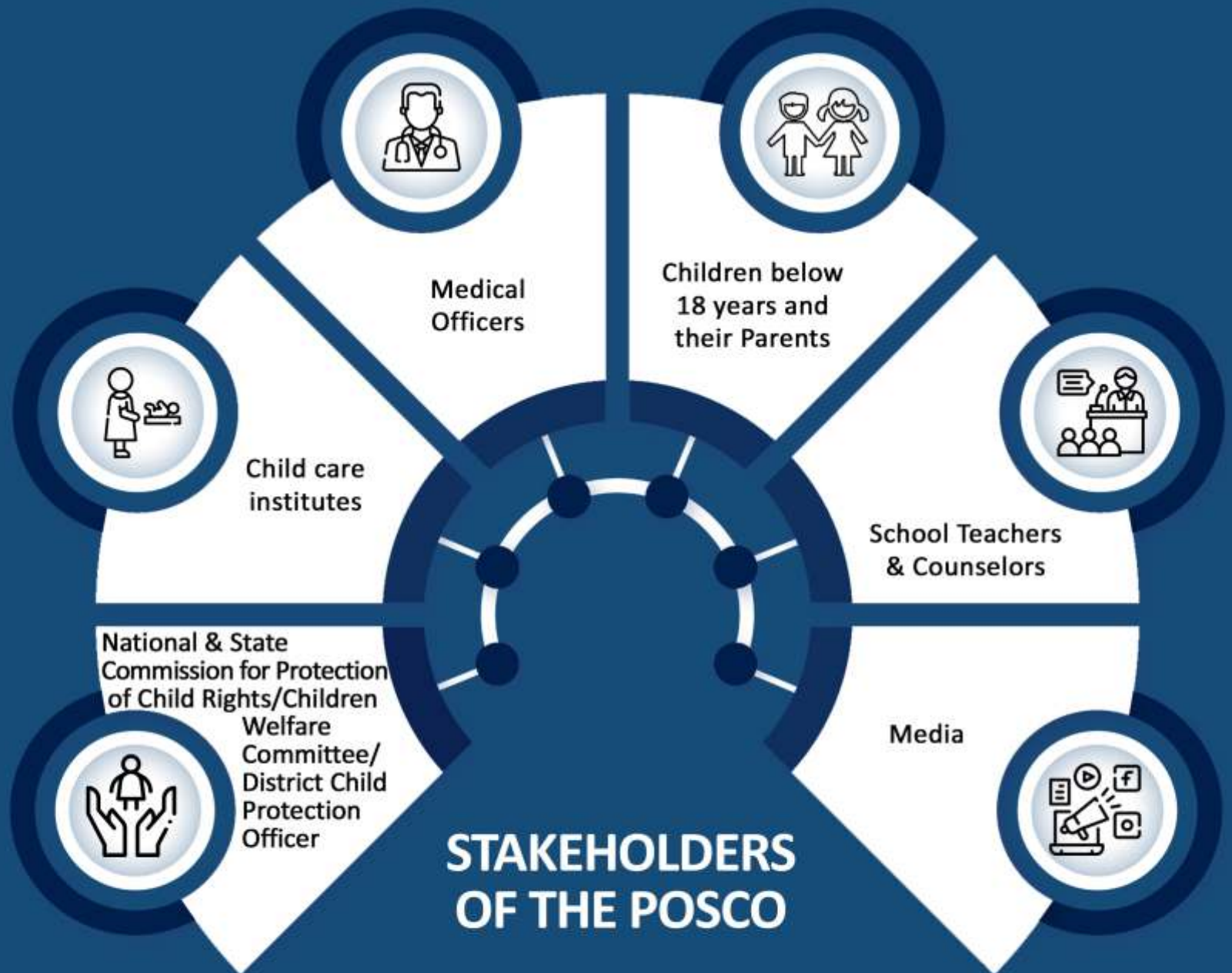
## OBJECTIVES



The overarching objective of the Government was to provide the protect the children of Haryana a healthy childhood by protecting them from sexual violence. A three-pronged strategy was devised to achieve this goal.

One, to educate stakeholders. Two, to give the law teeth by well defined by-laws. And three, an integrated action by the judiciary, police and woman & child development departments.

# KEY STAKEHOLDERS OF POCSO ACT, 2012





## KEY STAKEHOLDERS



The most important stakeholders are individuals that a child looks up to such as the parents, teachers, counselors, coaches and extended family. Accordingly these stakeholders were sensitized about sexual abuse of children from predators; about good touch and bad touch, and were encouraged to share the same with their children/wards.

Haryana State Commission for the Protection of Child Rights, Haryana Woman and Child Welfare Department, Children Welfare Committee, District Child Protection Officer, special juvenile Police unit, Child-friendly special courts, Special Prosecutors, Judicial officers, Medical Officers, Educational Institutes, childcare institutions were the other stakeholders that played an integral role.

Media too was educated and played a vital role in creating awareness.

## IMPLEMENTATION STRATEGY



To provide swift justice and to protect the anonymity of the abused child the Government of Haryana put into place various initiatives:

- Appointment of the nodal officer to monitor/review & track every POCSO case.
- The Chief Medical Officer along with District Attorney and Superintendent of Police conducted joint meetings every month with the Chief Minister for reviewing these cases.
- The Woman and Child Development department intensified awareness campaigns in schools and communities of all districts of Haryana. For instance, in Ambala,

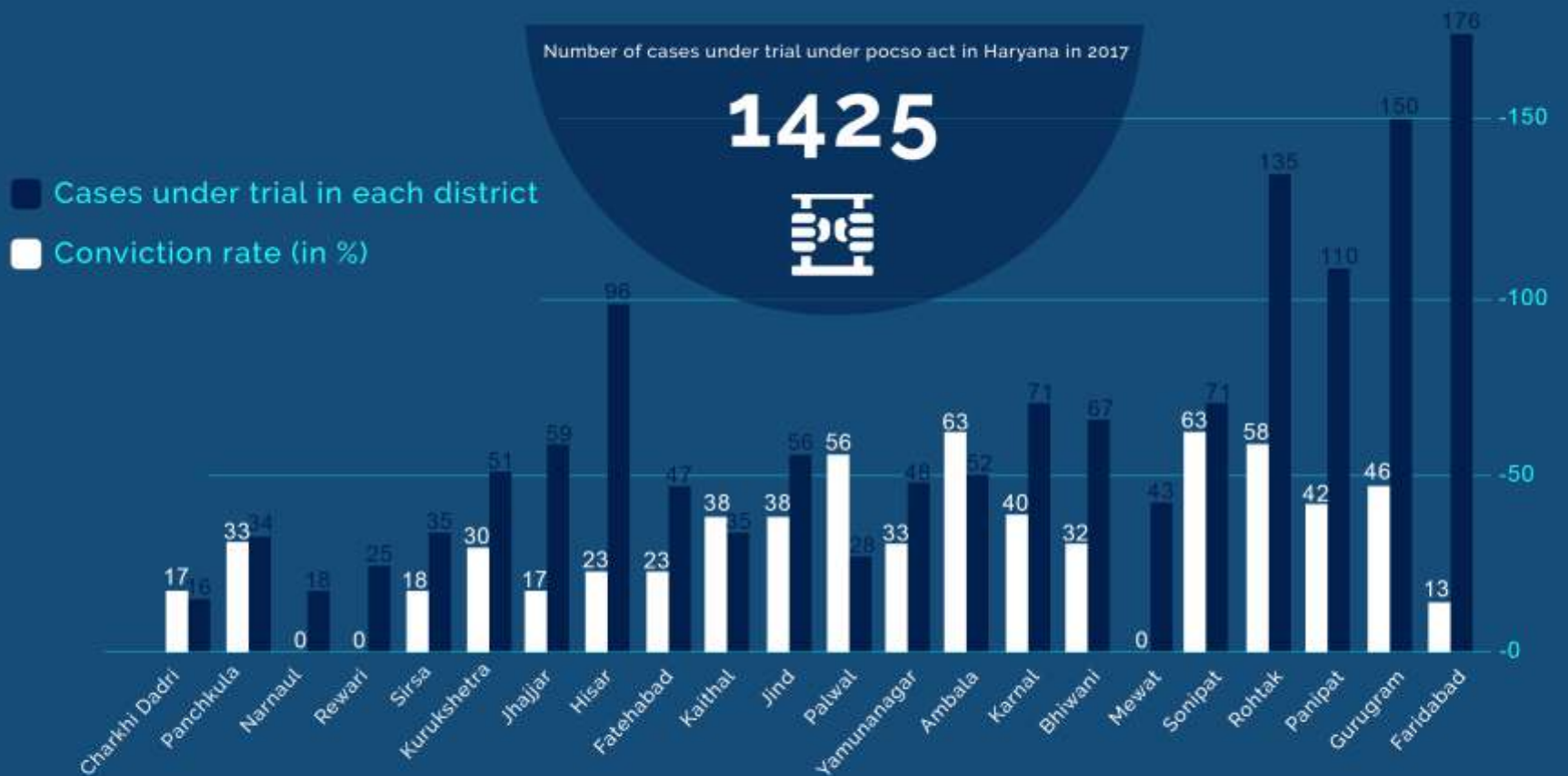
a total of 339 awareness camps were organized with 25987 participants. Similarly, in Kurukshetra, 294 camps were organized with 28660 participants for the awareness of the POCSO Act, 2012.

- The Sakoon (peace) Centres', introduced by the Women and Child Development Department of Haryana Government, within the civil hospital premises played a critical role in identification, counselling and redressal of survivors of child sexual abuse and their family.
- Additionally, 'Child Helpline-1098' provided round the clock telephonic outreach for the distressed children.
- Various child-friendly creative methods were employed to develop Information Education Communication (IEC) material for awareness generation. For instance, a snakes&ladders board was devised which playfully sensitizes the child to distinguish between a friendly touch to that from a violating touch. Furthermore, teachers and school staff were instructed on how to counsel vulnerable children too.



- The government of Haryana also set up special courts at the district level for the trial of cases under the POCSO Act, 2012. Special video conferencing rooms were arranged in the court for direct communication of the victim with the special judicial officer or magistrate, to reduce any public scrutiny the victim or the victim's family might face.

# NUMBER OF CASES UNDER TRIAL UNDER POCSO ACT IN HARYANA IN 2017





## RESOURCES UTILIZED



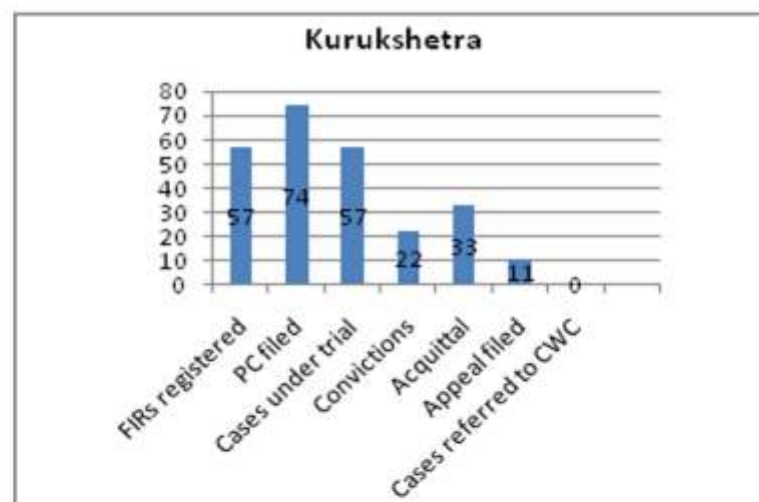
Besides the budget provided under centre and state sponsored schemes to the Women and Child Development department of Haryana, the following resources were put to use:

- All concerned human resources from various departments (WCD, Police, Hospitals, Shelter Homes, Judiciary, Schools, CM office, SakoonCentres) were at disposal.
- Special homes with multi-departmental facilities under one roof comprising of counselling, education and medical facilities for survivors were made.
- Interim relief in terms of Medical fee and Legal Services incurred by the victim.

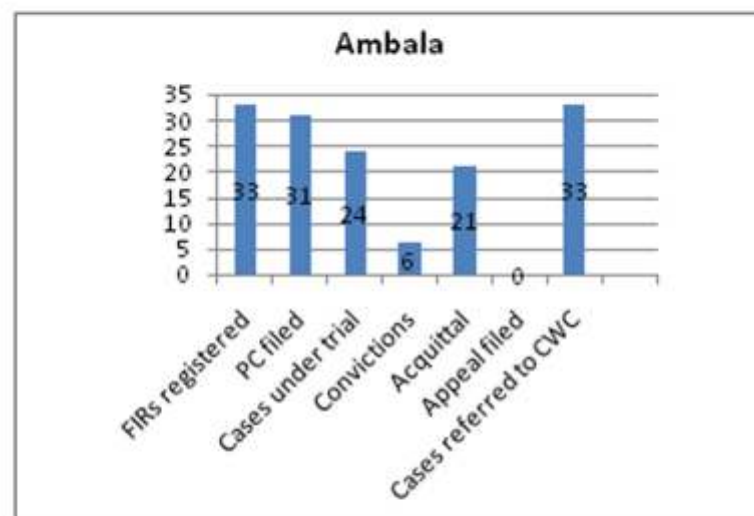
## IMPACT



There was a significant growth in conviction rate from 15% (2017) to 36% (2018). The acquittal rate too dropped from 25% in 2016-2017 to 14% in 2017-2018. Two districts that stood out were Kurukshetra and Ambala.



Figures 2 and 3 : Progress in implementation of POCSO Act in 2016-17 in district Kurukshetra & Ambala (which were visited for the study)



Through 'SakoonCentres' many cases were addressed where the victim was identified by the Medical Officers and counsellors in the Civil Hospitals and later, the cases were reported to the police and CWC.

In many cases, the counsellors successfully redressed the grievance and helped the survivors to overcome trauma. Counsellors in 'Sakoon' centre also counselled the affected family by providing them with adequate help.

Doctors and counsellors today feel empowered to promptly attend the cases of child sexual abuse and report the issue to police and Child Protection Officer as soon as it is brought into the light.

The police investigate the cases and report within 24 hours to the special magistrate & child welfare committee.

Haryana has seen an increase in the number of FIR lodged over the years from 1008 in 2016-17 to 2107 (2018-19) FIR's have been registered respectively.



“A girl, age 16 from Ambala was abused by her local guardian. We, at Sakoon centre got a zero FIR registered against the accused and did counselling of the girl. With the help of Sakoon centre and her family, she was able to recover from the trauma and continuing her study”.

**District Social Worker, Sakoon Center, Civil Hospital, Ambala.**



**“WE ARE ORGANIZING MANY TRAINING DISTRICT OF HARYANA ...INTRODU LADDERS BASED ON POCSO ACT AND A B ZIMEDARI’ TO SENSITIZE CHILDRE PROGRAMME MANAGER (TRAINING, IEC &**



“We are putting in our efforts to protect children from sexual offences ...running awareness camps in schools on good touch and bad touch...I along with the District Attorney, Chief-Medical-Officer and DSP, hold a monthly joint meeting to monitor the implementation of the act and plan out strategies for protection of children.”

**District Protection Officer**



“Prior to the implementation of the POCSO Act, 2012, the incidences of child sexual abuse were high but most of the time they went unreported. After the implementation of the POCSO Act, the cases are reported and are decreasing in number due to the fear in the mind of wrongdoers. In addition to this, the firm implementation of the POCSO Act, stern action and deterring punishment under the act, prevent the predators to commit sexual offences against children.”

**Deputy Director of Women and Child Department, Panchkula.**





“Ambala is very stern in action for any offender who commits an offence of child sexual abuse. Recently, an owner of a hotel in Ambala too was nabbed for concealing an act of sexual abuse of a minor girl by an adult man who took a room in his hotel and sexually abused the girl. The offender was arrested along with the hotelier who concealed the fact of child sexual abuse in his hotel. Under the POCSO Act there is a mandatory reporting of the offence by any person who is aware of any occurrence of child sexual abuse.”

**District Attorney, Ambala**

**IG & AWARENESS PROGRAMS IN EVERY  
DUCED A GAME OF SNAKES AND  
A BOOK CALLED ‘MERI SURAKSHA MERI  
REN TO KEEP THEMSELVES SAFE.’  
(C & ADVOCACY), PANCHKULA, HARYANA.**



“Increase in reporting and monitoring of the cases has strengthened the POCSO Act. Courts are deciding cases of POCSO within a year. The conviction rate under POCSO Act has increased in the district Kurukshetra. The appeals against the acquittal too has improved in Haryana.”

**District Attorney, Kurukshetra**



“It’s been seven years since The POCSO Act has been implemented. Earlier rarely any case of child abuse was registered, the cases of child abuse were hidden or ignored. Now, parents get the cases of POCSO registered, and if the family of the survivor of child sexual abuse is not supportive, we ensure proper counselling and convince them to support zero tolerance for child sexual abuse.

**DCPO, Yamunanagar.**

## KEY CHALLENGES



Children are a vulnerable community, who are often not aware of the intention or act of offenders. Under the guise of well-wishers many prey on the innocence of the victims.

To add to this the complexity of our social fabric where the culture of silence prevails over the issue of sexual offences. And there are other systemic issues too.

The key challenges in the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012 are

1. Several cases go unreported that allow these heinous predators roam freely in society.
2. In many cases, victim/witnesses turn hostile due to pressure/threat made by the offender.
3. Children are sometimes too naive/timid to report the issue.
4. Fewer appeals are preferred by the State government in referring the matter to Higher Courts on the pretext of insufficient evidence.
5. There is a huge workload on Special Courts.

## REPLICABILITY AND SUSTAINABILITY



Successful implementation of POCSO Act in a socio-culturally complex context sets an example for other states to explore systemic changes and approaches that have been applied in Haryana.

The biggest factor that brings systemic response against Child Sex Abuse in Haryana is direct and regular involvement at the highest level.

The process provides an opportunity for the frontline workers to remain prompt and motivated as their work gets deserving recognition.

Care and attention provided through psychological, legal, medical, financial means like “SakoonCentres” Shelter Homes, Special Courts, and Schools leave the victims a sense of reassurance.

The strength of implementation of POCSO Act in Haryana lies in providing a timely remedy to the survivor and the survivors family.

A statistical rise in the number of reported cases, increased conviction and appeal rate communicates a rising confidence among victims for justice; and fear in the hearts minds of the perpetrators.



# IN CONCLUSION

Safe and healthy childhood is a basic prerequisite for a strong nation. We are at a time in our country's history, where serious open discussion on child abuse can and is taking place. Central laws and their level of enactment by the sub-national governments portray the real picture on the ground.

Haryana's commitment to protecting its children by building strong institutions is an example as to how law can be given sharper teeth to bite into the underbelly of the societies ugly side.

The three best practices that stand out are:

1. It was evident that many cases of child sexual abuse were unreported in the past due to various socio-cultural and economic factors. However, integrated and coordinated efforts emanated because of involvement at the highest levels in state.
2. The success of the scheme is a result of multi-pronged strategies and efforts. The strategy to move forward with an integrated approach involving all concerned departments was key.
3. The committed involvement of all concerned government departments also went a long way in making this a best practice. The nodal department, Women and Child Development, was empowered and monitored all coordination with individual grassroots authorities and departments, i.e., police, judiciary, shelter-homes, and hospitals.

The road ahead maybe long but the trends are encouraging. The replicability and sustainability of the scheme augurs well for a safe and happy childhood for all in the state in the near future.



## Theme

Protection of Children from Sexual Offences Act, 2012

## Nodal Implementing Agency

Women and Child Development, Judiciary Nodal Implementing Agency

## Geographical Coverage

All Districts of Haryana State

## Target Group

Children below the age of 18 years

## Years of Implementation

2015- present