

RGICS

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RGICS BRIEF

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Implementation and Impact of the POCSO Act, 2012

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Introduction:

The Protection of Children from Sexual Offence (POCSO) Act, 2012 is a special law promulgated in 2012 to punish those guilty of committing sexual offences against children. The POCSO Act differentiates sexual offence against an adult and children. Before this law, India had little or no specific legal provisions to prosecute offenders of sexual assault on children. It recognizes severity of trauma faced by children who are victims and special psychological support required to recover from the trauma. The Act aims to protect children below 18 years from offences of sexual assault, sexual harassment and pornography. It further provides for setting up of Special Courts for speedy trial in a child friendly atmosphere. However, the law has failed to deter sexual offences against children as the reported cases of sexual offences against children have observed a sharp increase in last few years. Therefore, there has been demand to further amend the POCSO Act in order to incorporate more stringent punishment for offenders. The recent public outrage after the rape of 8-year-old girl in Kathua (Jammu & Kashmir) in 2017 further pushed this demand. Various people and groups in this process have demanded death penalty for child rapist. A similar demand was made post the Nirbhaya case in 2012.

. However, a three-member committee headed by justice J.S. Verma constituted to review laws related to sexual offences in 2013 had observed that death penalty can not deter such crime. It further recommended radical reforms in police and judiciary to facilitate registration of crime, investigation and trial. The reforms in police and judiciary suggested by the committee and special provisions of the POCSO Act were neglected in last 6-7 years, as the pendency of such cases remains very high. Furthermore, responding the outrage of people, the current government in April 2018 promulgated an ordinance to amend the POCSO Act. The ordinance incorporates provision of death penalty for rapists of children below 12 years. While the POCSO Act received appreciation from academics and activists for its special provisions with intention to protect children, its implementation disappointed many of them. This paper is an attempt to briefly highlight status of sexual crimes against children in India and implementation of the POCSO Act. To understand the implementation of the law, the present brief borrows heavily from a study of five states namely Assam, Andhra Pradesh, Karnataka, Delhi and Maharashtra conducted by National Law School of India University, Bangalore. It also borrows from a study conducted by HAQ-Centre for Child Right in 2015 to assess implementation of the law in Delhi and Mumbai.

Sexual Crimes against Children:

The reporting of crimes against children in last three years has recorded a very high growth when compared to crimes against other vulnerable sections of society such as women, scheduled castes and scheduled tribes. According to the latest available NCRB report on crime statistics, the crime against children has increased by 19.6% in 2016 compared to 2014. In absolute numbers total reported crime against children has increased from 89,423 in 2014 to 1,09,658 cases in 2016. Of the total crimes against children in 2016, more than one-third cases (34.4%) were registered under POCSO Act. It shows that the prevalence of sexual offences against children is rampant. Data further reveals that the reporting of sexual crime against children has sharply

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increased from mere 8,904 cases in 2014 to 36,022 in 2016. In just three years the reporting under POCSO Act has increased more than 300% (see table below).

Reported Crime under POCSO Act, 2012			
	Incidents	Victim	Rate of Crime
2014	8,904	8,990	2.0
2015	14,913	15,039	3.3
2016	36,022	36,321	8.1

Source: NCRB

While the sexual offences against children is a serious problem all across the country, Uttar Pradesh has recorded the highest number (4,954) of incidents in 2016 followed by Maharashtra (4,815) and Madhya Pradesh (4,717). These three States account for 42% of the total number of cases of sexual offences against children in India.

The POCSO Act criminalizes various types of sexual offences, which includes rape, sexual harassment and sexual assault. The latest available NCRB report on crime statistics reveals that the largest number of cases of crime against child has been of rape. According to data, it constitutes 55% of total sexual crimes against children (see table below).

Details of Sexual Offences Registered under POCSO in 2016	
Sexual Offences	Number of Incidents
Child Rape	19,765
Sexual Assault of Children	12,226
Sexual Harassment	934
Use of Child for Pornography	47
Other Sections of POCSO Act	3,050
Total	36,022

Source: NCRB, 2016

The NCRB data does not provide detailed profiles of the victim and accused, however, a study by National Law School University, Bangalore in its study of five states in 2017 found that children in age group 13 to 18 are most vulnerable (NLSU, 2018). More than half of victim of sexual offences under POCSO act are in this age group.

Police Disposal of Sexual Crime against Children:

The police play an important role in ensuring speedy trial of offences under POCSO Act. The Act prioritizes sexual offences against children for the police. The section 35 (1) of the Act requires recording of the evidence of the child within 30 days of the Special Court taking cognizance of the offence. It further lays down several

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guidelines for police officers to ensure child friendly environment while recording evidences. This act has numerous other special provisions to ensure time bound trial of cases. Despite those special provisions, the pendency of cases under the POCSO Act is not different from other cases. According to the NCRB data, at the end of the year 2016, nearly 32% POCSO cases were pending for investigation in different police stations across the country. Number of cases pending for investigation has increased from 2,730 in 2014 to 15,293 in 2016 (See table below). The pendency rate of POCSO offences is very close to overall pendency rate for all crimes against children. According to the NCRB data nearly 36% offences against children under different heads were pending for investigation in 2016.

Police Disposal of Cases under the POCSO Act, 2012			
	2014	2015	2016
Total number of cases for investigation	9,712	17,610	48,060
Number of Cases in which charge sheet submitted	6,573	12,980	30,891
Cases pending for investigation	2,730	3,928	15,293
Pendency percentage	28.1	22.3	31.8

Source: NCRB, 2016

Court Disposal of POCSO Offences:

Delayed disposal of cases in court and huge pending cases in different courts of India has been a cause of concern. In many cases, such prolonged delay in trial is denial of justice. To overcome this issue especially for children who are victims of sexual offences, the Act provides for several special provisions:

- Constitution of Special Court in each district for POCSO offences [sec. 28(1)]
- Appointment of special public prosecutor [sec. 32(1)].
- It further sets timeframe for trial in Special Court. It provides for completing trial of cases under the law by Special Courts within one year from the date of cognizance of the offence [sec 35 (2)].

Despite these special provisions, the pendency rates for POCSO offences remain very high.

Disposal of POCSO Offences by Court in 2016	
Total Number of Cases for Trial	1,01,326
Cases in which trial completed	10,884
Cases in which accused convicted	3,226
Cases in which accused acquitted	7,658
Total cases disposed by courts	11,121
Total cases pending for trial	90,205
Conviction rate (in%)	29.6
Pendency Rate (in%)	89

Source: NCRB, 2016

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In 2016 there were 89.6% cases relating to crime against children were pending in Courts. The average conviction rate for crime against children was 30.7%. These number are not different from pendency rate and conviction rate for offences registered under the POCSO Act, 2012 (see table above).

The POCSO Act and its Implementation:

The Article 15(3) of the Constitution permits the government to create special provision for children. The Protection of Children from Sexual Offences (POCSO) Act, 2012 is in the line of this constitutional provision. The Act came into force in 2012, prior to this all sexual offences against children were liable to be booked under relevant provisions of Indian Penal Code (IPC). The investigation and trial of a child victim in regular police system and Courts under provisions of IPC was not child friendly. The National Commission for Protection of Child Right (NCPCR) admitted that the previous system of justice for child victims of sexual offences put the child under severe psychological and physiological pressure due to intense questioning of the child by defence counsel in courts and media coverage¹. It further accepted that “victims and families experienced general fatigue with the complexity and delay in the judicial system.” To overcome such administrative and judicial problems and ensure protection of children from sexual offences, the government of India in 2012 enacted the POCSO Act.

The POCSO Act has attempted to remove various administrative and judicial difficulties faced by the victim and his/her family in order to protect children. As a special law it gives high importance to effectiveness of police and court, support system for the child during investigation and trial, child friendly atmosphere in court, time bound trial and stringent punishment for the accused. Selected salient features of the Act are given in following matrix.

Salient Features of the POCSO Act	
Features	POCSO Provisions
Basic Principles	<ul style="list-style-type: none"> • It aims to protect children from sexual offences • Children are defined as persons below the age of 18 years. • The Act is gender neutral, i.e., it recognises that the victims and the perpetrators of the offence can be male, female or third gender. • It increases the age of consensus sexual relationship from 16 to 18 years. • Therefore, all sexual activities with person below 18 years are statutory sexual offences.

¹ NCPCR Hand Book on POCSO Act, 2012

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<p>Punishable Offences under the Act</p>	<p>Following are major category of offences punishable under the POCSO Act.</p> <ul style="list-style-type: none"> • Penetrative Sexual Assault • Aggravated Penetrative Sexual Assault • Sexual Assault • Aggravated Sexual Assault • Sexual Harassment <p><i>Aggravated offences are crime committed by a person in a position of trust or authority such as officials of police, armed forces, in charge of jail or other shelters. Accused of aggravated offences under the Act are punished more severely.</i></p>
<p>Child Friendly Investigation and Trial</p>	<p>The Act lays down special procedures to be followed by the investigating agency and court when recording the child’s statement. Main procedures are as follows:</p> <ul style="list-style-type: none"> • The statement of child shall be recorded at the residence of child or other place where child feel safe. • It is the duty of court and police to completely avoid any contact of the child with the accused during investigation and trial. • The statement of child should be recorded within 30 days from cognizance taken by special court. • The statement should be recorded as spoken by child in the presence of parents or other person trusted by the child. • If needed, child should be provided with a translator or special educator • Questions from defence and special public prosecutors during the trial to the child should be routed through the magistrate to avoid harsh and unnecessary questioning. • Special court to permit frequent break to child if needed. • Parents, family member or any other person whom the child trusts should be permitted in courtroom. • Child should not be called repeatedly to the court.
<p>Speedy Trial</p>	<p>In order to ensure investigation and trial in time bound manner, the Act provides for following:</p> <ul style="list-style-type: none"> • State governments in consultation with respective High Courts are required to constitute special court in each district to hear cases under the POCSO Act.

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	<ul style="list-style-type: none"> • State governments are required to appoint Special Public Prosecutor in each district to handle cases only under POCSO Act. • The court shall complete the trial as fast as possible, within one year from taking cognizance of the case by the court.
Other Rights of Children	<p>The victim child has following additional rights under the Act.</p> <ul style="list-style-type: none"> • The Act provides for appointment of a support person to the victim his/her family to support them in statutory process. • Victims are entitled to legal representation by a lawyer of their choice. • The identity of the victim needs to be protected by the police, court, media and others. • It also provides for rehabilitative measures such as compensation for the child.

The Union government in April 2018 promulgated an ordinance to amend few sections of the Indian Penal Code, Code of Criminal Procedure, 1973, Indian Evidence Act, 1872 pertaining to offences against children along with POCSO Act, 2012. The Criminal Law (Amendment) Ordinance, 2018 promulgated by the government has increased punishment for accused of raping a child below 12 years. As per the ordinance, the accused of such an offence can be punished with minimum twenty years rigorous imprisonment with fine or death.

Implementation of the POCSO Act:

The POCSO Act is a radical statutory intervention that aims to address problem related to sexual offences against children. The special character of the law provides for effective institutional care and protection to victim in the process of seeking justice. The severe punishment for offences under the law further aims to deter such offences. In order to implement this legislation in its letter and spirit, State governments, police and judiciary have the responsibility to develop required infrastructural and procedural arrangements for this special law. It has been more than five years since the enactment of the POCSO Act, but crime related data reveals that the special character of the law and harsh punishment has failed to act as a deterrent. The reporting of sexual offences against children has recorded sharp growth in last few years. In this backdrop, it is important to understand the implementation status of the law in order to make it more effective. The National Law School University (NLSU), Bangalore conducted a study in 2017 to analyse the implementation of the law in five states namely, Delhi, Maharashtra, Assam, Andhra Pradesh and Karnataka. Similarly, the HAQ-Centre for Child Rights conducted a similar study in 2015 in Delhi and Mumbai. Both of these studies assessed structural and procedural arrangement in their respective study area required by the law. From these studies, it has emerged that basic requirement for effective implementation of the law is missing in all States. The compliance status of major provisions of the law is as follows

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Establishment of Special Courts:

Studies have found that in all states, governments have constituted Special Court under Section 28(1) of the POCSO Act, 2014. In most States, respective governments have designated district court as special court for the purpose of POCSO Act. The law does not restrict these courts from hearing cases under other offences; therefore, they have been conducting trial for offences booked under other laws as well.

Appointment of Special Public Prosecutors (SPP):

According to studies, not single state studied by these two organizations has appointed special public prosecutor for the POCSO Act. The Section 32(1) of the law mandates the state government to appoint special public prosecutor in Special Court for conducting cases only under provisions of the Act. However, in most States, governments have designated their already appointed public prosecutor as SPP. It has been found that these public prosecutors are overburden, as they have to appear for all cases in the court. Moreover, they do not spend adequate time with victim child due to time constraint.

Direct cognizance of court:

Speedy trial of sexual offences is one of main features of the POCSO Act. To ensure this, the section 33(1) of the Act empowers the Special Court to directly take cognizance of an offence based on a complaint or upon a police report. This provision removes process of committal before a Magistrate before bringing the matter in court. Studies have found that probably due to lack of awareness in first two years after enactment of the Act, in many cases police initiated committal proceeding. Studies have revealed that such instances have significantly reduced in many states in last few years. The court is taking direct cognizance in most of cases registered under the POCSO Act.

Questioning Child in Courtroom:

To make the trial and examination child friendly, the section 33(2) of the POCSO Act prohibit the defence lawyer and Special Public Prosecutor (SPP) from addressing questions to the child directly. Under section, 33(6) all questions to child should be routed through a Special Court judge. The purpose of this provision is to restrict SPP and defence lawyer from asking harsh and derogatory questions to victim. Studies have found that except in few courts, questions are being asked directly. In some Courts, judges interfere, if questions are harsh or intimidating. However, overall this provision of the Act has not been complied universally.

Minimizing Appearances in Court and Permitting Breaks during the Trial:

The law requires minimizing appearance of the child (victim) in the Court. It provides for recording the statement/s of the child in one day [Section 33(5)]. Studies have found that in most cases the appearance of the child victim often stretches to two days. This is because it is difficult to ensure just one appearance of child in the court. Despite this, studies have revealed that most Courts are attempting to reduce appearance of the victim.

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Protection of Identity:

The section 33(7) of the POCSO Act requires protection of the identity of the child victim during the entire period of investigation and trial. It is the duty of police, court and media to protect the identity of the victim. The identity as explained by the Act includes the identity of the child's family, school, relatives, neighborhood or any other information by which the identity of the child may be revealed. However, both studies have found that in most judgments the identity of the child was compromised. In some judgments name of the victim was revealed whereas in other cases other related information were made public which can identify the victim.

Award of Compensation:

The section, 33(8) of the Act, empowers the Special Court to direct payment of compensation in addition to punishment for physical and mental trauma caused to the child for immediate rehabilitation. The POCSO rule 7(1) further empowers these Courts to grant interim compensation if applied for. However, studies have found that the very few victims were awarded compensation or interim compensation in States studied by these two organizations.

Avoiding Exposure to the Accused:

For the protection of child and ensuring no intimidation by the accused, the section 36(1) of the Act requires police and court to avoid any exposure of victim to the accused. For this purpose, the law permits court to record statement of the victim using technology such as video conferencing, curtains and single visibility mirror. It further requires restructuring of court rooms to ensure separate waiting room and entrance for victim. Studies have found that in most cases this provision has not been complied with. However, in few courtrooms special arrangements have been observed to adhere with the provision.

Appointment of support person:

The law recognizes that the victim and family may need assistance during FIR registration, statement recording and trial. The POCSO Rule 4(7) of the Act provides for appointment of a support person to help victim and family in statutory procedures. It requires the Child Welfare Committee (CWC) constituted under the Juvenile Justice (Care and Protection of Children) Act, 2002 to appoint qualified and concerned person as support person. Both studies have found that there is poor coordination between CWCs and Police in almost all States. Therefore, none of the states have provided any institutional mechanism to appoint support person. However, in some cases due to pro activeness of CWCs or Childline, support person is being provided for victims.

Regional Report:

(Andhra Pradesh, Assam, Karnataka, Delhi and Maharashtra)

There is no national level study or statistics to understand the implementation of the POCSO Act, 2012. However, the Centre for Child and Law of the National Law School University, Bangalore conducted a study on the implementation status of the POCSO Act in Andhra Pradesh, Assam, Karnataka, Delhi and Maharashtra.

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These five states together reported 9,661 cases under POCSO Act in 2016, which is more than one third of total sexual offences against children reported in India in 2016 (see table below).

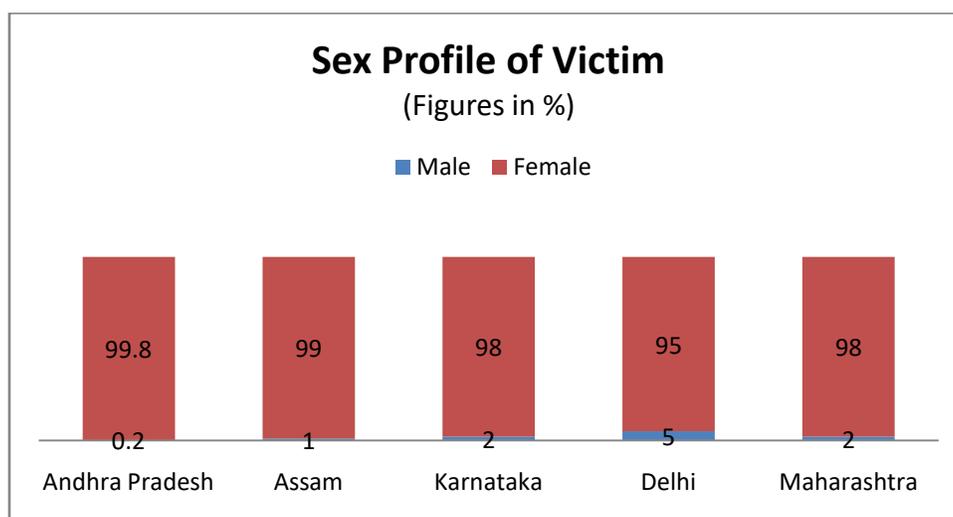
Year	Number of Victims and Cases Reported Under POCSO Act in Five Selected States									
	Andhra Pradesh		Assam		Karnataka		Delhi		Maharashtra	
	Incidents	Victim	Incidents	Victim	Incidents	Victim	Incidents	Victim	Incidents	Victim
2014	106	108	311	311	620	628	107	109	190	190
2015	237	237	731	731	1480	1500	86	86	26	30
2016	830	834	821	821	1565	1602	1620	1639	4815	4885

Source: Compiled from NCRB Reports on Crime

After Uttar Pradesh, Maharashtra has been reporting highest number of cases under the POCSO Act. Amongst metropolitan cities, Delhi has been reporting highest number of incidents related to sexual offences against children. The study of these five states does not represent the implementation of the Act all over India; however, it gives a glimpse of POCSO implementation in India. It further identifies gaps in the statutory promise of protecting children from sexual offences and its implementation on the ground. In this section, we have highlighted the profiles of the victims and the accused and structural and procedural compliances of POCSO provisions in these five States.

Profile of the Victims and Accused:

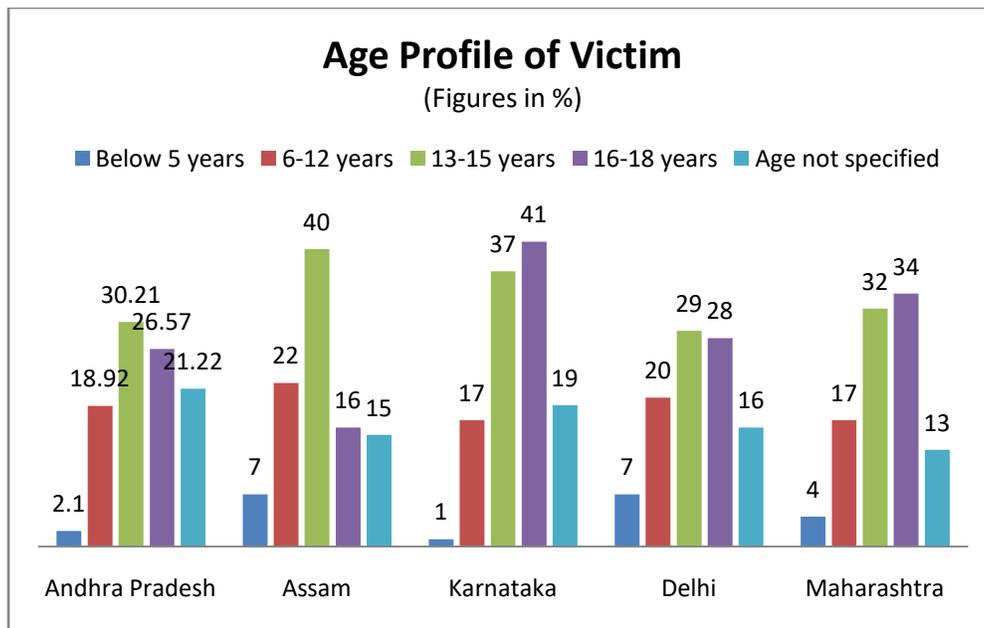
Study of five States reveals that the girl child is highly vulnerable. In most cases, the victim of sexual offences is a girl child. However, in Delhi 5% of the total victims under POCSO Act were male (see graph below).



Source: NLSU, 2017

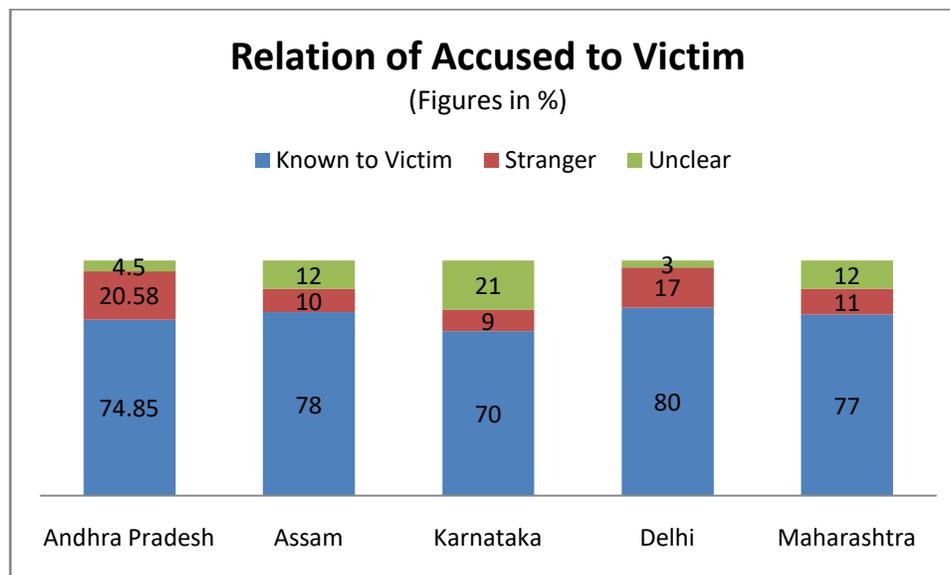
Data shows that children of all ages are victims of sexual offences. Unfortunately, victims below 12 years age constitute a significant number. Study reveals that children in the age group 13 to 18 years in all States constitute more than 50% of victims. (see graph below).

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Source: NLSU, 2017

While the study reveals that all children irrespective of their age are victim of sexual offences, it also found that in most of cases, the victim knew the offender. Figures in following graphs shows that the offender was unknown to the victim in only in 20 to 30 percent cases under the POCSO Act.

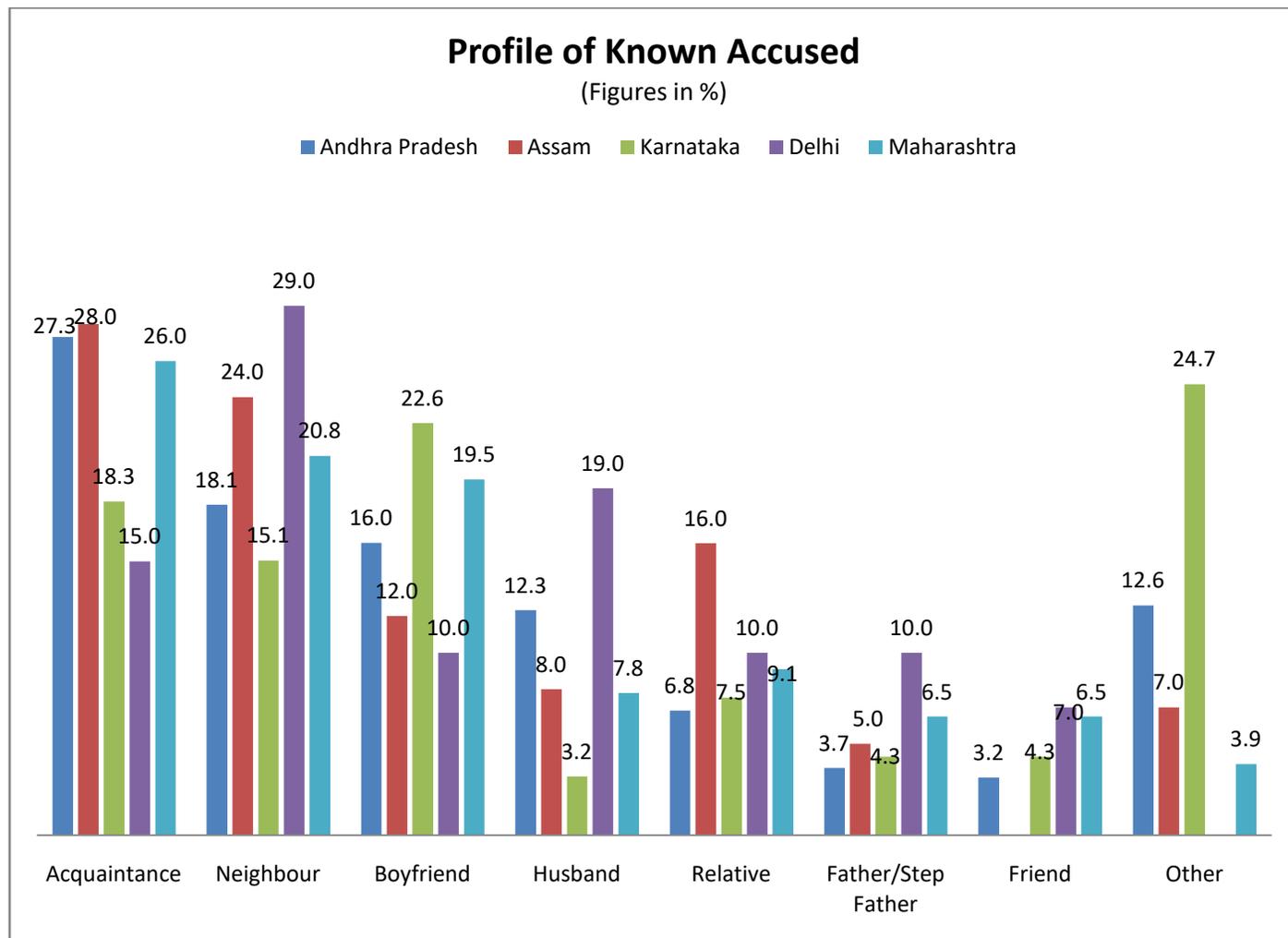


Source: NLSU, 2017

The further analysis of the ‘known accused’ reveals that most of accused are in the category of ‘acquaintance’ and ‘neighbor’. The category of acquaintance includes person such as vendor, friends of family, resident of

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same village, pastors and priest. Other than in Karnataka, accused in the other States in the category of acquaintance and neighbor constitute more than 40% of total accused (see graph below).



Source: NLSU, 2017

The study of five States gives important data on profile of victims and accused of sexual offences against children. It has found that children especially girls in all age groups are vulnerable and victim of sexual offences. Moreover, in most cases offenders are close to victim or known to the victim. This profiling of victims and accused is helpful to understand sociological aspect of the crime. Now, the next step is to understand response of police and judicial system to these offences. The study has also assessed the implementation of major provisions of the law in these five states. The implementation status of the POCSO Act in these five States is given in following matrix.

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Structural and Procedural Compliances with the POCSO Act

Establishment of Special Courts <i>[Section 28(1)]</i>	
Andhra Pradesh	The Andhra Pradesh government in 2013 has designated Courts of Additional District and Sessions Judges in all the Districts and the Courts of I Additional Metropolitan Sessions Judges in Metropolitan Sessions Divisions of Hyderabad, Visakhapatnam and Vijayawada, to try the offences under the POCSO Act, 2012.
Assam	The Assam government has designated Court of District and Sessions Judge in each Judicial District as a ‘Special Court’ to try offences under POCSO Act, 2012
Karnataka	The Karanataka government has designated at least one court in each district as special court for offences under POCSO Act.
Delhi	Delhi High Court designated the Courts of Additional Session Judge -01 in 11 districts as Special Courts under Section 28 of the POCSO Act. These courtrooms are located in six court complexes – Patiala House, Dwarka, Rohini, Karkardooma, Saket, and Tis Hazari.
Maharashtra	The Maharashtra government has designated all the Sessions Judges, Additional Sessions Judges and Ad-hoc Additional Sessions Judges as special court under the Act.
Appointment of Special Public Prosecutors (SPP) <i>[Section 32(1)]</i>	
Andhra Pradesh	The state government has not appointed special public prosecutors for conducting cases only under the provisions of POCSO Act. However, it has designated its already appointed public prosecutors in respective courts to handle cases under POCSO Act in addition to other work allotted to them.
Assam	No special public prosecutor has been appointed in special courts to handle cases under POCSO Act.
Karnataka	Not all special courts have SPP appointed by the government. Some courts had already appointed public prosecutors by the state government who are asked to handle cases under the POCSO Act.
Delhi	Delhi has assigned an Additional Public Prosecutor for each of the 11 Special Courts. They are not Special Public Prosecutors, but are senior persons with experience and are dealing with other criminal cases in addition to the cases under the POCSO Act.
Maharashtra	The government has not appointed special public prosecutor exclusively for POCSO Act, as mandated by the Act. However, it has asked all public prosecutors to handle cases in POCSO act in addition to their routine work.
Direct cognizance of court <i>[Section 33(1)]</i>	
Andhra Pradesh	Despite this provision, in some cases police have sought committal procedure to produce accused in courts. However, the number of such cases have been decreasing.

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Assam	The research reveals that the provision of direct cognizance of court was violated in nearly 55% cases under POCSO Act in Assam.
Karnataka	The study revealed that soon after the POCSO Act was notified, there was some confusion regarding the Court for production of accused. However, the accused is now produced directly before the Special Court for remand.
Delhi	This provision of the Act has been largely complied with especially in recent years. There are instances in 2013 and 2014 when it was violated.
Maharashtra	The study found that this provision was largely complied with, as only 7.44% cases, i.e., 99 cases out of 1330 were committed to Special Courts.
Questioning Child in court room <i>[Section 33(2)]</i>	
Andhra Pradesh	Research reveals that the prosecutors and defence lawyers are allowed to pose questions to the child victims, but questions are also routed through the Judge in many cases.
Assam	The study reveals that both public prosecutor and defence lawyers usually pose questions to the child victim directly which is not in compliance with the section 33(2) of the Act.
Karnataka	Study found that direct questioning is a normal practice in special courts under the law.
Delhi	The study found that in Delhi this provision has largely been complied with. In many courts of Delhi, questions from PP and defence lawyer are routed through Legal Aid Lawyer (LAL).
Maharashtra	The study found, “questions continue to be asked directly by the defence lawyers and the prosecutors. Judges intervene only when frivolous, humiliating, inappropriate, or complicated questions are asked or if the lawyers get aggressive or rude.”
Minimizing Appearances in Court and Permitting Breaks during the Trial <i>[Section 33(5) and 33 (3)]</i>	
Andhra Pradesh	The child’s examination is generally completed in one visit. In exceptional cases, the defence lawyer is given another date for cross-examination.
Assam	The study found that in most cases statement of victim was recorded in one day.
Karnataka	Judgment analysis reveals that in several cases children were called at least two to three times before the commencement of evidence.
Delhi	The study found that matters are routinely adjourned if the defence lawyer/SPP is not available or the judge is on leave. No prior intimation is given to the child and the family as a result of which they end up making multiple visits to the courtroom. With increasingly high dockets and the pressure of dealing with all special laws, the trial in POCSO cases is rarely speedy.
Maharashtra	The study found that the JJB and judiciary are largely conscious about recording statement of victim in one day. However, due to practical difficulties, it is not always possible to ensure that the testimony is completed in one day.

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Protection of Identity <i>[Section 33(7)]</i>	
Andhra Pradesh	Judgment analysis in Andhra Pradesh revealed that the identity of the victim was compromised 96.85% cases. The name of the child was revealed in 20.8% cases. In some cases, though the name of the victim was protected, other information was released, making it easy to identify her. This included the victim's address, class/school details, village details, names of parents, grandparents, siblings, any other family members, or informants.
Assam	The study found that in 77.32% cases, the identity of the victim was disclosed by either naming her or her family members. Besides, in the absence of waiting rooms for children or a separate entrance, the sheer presence of a child in the courtroom leads to the assumption that the child is a victim in a POCSO case.
Karnataka	The study found that this provision of the law is not fully complied with.
Delhi	The study found that the "identity of the child victim is poorly protected. The POCSO court hall is known to all, and names are called out loudly by the court staff while calling for cases. Besides, all details of victim are in the FIR and this is not hard to secure."
Maharashtra	It was found that the identity of the victim was revealed in 86.31% of the judgments. "Of these, in 27.96%, judgments, the victim was named. In the remaining judgments, although the victim's name was suppressed or not mentioned, the parents' names, full address, school, locality, college, or names of relatives were mentioned, thus compromising the identity of the child."
Award of Compensation <i>[Section 33(8)]</i>	
Andhra Pradesh	Final compensation was awarded to victims only in 3.3% cases. In most cases the accused was made liable to pay a certain amount as compensation.
Assam	Compensation was awarded only in 22.09% cases.
Karnataka	The study found that compensation orders have not been passed in Karnataka under the POCSO Act. No interim compensation was awarded to the victims in the 110 cases analysed.
Delhi	The study found that only in 5% of the cases the compensation was awarded in Delhi. No interim compensation was awarded so far in Delhi.
Maharashtra	Only in 9% cases, the compensation was awarded in Maharashtra. Of these, the Special Courts directed the compensation to be paid from the fine imposed on the accused.
Avoiding Exposure to the Accused <i>[Section 36(1)]</i>	
Andhra Pradesh	The research found few efforts to minimise exposure of victim to the accused.
Assam	The Study found that due to the lack of infrastructure, no arrangements could be made to ensure that the accused and child victim do not face each other during the inquiry.

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Karnataka	The study found that Special Courts in Karnataka are not designed or their structure has not been altered to cater to victims of sexual offences.
Delhi	Other than in the Saket and Karkardooma court complex, confrontation takes place always.
Maharashtra	In compliance with this provision of the law, some special courts have restructured their courtrooms. However, such arrangements are not there outside the courtroom.
Appointment of support person <i>[Rule 4(7)]</i>	
Andhra Pradesh	The CWCs in Andhra Pradesh have not appointed any Support Persons in the two districts where field work was conducted.
Assam	CWCs in Assam are not appointing support persons to help victims and her family in registering case and trail.
Karnataka	There is no system to appoint support person for ease of victim and her family. In some places proactive efforts of NGOs or member of CWCs have attempted to appoint support person.
Delhi	“There are multiple actors providing varying degrees of support in Delhi. The LAL-Support Person serves as an intermediary in Saket and Karkardooma and has a very limited role to play. The Delhi Commission for Women (DCW) –Advocate also offers additional support on the day of the evidence. Support Persons appointed by the CWC do not have a prescribed role and often provide a range of services depending on the nature of the case.”
Maharashtra	There is no consistency in appointing support person for victim. It all depends on pro-activeness of CWCs of respective district.

Source: NLSU, 2017

Conclusion:

The Protection of Children from Sexual Offences (POCSO) Act, 2016 is a special law, which aims to address specific issue related to sexual offences against children. More than punishing offenders, it seeks to protect children from sexual offences in India. Stringent punishment for offenders and high focus on speedy trial in child friendly manner were incorporated in the POCSO Act to make it a deterrent instrument. However, crime record data compiled by the NCRB reveals that the reporting of crime under POCSO Act has observed a steady increase after enactment of the law. It means that even incorporation of stringent punishment and speedy trial could not prevent offenders from committing such crimes. The ineffectiveness of the law often triggers demand of making this law even more stringent. Responding to such concerns, the government has recently promulgated an ordinance to amend the POCSO Act. This ordinance provides for death penalty for rapist of a child below age of 12 years. However, evidence from the last 5 years of the POCSO implementation suggests that mere text of the law cannot bring any change. We need to understand why the law remained ineffective.

Implementation and Impact of the POCSO Act, 2012

To make the POCSO law more effective and result oriented, it needs to be implemented in its letter and spirit. Studies on implementation of the law reveal that the special provisions of the law such as constitution of special court, time bound investigation, speedy trial and appointment of Special Public Prosecutor could not reduce the pendency of cases in police and Special Courts. This delay is further attributed to non-compliance of various structural and procedural requirements under the law at State level. The required compliances such as appointment of special public prosecutor & support person, maintaining the child friendliness of investigation and trial and protection to victim are fundamental principles of the Act. These requirements needs to be addressed with high priority in order expect the law to work as a deterrent instrument.

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