

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:712
ANSWERED ON:15.07.2014
CONTROL ON CRIMES .
Shrirang Shri Chandu Barne

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is fact that a United Nations Child Rights watchdog had alleged that India`s law enforcement and justice authorities have shirked their responsibility to fight sex crimes;

(b) if so, the response of the Government thereto; and

(c) the steps taken by the Government to control widespread violence and abuse including sexual abuse? ANSWER MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU)

(a) &

(b): United Nations Committee on the Rights of the Child has expressed their views on aspects of crimes against children including legislation and implementation gaps.

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU)

(a) & (b): United Nations Committee on the Rights of the Child has expressed their views on aspects of crimes against children including legislation and implementation gaps.

The Minister of Women and Child Development has informed to the committee that a Special law is being implemented since 2012 to protect children from sexual assault. The various provisions of the Protection of Children from Sexual Offences were explained and the committee was informed that the Government has also framed Rules and Model Guidelines for the implementation of the Act. Several Training and awareness generation programmes are being held by the Government for various stakeholders under the Act such as Judiciary, police and civil society organisations

(c) As per the seventh schedule to the Constitution of India `Police` and `Public Order` are State subjects and, as such, the primary responsibility of prevention, detection, registration, investigation and prosecution of crime, lies with the State Governments/ Union Territory Administrations. However, Government of India is deeply concerned with the welfare of children and through various legislations, schemes and advisories to the State Governments/Union Territory Administrations, augments the efforts of the States /UTs.

The Government of India has specifically formulated 'The Protection of Children from Sexual Offences Act, 2012' (POCSO Act) in order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children.

It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-a-vis the child, like a family member, police officer, teacher, or doctor. People who traffick children for sexual purposes are also punishable under the provisions relating to abetment in the Act.

The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Advisories issued by Ministry of Home Affairs

Advisory on mandatory filing of FIR in case of missing children and immediate follow-up action thereof issued to all States / UTs on 25th June 2013 in accordance with the Hon'ble Supreme Court's Judgment on Bachpan Bachao Andolan vs UoI.

Advisory on major provisions of Protection of Children from Sexual Offences Act 2012 and request to implement them in toto issued to all States / UTs on 28th May 2013

Ministry of Home Affairs has issued an advisory "Standard Operating Procedure to handle Trafficking of Children for Child Labour – measures to be taken for rescue of trafficked child labourers and action against Traffickers / Employers" dated 12th August, 2013.

The aforesaid advisory, directs the State Governments and Union Territory Administrations to specifically focus on Retrieval, Rehabilitation and Repatriation measures with special emphasis on welfare of the child.

Advisory on missing children-measures needed to prevent trafficking and trace the children-regarding dated 31st January, 2012, it was specifically advised to the States / UTs to prevent children from being victims of any heinous or organized crime such as, victims of rape, sexual abuse, child pornography, organ trade etc.

The advisory also envisages computerization of records, DNA profiling, involvement of NGOs and other organizations, community awareness programmes etc. to facilitate the tracing of missing children.

Advisory on Preventing & Combating Cyber Crime against Children dated 04th January, 2012, wherein it was advised to States / UTs to specifically combat the crimes in forms of cyber stalking, cyber bullying, child pornography and exposure to sexually explicit material etc.

Advisory on crime against children dated 14th July, 2010 to all State Governments and UT Administrations wherein States/UTs have been advised to ensure all steps for improving the safety conditions in schools/institutions, public transport used by students, children's parks/play grounds, residential localities/roads etc. It has also been advised that the crime prone areas should be identified and a mechanism be put in place to monitor infractions in such areas for ensuring the safety and security of students, especially girls.

TrackChild Project : Ministry of Women and Child Development has also launched a nationwide portal namely 'TrackChild' in the country, which is aimed at maintaining the data of all children availing rehabilitation services under the Integrated Child Protection Scheme (ICPS).

The software contains details of missing children reported in Police Stations. The portal facilitates matching of the children availing services under the Scheme with the reported missing children.