

4. Sexual Cases under POCSO

Prelims Level: Institutional Reforms

Mains Level: GS-II Government Policies and interventions for Development in Various Sectors and Issues arising out of the Design and Implementation.

Why in News?

- The Protection of Children from Sexual Offences (POCSO) Act, 2012 has adequate provisions ensuring speedy trial under the Act.

POCSO Act, 2012:

- Section 28 of the POCSO Act 2012 provides for establishment of Special Courts for the purpose of providing speedy trial.
- Further, Section 35 of the POCSO Act provides that the evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.
- Further, Section 35 also lays down that the Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.
- However, Police and Public Order are State subjects under the Seventh Schedule to the Constitution of India.
- The responsibilities to maintain law and order, protection of life and property of the citizens including children, rest primarily with the respective State Governments and UT Administration.

Steps Taken to Ensure speedy Dispensation of Justice:

- In furtherance to The Criminal Law (Amendment) Act, 2018, the Government has finalized a scheme in for setting up of total of 1023 Fast Track Special Courts (FTSCs) across the country for expeditious trial and disposal of pending cases pertaining to rape and POCSO Act, 2012, in a time-bound manner under Centrally Sponsored Scheme.
- The Criminal Law (Amendment) Act, 2013 was enacted for effective deterrence against sexual offences.
- Further, the Criminal Law (Amendment) Act, 2018 was enacted to prescribe even more stringent penal provisions including death penalty for rape of a girl below age of 12 years.
- The Act also inter-alia mandates completion of investigation and trials within 2 months each.

- A “National Database on Sexual Offenders” has been launched to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies.
- An online analytic tool for police called “Investigation Tracking System for Sexual Offences” has been launched to monitor and track time-bound investigation on sexual assault cases in accordance with the Criminal Law (Amendment) Act, 2018.
- In order to improve investigation, steps have been taken to strengthen DNA analysis units in Central and State Forensic Science Laboratories. This includes setting up of a State-of-the-Art DNA Analysis Unit in Central Forensic Science Laboratory, Chandigarh.
- Guidelines have been notified for collection of forensic evidence in sexual assault cases and the standard composition in a Sexual Assault Evidence Collection Kit.
- A scheme namely Cyber Crime Prevention against Women and Children (CCPWC) has been approved under which an online cybercrime reporting portal to enable public to report complaints pertaining to child pornography/ child sexual abuse material, rape/gang rape imageries or sexually explicit content.

