

CONCEPT NOTE

MONITORING OF IMPLEMENTATION OF POCSO ACT, 2012 IN ASSAM

The Assam State Commission for Protection of Child Rights (ASCPCR) was constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005, through a Government of Assam notification dated 4th March 2010. ASCPCR is empowered as a civil court to undertake inquiry into complaints and to take *suo moto* notice of matters relating to deprivation and violation of Child Rights namely - the rights to survival, development and protection; non/poor implementation of laws for development and protection of children; non-compliance by any duty bearers or stakeholders of any policy decisions, guidelines or instructions aimed at ensuring the rights of children and to take up issues pertaining to child rights with the appropriate authorities.

Under Section 44 Rule 6 of the POCSO Act, 2012, the Commission is solely empowered, in addition to the functions assigned to it under the Act, to monitor the provisions of the Act and has also been vested with the same powers as conferred by the CPCR Act, 2005, while inquiring into any matter relating to any offence under the POCSO Act. Further Section 44(3) of the POCSO Act, mandates the Commission to include its activities carried out with regard to implementation of the Act in its annual report in the same manner as provided under Section 16 of the CPCR Act, 2005.

The Commission believes that today offences like sexual assault, harassment, abuse etc., of children has become rampant in our society, particularly in the rural areas and need to be controlled without further delay so as to protect every child's fundamental right to live with dignity enshrined in Article 21 of the Indian Constitution. Another major fact which the Commission believes is that the implementation of this Act in our State is not satisfactory and the reason which has resulted in the confirmation of this belief is due to the fact that numerous occurrences of child abuse and related crimes have not been reported nor any FIR being registered and brought into the limelight for law to take its due course and as such the children who are victims of such crime are deprived of the compensatory reliefs made available under the Victim Compensation Scheme of the Government. The Commission is also of the opinion that the children who are victimised undergo

mental trauma for life and it is pertinent to provide them with proper counselling and rehabilitation facilities. This could be possible only when sexual abuse cases are reported on time and disposed speedily.

Thus, keeping this view in mind, the Assam State Commission for Protection of Child Rights has planned to prepare a report on the implementation of the POCSO Act, 2012, in the State of Assam with the following objectives:

- To minimise the number of pending cases instituted under the POCSO Act in all the districts of Assam.
- To increase the number of victims for availing compensation under the Victim Compensation Scheme.
- To recommend the Government for setting up Special Juvenile Police Unit for handling the POCSO cases in those districts where it is lacking.
- To disseminate information and create awareness among the public officials (officials from the police department, judiciary and government departments) about the relevance of implementing the provisions of POCSO Act.