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Madhya Pradesh State Level Multi-Stakeholders Consultation on Effective Implementation of

POCSO Act, 2012

“मंथन”

Reflections on Progress, Challenges,
Opportunities and Way Forward



**Madhya Pradesh State Level Multi-Stakeholders
Consultation on Effective Implementation of
POCSO Act, 2012**

“ मंथन ”

5th & 6th November, 2022

Organised at

Madhya Pradesh State Judicial Academy, Jabalpur



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OVERVIEW OF MANTHAN

Background

Marking 10 years since the enactment of the POCSO Act 2012, Hon'ble Justice S.Ravindra Bhat, Chairperson, Supreme Court, Juvenile Justice Committee issued a letter dated 11-10-2022 to the High Courts outlining the proposal to hold a two-day national-level stakeholder consultation to evaluate the progress made since the promulgation of the Act, the gaps and challenges that have arisen, and to frame recommendations to strengthen the implementation of the Act. Pursuant to this, the Madhya Pradesh-Juvenile Justice Committee (MP-JJC) with support from UNICEF-Madhya Pradesh, took the initiative to organise a two-day State-level Multi-Stakeholders Consultation on Implementation of POCSO Act 2012 on 5th-6th November 2022 at the Madhya Pradesh Judicial Academy in Jabalpur.

In order to understand the challenges faced by functionaries directly responsible for implementation of the POCSO Act and document good practices being implemented in different districts, an online pre-consultation survey was designed with assistance from Enfold Proactive Health Trust. It was thereafter administered with the approval from the MP-JJC, to the judges of Special Courts, Special Public Prosecutors, CWCs, JJBs, DCPUs, Medical Practitioners, SJPU, and FSL experts. Responses were received from 380 functionaries - 112 CWC Members and Chairpersons, 75 JJB Magistrates and Members, 40 Special Court Judges, 29 DCPUs, 20 SPPs, 103 SJPUs and 1 Medical Practitioner. In addition to the deliberations during the Consultation, the pre-consultation survey has aided in the identification of issues, challenges, and potential solutions.

Profile of Participants

The Madhya Pradesh State Consultation on Implementation of POCSO Act 2012 was held on 5th-6th November 2022 at the Madhya Pradesh Judicial Academy in Jabalpur. It was attended by 140 participants comprising judges of Special Courts, CWC Chairpersons and Members, Juvenile Justice Board Principal Magistrates and Members, DCPO's, Representatives of Police, including ADG, Commissioners of Police, SPs and other officers from various sections such as CID, Crime Against Women, SJPU, and Urja Desk as well as FSL, representatives from civil society organisations (CSOs), Shourya Dal members, Senior Officers from several departments such as Women and Child Development, Education, Panchayat Raj and Rural Development, Finance, Technical Education, Public Instruction, Home Department, including Public Prosecutors, Health, Tribal Welfare and Social Justice.

Highlights of the Inaugural Session



Hon'ble Shri Justice Ravi Mailmath, Chief Justice, High Court of Madhya Pradesh stated that although the aim of this two-day State consultation and the larger consultation that is to follow, is to plug loopholes in the implementation of the Act, as a society our ultimate aim must be to create an environment where every child is safe such that the legislation is deemed redundant. He drew attention to the need for age-appropriate discussions in school to make children aware and alert, and to embolden them to speak out and fight back when faced with such a situation. He emphasised the importance of

educating parents and caregivers about how to broach these topics with children, how to identify a child who has undergone abuse, and the requisite steps to be taken once abuse is disclosed. He highlighted the role of the State Legal Services Authority in making people aware of the legal options available to proceed against the perpetrator, especially that of monetary aid. He wished all these stakeholders the very best, and expressed that he looked forward to hearing the deliberations and the suggestions that emerged during the consultation.

Hon'ble Shri Justice Sheel Nagu, Administrative Judge, High Court of Madhya Pradesh, Jabalpur stated that the procedures, laws and rules are laid down for child protection but to ensure that the benefit and the object of the laws reach that particular child one needs to invoke the sense of compassion in stakeholders. He expressed hope that this consultation, appropriately titled “Manthan,” would succeed in evoking the sense of compassion in all participants to achieve the objective of the POCSO Act.



Hon'ble Shri Justice Sujoy Paul, Chairperson, Juvenile Justice Committee, High Court of Madhya Pradesh emphasized focusing on the evaluation of the challenges and gaps in the implementation of the POCSO Act that had emerged over the last decade. He drew attention to the State Action Plan, 2018 and the need to examine the status of achievement of the targets. He expressed hope that the technical sessions by experts and group sessions to facilitate discussions about good practices and to formulate solutions to gaps will help create a new State Action Plan.





Hon'ble Shri Justice Sushrut Arvind Dharmadhikari, Chairperson, POCSO Committee, High Court of Madhya Pradesh referred to the work done to implement the POCSO Act in its true letter and spirit including the setting up of Fast Track Courts to address pendency, providing shelters to survivors in Child Care Institutions and disbursing monetary compensation. He drew attention to the need to consider various gaps and challenges at the Consultation and to arrive at a State Action Plan that will achieve the objectives of the statute and promote effective

implementation of the POCSO Act.

Shri Ashok Shah, Additional Chief Secretary Department of Women and Child Development, Government of Madhya Pradesh spoke about the various measures taken by the Government of Madhya Pradesh in the field of child protection, and shared data pertaining to the setting up Child Care Institutes, Child Welfare Committees, Juvenile Justice Boards, Child Protection Committees at the Village, Ward and Block Level. The government has also undertaken various public awareness campaigns and provided support to children in the form of child welfare schemes.



Ms. Margaret Gwada, CFO, UNICEF congratulated the significant strides that the State of Madhya Pradesh has made in its efforts in prioritizing and ensuring a safe and protective environment for the children in the state. She stated that the consultation is a momentous opportunity under the leadership of the High Court Juvenile Justice Committee to come together as stakeholders to take stock of ten years of implementation of the POCSO Act, to reflect and identify key bottlenecks and solutions. She appreciated that the Government of Madhya Pradesh has developed a robust Child

Protection policy that is applicable to all, and emphasized the critical need to have operational guidelines to ensure that they are implemented and monitored in a timely and a continuous manner. She reaffirmed UNICEF's continued support to the government to strengthen the implementation of the POCSO Act in various areas.

The official website of the Juvenile Justice Committee of the High Court of Madhya Pradesh was launched by the Hon'ble Shri Justice Ravi Mailmath, Chief Justice, High Court of Madhya Pradesh and Hon'ble Shri Justice Sheel Nagu, Administrative Judge, High Court of Madhya Pradesh, Jabalpur. Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh introduced the website and elucidated its features.

Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh tendered the vote of thanks to all the dignitaries who attended the inaugural session of the consultation, and expressed hope for a meaningful consultation.

Design of the Consultation

The Consultation was designed based on the guidance note shared by the Supreme Court Committee, with dedicated sessions on the four themes. The first session on the Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures was chaired by **Hon'ble Shri Justice Anand Pathak, Member, Juvenile Justice Committee, High Court of Madhya Pradesh** and had an expert presentation by **Ms. Bharti Ali, HAQ Centre for Child Rights**. The second session on child friendly Court Procedures during prosecution for POCSO survivors was chaired by **Hon'ble Shri Justice Anjali Palo, Member, Juvenile Justice Committee, High Court of Madhya Pradesh** and had an expert presentation by **Ms. Swagata Raha, Director-Research, Enfold Proactive Health Trust**. The session concluded with a Q& A session with the panel. After each session, participants were divided into four groups (**Abodh, Tarun, Kishore, & Kumar**) and each group had guided discussions on questions pertaining to gaps and challenges, potential solutions, and good practices related to the themes. The group then presented the points that emerged during the plenary.

On the second day, the session on Investigation of Cases under POCSO-Role of Police, Medical Officers, Special Public Prosecutors, Probation Officer, and Support Person was chaired by **Hon'ble Shri Justice Gurpal Singh Ahluwalia, Member, Juvenile Justice Committee, High Court of Madhya Pradesh** and had an expert presentation by **Dr. Jagadeesh N, Professor and HOD Forensic Medicine at Vydehi Institute of Medical Sciences, Bangalore**. Following this, the floor was opened for questions and sharing by participants. The fourth session on the Building Capacity of functionaries under POCSO Act and the role of State-run training institutions was chaired by **Hon'ble Shri Justice Sushrut Arvind Dharmadhikari, Chairperson, POCSO Committee, High Court of Madhya Pradesh** and had an expert presentation by **Advocate Anant Asthana**.

The concluding session on developing a new State Action Plan on Child Protection was chaired by **Hon'ble Shri Justice Sujoy Paul, Chairperson, Juvenile Justice Committee, High Court of Madhya Pradesh** It included a presentation on the previous State Action Plan and the progress made by **Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh** and was followed by an open house discussion amongst participants on suggestions for action points to be included in the new State Action Plan.

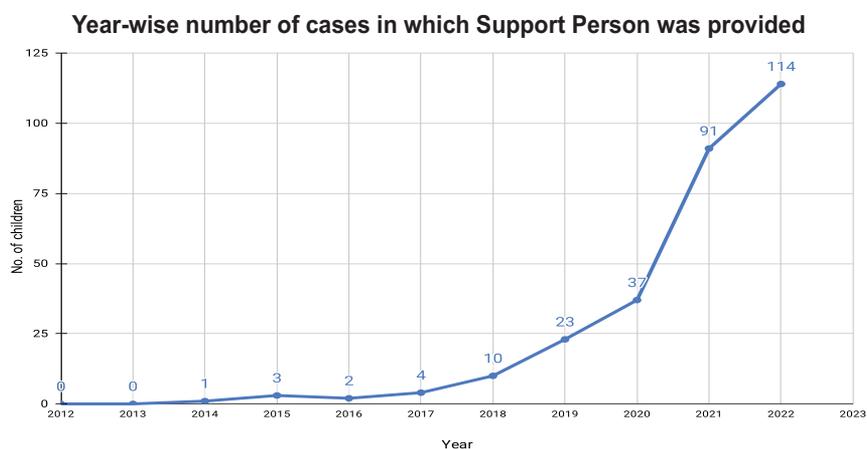
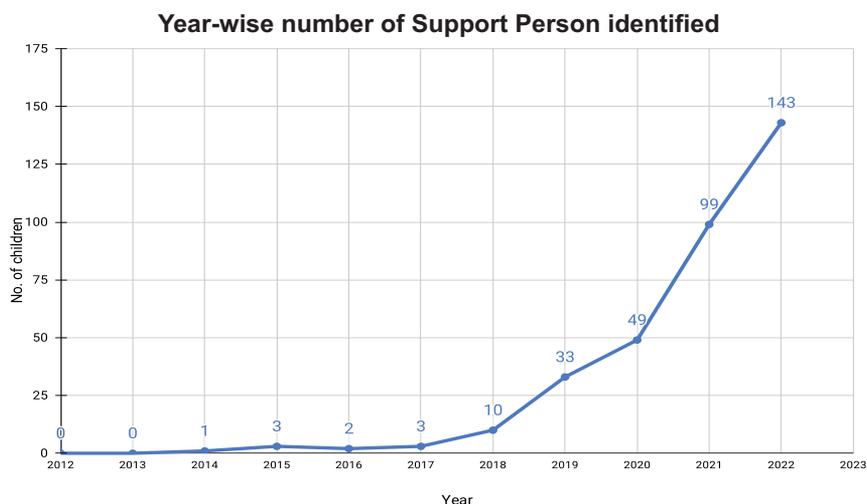
The progress, challenges, and potential solutions that emerged during the Consultation, pre-consultation surveys, and data shared by nodal Departments with the Juvenile Justice Committee is detailed in the sections that follow.

I - Progress made in the implementation of the POC SO Act

1.1. Rehabilitation and Reintegration of POC SO Survivors and Preventive Measures

1. Operationalisation of Support to Child Survivors under POC SO Act:

- a. **Identification of Support Persons :** Madhya Pradesh has expanded the provision of Support Persons to child survivors under the POC SO Act from one child in 2014 to 114 children in 2022. Overall, between 2014-2022, 284 girls and one boy were provided Support Persons. 17 Districts¹ in Madhya Pradesh have also identified Support Persons who can be assigned by the CWCs in POC SO cases and Support Persons have risen from one in 2014 to 143 in 2022.

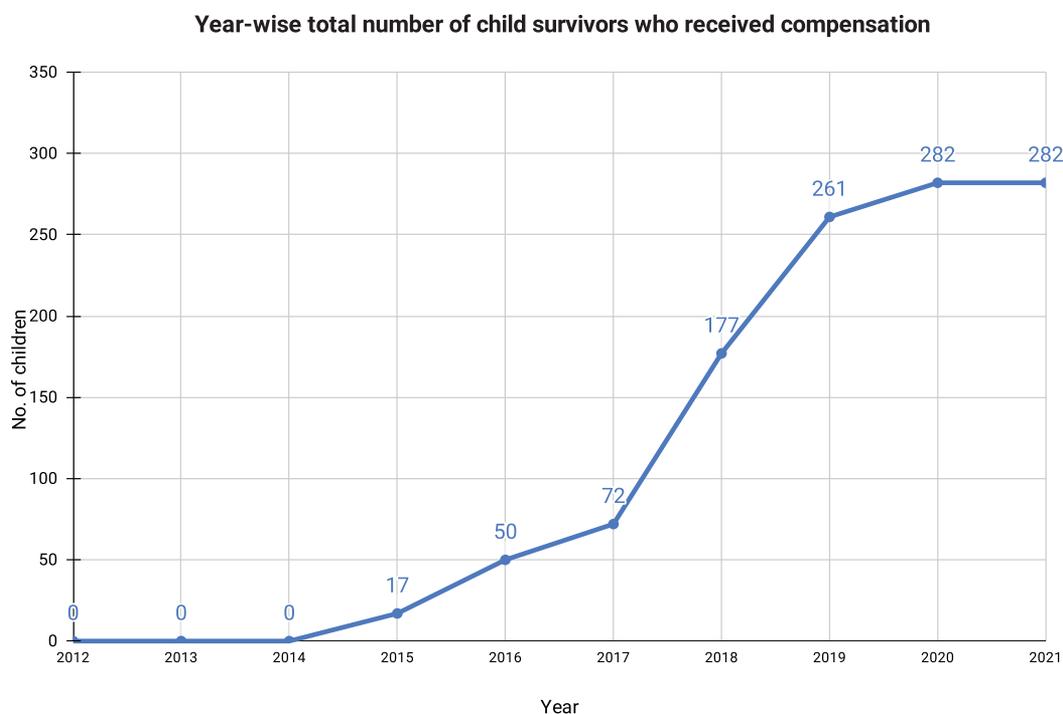


¹Balaghat, Mandla, Narsinghpur, Seoni, Ujjain, Dewas, Bhopal, Vidisha, Sehore, Morena, Betul, Gwalior, Shivpuri, Barwani, Satna, Sidhi and Jabalpur.

- b. Provision of One-stop Centres :** There has also been an increase in the number of children who have received support from one-stop centres, from 17 in 2014 to 253 in 2022, with a total of 1073 girls having received the benefits of services provided by the One-Stop Centres.
- c. Mental health support :** Mental health support was extended to a total of 313 POCSO survivors (girls) from 2015-2022, and the coverage rose from 6 in 2015 to 76 in 2022. DWCD & UNICEF have identified a pool of 140 counsellors across 52 districts, working in the DCPU, Childline, CClS and NGO partners and allocated a CCI to each counsellor.
- d. Rehabilitation support :** Altogether, 1434 child survivors have received rehabilitation services from CWCs from 2013-2022. The number of children who have received such services has significantly increased from 1 in 2013 to 422 in 2022

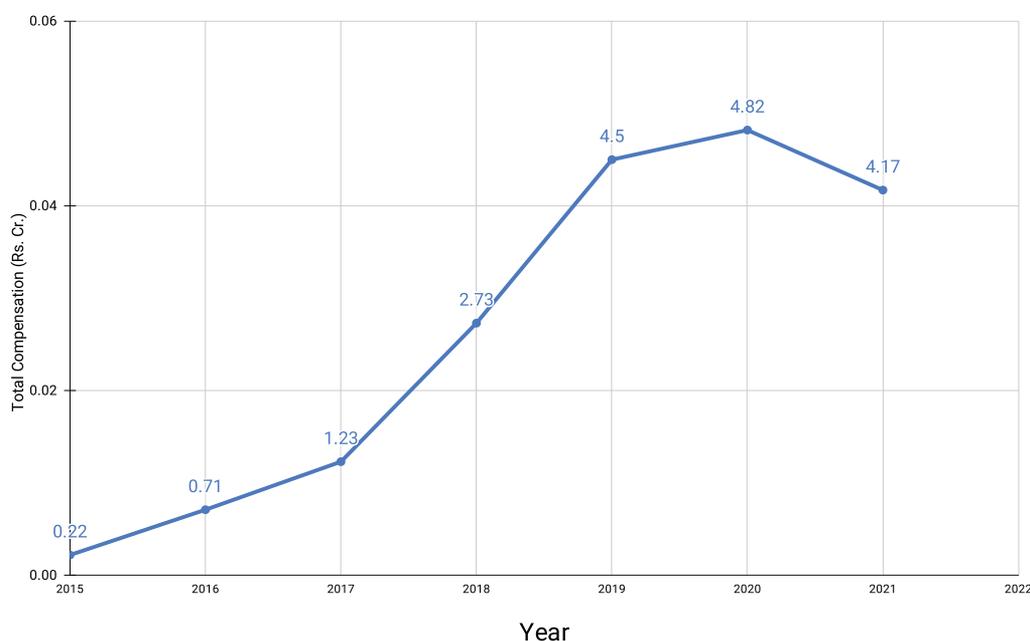
2. Award of Compensation:

- a. From 2015 till 2022, there has been a significant increase in the number of child survivors awarded compensation, and resultantly the amount of compensation disbursed. **The number of children who have been awarded compensation has increased from 17 in 2015 to 282 in 2021.** From 1 January 2022 till 30 September 2022, 268 child survivors have been provided compensation.



b. **Compensation disbursed** per year by the MP SLSA to survivors under POCSO Act **has increased by over 20 times** from Rs. 21,55,000 in 2015 to Rs. 4,81,75,500 in 2020. It dropped by 13.5% to Rs. 4,16,55,600 in 2021 owing to the pandemic. From 1 Jan 2022 until 30 September 2022, a total amount of Rs. 3,92,17,700 has been disbursed. Overall, **a total amount of Rs. 22,29,61,700 has been disbursed to child survivors** under the POCSO Act

Year-wise compensation provided to child survivors (in crores)



3. **Madhya Pradesh State Plan of Action, 2018:** The State Plan of Action, developed by multiple stakeholders to strengthen the care and protection of children in the State, was an outcome of the Regional Conferences on Juvenile Justice held in 2017. It was approved by the Madhya Pradesh High Court Juvenile Justice Committee (MP-HCJJC) in 2018. The Plan of Action comprises **16 measurable indicators** to track progress on child protection in the State, several of which are relevant for the implementation of the POCSO Act such as the **development of Child Protection Workforce, adolescent empowerment programme with a focus on ending child marriage and prevent child sexual abuse, extensive awareness campaigns to preventing child sexual abuse, and the creation of child-friendly police stations with adequate resources and trained staff.** Regular reviews have been held by the MP-HC JJC to monitor the progress on indicators. The progress made on the State Plan of Action as on 6 November 2022 is provided in **Annexure A.**

4. **Provision for emergency foster care** : Acknowledging that children may require immediate shelter in family settings during emergency situations,² the **Madhya Pradesh Foster Care Guidelines, 2020**³ provide for temporary shelters for overnight stay or stay for a week to a maximum period of one month.
5. **Madhya Pradesh Child Protection Policy, 2020** : In compliance with the Madhya Pradesh State Plan of Action, 2018, the State Government notified the Madhya Pradesh Child Protection Policy, 2020 (MP-CPP) on 3 September, 2021. The MP-CPP is a comprehensive policy document that is anchored upon the safeguards provided under the Constitution of India, various child- centric domestic legislations, international treaties ratified by India, and international standards. **All children within the State of Madhya Pradesh in all settings are covered by the MPCPP and it applies to all government departments, personnel and statutory bodies; legal entities, organisations and institutions whether registered or not under any law in force; media; and persons in direct contact or persons in indirect contact with children.** It sets out the policy commitments, guiding principles, key responsibilities, measures to be taken for effective prevention of and response to violence against children, as well as for strengthening the child protection and allied workforce. It also emphasises reporting, and monitoring measures such as social audits and impact assessments, as well as review and monitoring of the MPCPP every three years. Steps have been initiated to implement the Child Protection Policy through development of Operational Guidelines for Child Care Institutions.
6. **Social protection schemes aimed at vulnerable children** : Under the **Mukhyamantri COVID-19 Bal Seva Yojana, 2021**, 1400 children are receiving free ration and education, as well as financial support of Rs 5000 per month. Under the **Mukhyamantri Bal Ashirwad Yojna, 2022**, 43 care leavers and 1186 orphaned children have been provided free professional education and college education and a scholarship of Rs 5000. 43.4 lakh girls from non-income tax paying families have been enrolled under the **Ladli Laxmi Yojana**. Under this scheme, free education is given to girls from class 1 to graduation (including engineering colleges, law colleges, medical colleges), and Rs 1.3 lakh is provided to every girl child.

² The need for emergency foster care can arise in the following situations (Clause 2.1.1, Madhya Pradesh Foster Care Guidelines, 2020):

1. When the child's parents have been admitted in the hospital for treatment
2. In case of danger to the child within the family
3. When the child's parents meet unexpected death because of any reason
4. When the child's parents have got stuck in some emergency situation
5. Any other emergency situation where the child's settlement is necessary.

These kinds of situations can arise unexpectedly and suddenly.

³ Clause 2.1.1, Madhya Pradesh Foster Care Guidelines, 2020

7. **Public and community awareness initiatives :** Several departments, agencies, and civil society organisations are regularly organising intensive and targeted awareness campaigns across the state and information about child sexual abuse and the POCSO Act is being widely disseminated in public places viz. bus stands, hospitals, schools, colleges etc. A total of 2988 training were organised by the DWCD for anganwadi workers, school teachers, students, and at village, block, ward, and district levels.
8. **Shaurya Dal :** Shaurya Dal has been formed under the aegis of Department of Women and Child Welfare in 2013 at the level of village and ward. These groups consist of girls and women from the age group of 15-45 years willing to participate in the activities related to women in the areas of education, health, nutrition, hygiene, financial security and prevention of violence against women. Till 2022, a total of 19,24,259 members have joined Shourya Dal out of which 7,95,429 are adolescent girls and 11,29,530 are women.

1.2. Child friendly Court Procedures during prosecution for POCSO survivors

1. **Establishment of Special Courts :** There are 57 exclusive POCSO courts and 02 exclusive FTSC dealing with cases of rape and POCSO Act in the State.
2. **Establishment of Vulnerable Witness Courtrooms : 35 out of 52 districts in Madhya Pradesh have created vulnerable witness courtrooms** and some have been designed with separate entrances and waiting rooms with recreation material for child survivors. The design also ensures that the victim cannot see the accused, but the latter can see the victim. **54 Special Centers for Vulnerable Witnesses/Child Friendly Courts** are available for child survivors within the trial courts of Madhya Pradesh, of which **12 have been newly constructed** and 42 existing courtrooms have been converted into child-friendly courts. In the pre-consultation survey, judges presiding over these courtrooms reported that the use of this infrastructure has made a positive difference in the comfort experienced by child victims and thereby enabled the smooth recording of their evidence.
3. **Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022:** The guidelines were notified on 10th March, 2022 by the High Court of Madhya Pradesh in compliance with the directions issued in *Smruti Tukaram Badade v. State of Maharashtra*.⁴ Survivors under the POCSO Act are covered under the definition of vulnerable

⁴2022 SCC OnLine SC 78.

⁵ Categories of vulnerable witnesses [Clause 2(l), Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022]:

i) A child under 18 years of age, ii) age neutral victim of sexual assault, iii) gender neutral victim of sexual assault, iv) age and gender neutral victim of sexual assault under section 354 and 377 of the IPC, v) witness suffering from mental illness, vi) any witness deemed to have a threat perception under the Witness Protection Scheme, 2018, vii) any speech or hearing impaired individual or a person suffering from any other disability who is considered to be a vulnerable witness by the court and viii) any other witness deemed to be vulnerable by the court.

witnesses.⁵ The Guidelines require high priority to be given to the cases of vulnerable witnesses and mandate courts to ensure that the developmental needs of the witnesses are accommodated in the arrangement of the courtroom. Separate waiting areas should be made available, the proceedings should be conducted in simple language and the assistance of Support Persons, facilitators or any other assistance should be freely provided.⁶ Further, to familiarize the vulnerable witness with the locations of court officials and the court processes, pre-trial visits⁷ and pre-trial meetings⁸ can be arranged. The mode of questioning to be adopted in case of these witnesses has also been specified and courts are required to exercise control over the questioning of vulnerable witnesses.⁹ The provisions for testimony through video conferencing is also provided and this mode of recording is mandatory in child trafficking matters.¹⁰ It also requires that travel expenses and diet money be provided to the Support Person, facilitator, vulnerable witness and the person who escorts the witness to the court or the remote point.¹¹

4. **Child-friendly Procedures in Trial Court :** Simple techniques and modifications have been adopted by Special Courts to provide a child-friendly atmosphere to child victims and ensure adherence to child-friendly procedures. These include seating child victims below 12 years next to the judge during evidence instead of making them stand in the witness box; using dolls and art material during evidence; listing few matters on the date on which child's evidence is scheduled to ensure ample time is given to the child; assigning of a code to not just the victim, but all witnesses so as to ensure that the child's identity is protected in records and orders that will be available in the public domain.

1.3. Investigation of Cases under POCSO

1. **Initiatives to promote reporting :** With a view to encourage reporting and make it more accessible, **950 help desks and 52 Mahila Thanas** have been operationalised in the State. The Mahila Thanas have also been declared as Anti-Human Trafficking Units in respective districts.

⁶General principles to be followed, Clause 5, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

⁷Pre-trial visit, Clause 6, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

⁸Pre-trial meeting, Clause 7, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

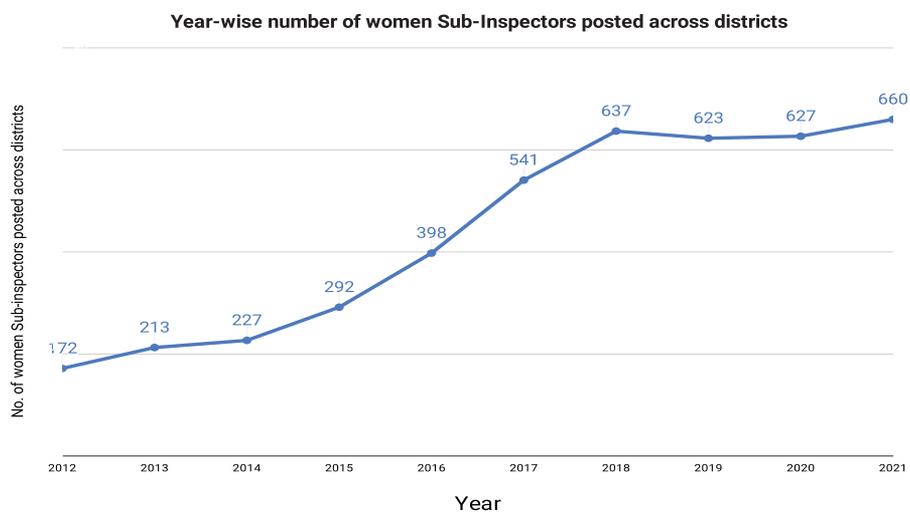
⁹Mode of questioning, Clause 17, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

¹⁰Testimony through video conferencing, Clause 23, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

¹¹Travel expenses and diet money, Clause 30, Madhya Pradesh Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters, 2022.

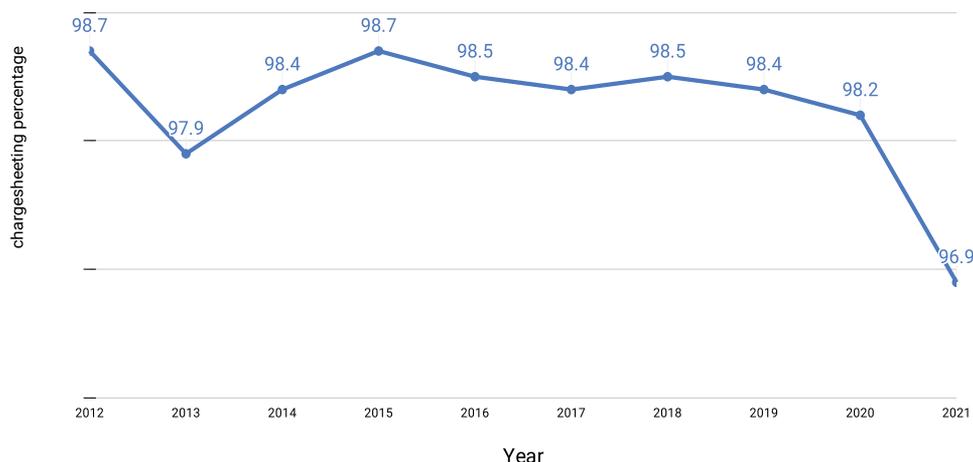
The Women Helpdesks have organized Women Choupals, Nukkad sabha and offered hand holding templates to victims/complainants to make them aware about the process of investigation and trial. To encourage common citizens to report and raise their voice against violence and crimes against women and children, the Madhya Pradesh Police has introduced the **Asli Hero initiative**, and to accord recognition by the Chief Minister. For promotion of the 'Asli Hero' campaign, four short movies (*Sajag autowala, Saahsi amma, Sach ke sath khadi maa, Sunahre Pankh*) based on true events were prepared and uploaded on the Youtube channel of the Women Safety Branch, Madhya Pradesh Police.

2. **Progress in Infrastructure and Human Resources :** DNA examination capacity increased from 200 per month in 2019 to 350 per month in 2020 by establishing a lab in Bhopal. Further the capacity increased to 600 per month in January 2022 by establishing a lab in Indore. In 2018, 69 police stations have created child friendly spaces/rooms. Child-friendly police stations have been set up in 51 districts and the Railway Police Station of Jabalpur, Indore and Bhopal are also child-friendly police stations. Rs.10,000/- is provided to SJPU by the Home Department as an advance for expenditures. The POCSO Act states that the statement of a child survivor should be recorded by a woman police officer, as far as practicable. The number of **women Sub-Inspectors** across all districts in Madhya Pradesh increased from **172 in 2012 to 660 in 2021**. The number of districts with zero women sub-inspectors declined from **14 in 2012 to two in 2021**.



3. **Timely disposal of cases by Biology Section, FSL :** Although the volume of cases processed by the Biology Department of FSL labs increased from 2 in 2012 to 3752 in 2018, dropped to 2817 cases in 2021, all cases were effectively disposed of and there were no pending cases.
4. **High chargesheeting rate :** As the graph below indicates, the chargesheeting rate in cases under the POCSO Act has been consistently high, and there was a marginal dip in 2021 due to COVID-related restrictions.

Year-wise chargesheeting percentage



5. Issue of requisite circulars and guidelines : The Home Department has issued a notification to provide the copy of challan and relevant papers to the victim/complainants as well. Circulars have also been issued regarding the investigation of women's crimes by women Sub-Inspectors,¹² conduct of medical examination and DNA test in rape cases,¹³ and time limit for continuation of investigation in missing cases.¹⁴ Guidelines have been circulated by the Police Headquarters on 29.01.2021¹⁵ and a new authorization letter has been circulated on 13.09.2021¹⁶ by the Women Safety Branch for the provision of timely information via “Adhikar Patra” about the progress in investigation to families and informants in pending cases of kidnapped and missing girls.

1.4. Building Capacity of functionaries under POCSO Act

1. Integration in curriculum : Content on the POCSO Act has been integrated in the capacity building programmes of JJBs and CWCs organised by the Department of Women and Child Development, Madhya Pradesh and UNICEF- Madhya Pradesh. The academic calendar of the

¹² In relation to investigation of crimes against women by Women Sub-inspectors, <https://www.mppolice.gov.in/sites/default/files/2022-03/WS-3A.pdf> (dated 1/6/21).

¹³ Mechanism followed in DNA investigation in rape cases, <https://www.mppolice.gov.in/sites/default/files/2020-06/PARIPATRA%2001a.pdf> (dated 16/9/21).

¹⁴ In relation to time limit to be followed in investigation of cases of missing persons, <https://www.mppolice.gov.in/sites/default/files/2022-03/WS-5.pdf> (dated 10/8/21).

¹⁵ In relation to providing information as per Adhikar Patra to informants in delayed cases of abduction/kidnapping of minor girl children, https://www.mppolice.gov.in/sites/default/files/2021-02/Circular_330.pdf (dated 29/1/21).

¹⁶ In relation to providing Adhikar Patra to informants in abduction/kidnapping cases of minor girl children, <https://www.mppolice.gov.in/sites/default/files/2021-09/CAW-2182.pdf> (dated 13/9/21).

Madhya Pradesh State Judicial Academy includes courses designed for POCSO judges, and Principal Magistrates, JJB, at regular intervals.¹⁷ The Police Training Academy has included issues of child protection in the basic foundation course for DSPs, SIs and Constables. A gender-focused child protection syllabus, including POCSO has been jointly developed between MP Police and UNICEF for roll out across all police training academies and training schools, for pre-service training. Training on POCSO is carried by departments such as DWCD, Education, and Home/Police, for various conventional and non-conventional stakeholders, as well as by networks of NGOs.

- 2. Launch of the website of the Juvenile Justice Committee:** The official website of the Juvenile Justice Committee of the High Court of Madhya Pradesh (<https://mphc.gov.in/jjc/>) was launched at the consultation. The user-friendly website is available both in English and Hindi and will contain updates regarding the activities of Juvenile Justice Committee of High Court of Madhya Pradesh, Acts, rules, circulars, orders, publications, schemes, important national and international guidelines, and significant judgments pertaining to child rights. The website also contains a dashboard with easy access to the data of Juvenile Justice Boards and Child Welfare Committees functional in Madhya Pradesh and provides information about the disposal and pendency of cases on a quarterly basis. The website will address the issue of non-availability of forms prescribed in the Juvenile Justice rules which will now be accessible in easily downloadable formats to be used by the stakeholders in the field.
- 3. Knowledge sharing initiative :** Principal Magistrates of JJBs have created a WhatsApp group for internal discussion, and clarifications of doubts and guidance.
- 4. Capacity building :** A wide-range of stakeholders have been imparted training on child protection related issues, including the POCSO Act. A total of 2988 trainings were organised for anganwadi workers, school teachers, students, etc. at village, block, ward, and district levels. In 2021-22, 241 CWC members, 95 JJB members, staff of 51 DCPU, 152 block CP committees, 464 ward level CP committees, and 4399 village level CP committees were oriented. 10000+ teachers have been trained on child sexual abuse with the support of UNICEF. Kailash Satyarthi Foundation is implementing child friendly village programmes in 110 villages of 10 districts.

¹⁷ Academic Calendar for the year 2022, Madhya Pradesh State Judicial Academy, <https://mpsja.mphc.gov.in/academic-calendar>.

II. Gaps and Challenges

2.1. Gaps in the implementation of the POCSO Act

2.1.1. Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures

- Absence of a cadre of Support Persons :** The POCSO Rules recognise the significance of support to child victims during investigation and trial and vest CWCs with the responsibility of assigning a Support Person to child victims. According to Crime in India, 2021, in cases of penetrative and aggravated penetrative sexual assault, **99.1% of accused persons are known to their victims**, thus emphasizing the need for systematised support to child victims/families to be able to withstand the pressure that may mount on them to not report or support the prosecution. Although steps have been taken to identify **Support Persons**, they are **not available in 35 districts**, and where available, in the **absence of fixed payment, their retention or consistent service till the conclusion of the case, poses a challenge**. In the absence of such support, **children and families are unaware of their rights, legal procedures, and are also unable to avail victim compensation, witness protection**, and other schemes. This is affecting their participation during trial, and in several cases they **do not appear in court because of the pressure from the accused, and/or turn hostile**. This was also endorsed in the pre-consultation survey, by judges of Special Courts and Special Public Prosecutors who shared that the child is mostly frightened during the examination-in-chief as no prior courtroom visits or interactions with SPPs are facilitated and that in a large number of cases, they turn hostile.
- Limited convergence with the child protection system :** Although CWCs play an important role in ensuring the rehabilitation of child victims, the pre-consultation survey revealed that information as per Section 19(6), POCSO Act is not consistently sent by the police to the CWC in all districts and neither is the Preliminary Assessment Report in Form B submitted to the CWC in all cases, and in a timely manner. **Of the 112 CWC Chairpersons and Members who completed the survey, only 15 reported that they received information, whereas 85 stated they did not receive any information about POCSO cases from the police** and 11 said they received it sometimes and not in all cases. In the context of receipt of the **Preliminary Assessment Report in Form B, only 11 reported that they had received Form B from the police whereas 90 said they had not**. 5 stated that they received it sometimes and another 5 stated that they were unaware about Form B. The Special Courts are also not informed about the appointment of Support Persons. Awareness among stakeholders about the role of the CWC, DCPU, and Support Persons is also low and this has resulted in a fragmented approach to child victims.

3. **Lack of non-institutional alternatives :** Family-based rehabilitation of child survivors is difficult in cases where the accused is a family member. Children's Homes are also not available in all districts and One-stop Centres offer only temporary shelter and foster care is not considered.
4. **Non-utilisation of Rule 8, POCSO Rules :** Although CWCs are vested with the responsibility of recommending special relief to address immediate and essential needs of child survivors, this has hardly been discharged. **A pre-consultation survey revealed that 59 out of 112 CWC Chairperson and Members had not made any recommendation for special relief under Rule 8, POCSO Rules.**
5. **Lack of functional child protection committees at the village and block level :** CWCs and DCPUOs operate at the district level and are not accessible to children living in villages and in the block level. Although 23,359 village Child Protection Committees (CPC), 313 block CPCs, 5966 ward CPCs, and 51 district CPCs have been established, the CPCs at the village ward and block level are not fully functional.
6. **Need for life skills and sexuality education :** Numerous participants in the pre-consultation survey and during the Madhya Pradesh Consultation on Effective Implementation of the POCSO Act, 2012, pointed out that there is a lack of education and awareness amongst children and parents about the law and sexuality, especially in the tribal and rural areas. Parents and teachers find it uncomfortable to initiate conversations on sexuality education at home and schools. As a result, children are often unable to even identify the signs of sexual abuse. Further, many adolescents are getting into romantic and sexual relationships without being aware of the legal and health consequences. Curriculum revision to include age-appropriate content on sexuality education and child safety and mass awareness programmes are urgently needed.
7. **Adverse impact of media reporting on cases:** Media attention is a big inhibitor in effective rehabilitation as reports end up compromising the identity of the child and the family.

2.1.2. Child friendly Court Procedures during prosecution for POCSO survivors.

1. **Slow operationalisation of child-friendly procedures :**
 - a. Although the POCSO Act lays down several child-friendly procedures to be followed by the police, Magistrates, medical practitioners, and Special Courts, the spirit and objectives of these provisions are yet to be fully embraced by several functionaries. For instance, while few Special Courts are ensuring that questions are put to the child by them and not the defence lawyer or the **Special Public Prosecutor, other Special Courts are allowing direct examination by the defence.**

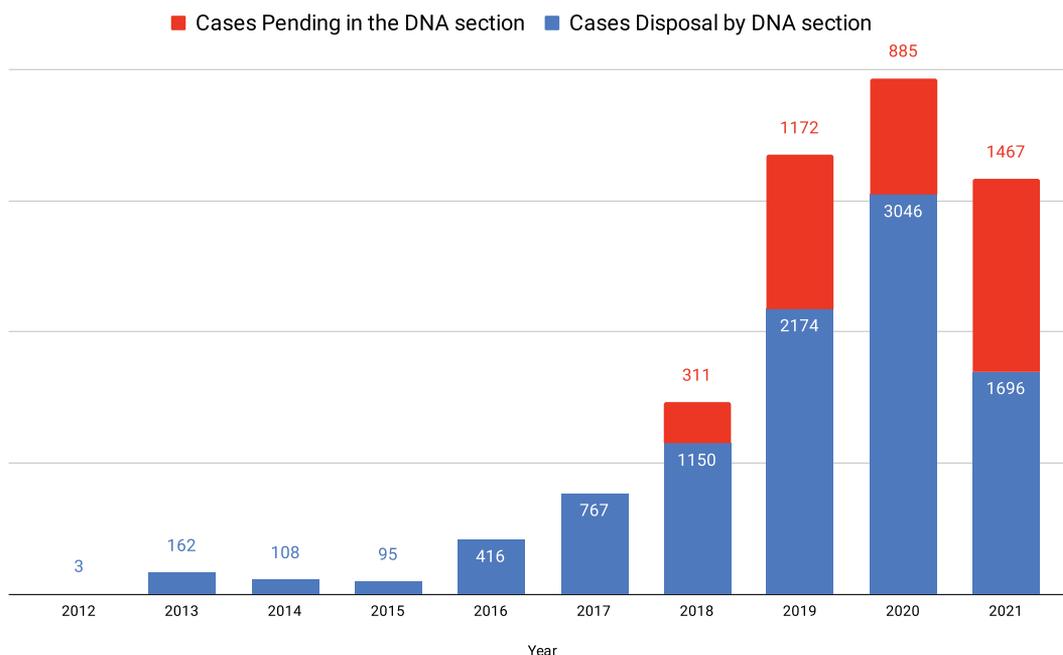
- b. **Children are called repeatedly to testify in court and their evidence is also not recorded within 30 days of cognizance** as the defence seeks time, the accused delays in appointing legal counsel, or the victims themselves do not appear owing to pressure from the accused or cannot be traced because the family may have migrated.
 - c. **Identity of the child victim is revealed** in records and orders that are available in the public domain, without regard for the long-term impact this may have on the child's life.
 - d. Although Section 33(8) read with Rule 9, POCSO Rules gives Special Courts the power to determine the quantum of compensation, there continues to be **a lack of clarity resulting in some courts directing the DLSA to determine the amount**. This impacts children's access to immediate relief and compensation.
 - e. **Victims/informants are not given information about the bail application** moved by the accused or the availability of victim compensation in many districts.
2. **Needs of children with disabilities not prioritised : Lack of a district-directory** of interpreters, translators, special educators, and experts whose assistance can be sought while recording the statement or testimony of a child with disabilities has resulted in **ad-hoc arrangements**, and initiatives by individual judges or civil society organisations to bridge the gap. **In rural areas, such experts are also not easily available. This affects the timely recording of statements and testimony and also undermines the access to justice of children with disabilities.** It is also not sustainable to engage private translators or special educators as funds are either not available or adequate to meet their charges.
3. **Growing pendency : As on 1.10.22, 86.9% POCSO cases are pending trial in Madhya Pradesh and as on 30.09.22, 69% cases have been pending for more than 1 year.** Several structural, and procedural issues and errors are contributing to these delays. For instance, in the absence of a dedicated unit within the police, **summons are not served in a timely manner.** These **delays impede the rehabilitation and reintegration of child victims, who are often called to court several years after the abuse to testify.** Owing to the high pendency of cases, courts also find it **challenging to complete examination-in-chief and the cross-examination on the same day.** The pressure of meeting the target of the number of judgments to be passed in a month also affects the time available for recording of evidence of child victims.

2.1.3. Investigation of Cases under POCSO

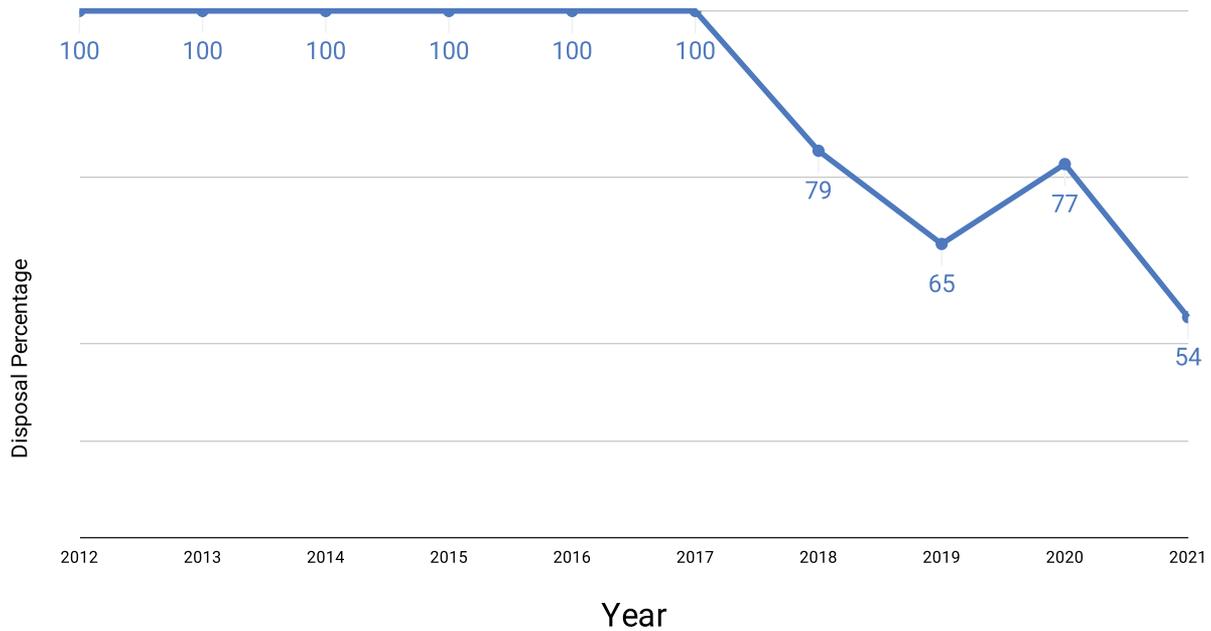
- 1. **Investigation gaps :** Common gaps in investigation pertain to the **failure to collect age-related documents, caste certificate or disability certificate of the child** and to include

these in the chargesheet. The site map is made of the place the victim is kidnapped from, but not of the place where the alleged offence was committed. Statements of public witnesses and eyewitnesses are not recorded. **Chargesheets do not refer to all relevant provisions.** Audio-video recording of statements is not done properly and CDs submitted are usually blank or of poor audio quality.

2. **Gaps in provision of information:** No material is collected by the police during investigation and presented before the Special Court on the background of the victim, socio-economic status of the family members, impact of the offence, medical treatment of the victim and the amount needed for immediate rehabilitation, to ascertain compensation amount.
3. **Delays in medical examination:** In cases where the victim arrives at night for medical examination, often **no doctor is available and the medical examination is delayed, which results in the loss of evidence.** Due to the unavailability of doctors, children are kept waiting for long hours for medical examinations.
4. **Delays in receipt of DNA and FSL reports:** The FSL and DNA report are often not received on time by the Special Court and this delays the disposal of cases. The volume of POCSO cases being handled by the DNA section in FSLs has **dramatically increased from 3 cases in 2012 to 3931 in 2020 and 3163 in 2021.** **The timely disposal of cases by the DNA section in FSL dropped from 100% in 2017 to 77% in 2020 and further declined to 54% in 2021.** The absence of DNA labs within the FSL dedicated to deal with crimes against women and children affects timely forensic analysis.



Year-wise disposal percentage of POCSO cases by the DNA section in FSL



5. **Gaps in collecting and storing samples :** Samples are stored in the police station in **poor conditions, not sealed at times**, and the contents of the sample and method of collecting the sample is not recorded. This results in the **deterioration of the sample or destruction by rodents. Vaginal swabs are collected unnecessarily** even though the history does not reveal penetrative sex and this traumatises victims, and contributes to the volume of samples that have to be examined by FSL.
6. **Gaps in medical report :** The **formats** prescribed in the Guidelines and Protocols on Medico-legal care for survivors/victims of Sexual Violence issued by the Ministry of Health and Family Welfare are **not followed**. Medical reports have gaps and the details of the doctor who conducted the medical examination is often not mentioned. The **MLC is often handwritten and the handwriting of the doctor is not legible**. There is **inconsistency in the reference to the age bracket** after the conduct of dental or radiological examinations. For instance, sometimes the radiologists write that the age is less than 18 or more than 18, but the range is not mentioned in the report.

2.1.4. Building Capacity of functionaries under POCSO Act

1. **Need for investment in workforce development :** Most of the **workforce responsible** for the implementation of the POCSO Act and rehabilitation of child victims is **either contractual or with additional charge**. Officers on the verge of retirement are placed in SJPU. Community-based groups, civil society organisations and agencies like Childline offer limited support. This gap impacts the provision of support and rehabilitation services to child victims and their family, and renders adherence to child-friendly procedures and timely completion of legal processes nearly impossible. **The gains of training imparted cannot be consolidated or actualised in the absence of a stable and dedicated cadre of officers.** Some examples of the impact are as follows:
 - a. **Absence of dedicated Child Welfare Police Officers and their frequent transfers** has not only affected the quality of investigation and response to child victims, it has also resulted in the **mechanical repetition of the same errors** during investigation and in the collection of samples for forensic examination and maintenance of chain of custody. For instance, **age-related documents are not seized by the police** and the statement of the person who recorded the age of the child in the school register is not recorded during investigation thus affecting age-determination. This challenge can be resolved by seizing information during investigation on Form 5 of Madhya Pradesh Registration of Births and Deaths Rule, 1999. Site map is made of the place the victim is kidnapped from, but not of the place of the alleged offence or whether the victim was found. Statements of independent and eye-witnesses or statements of those present on the spot are not recorded.
 - b. **Special Public Prosecutors are not exclusively dealing with POCSO cases and do not have time to meet the child in advance**, as a result of which the child takes a long time to feel comfortable, and often has difficulty in understanding the questions. The SPP and the court with the language or manner of communication of the child.
 - c. **Lack of institutionalized capacity development programme and workforce development strategy:** Most of the child protection workforce is contractual, and they are given multiple tasks beyond their key child protection role. The state lacks an annual training calendar for the child protection functionaries, lack qualified and empanelled trainers, insufficient budget allocation for capacity building, lack of clear JDs and ToRs of staff, as well as their performance appraisal and absence of system for their career path.

2. **Need for regular knowledge updation and sensitisation** : Several stakeholders on the ground are not acquainted with recent legal, policy, and scientific developments, or the extent of their powers and this impacts child survivors' rights. For instance, a pre-consultation survey revealed that 90 out of 112 CWC Chairperson and Members stated that they had not received Form B from the police, pointing to the need for training the police on their responsibilities under POCSO Rules, 2020. **Although the Medical Termination of Pregnancy Act, 1971 as amended in 2021, does not require a court order for the termination of pregnancies below 24 weeks, CWCs expect such an order in order to support a child survivor with termination.** This gap in understanding causes delays that have grave ramifications for pregnant girls. **In cases where there is no allegation of peno-vaginal intercourse or there is delayed reporting, vaginal swabs are collected and sent to the FSL for confirmation of presence of spermatozoa.** Although there are techniques available to extract DNA, FSL reports indicate that it cannot be done because the sample is stored in formalin. Gaps are also seen in the writing of medical examination reports without adhering to the Guidelines and Protocols on Medico-legal care for survivors/victims of Sexual Violence issued by the Ministry of Health and Family Welfare.
3. **Lack of systematised approach towards orientation, training and skill development** : While numerous trainings are being organised by various departments, training academies, and agencies, there is no uniformity in the design, content, objectives, and curriculum, and there is a lack of trainings that focus on convergence of stakeholders.

2.2. Continuing challenges

1. **Romantic/consensual cases** : Romantic cases are **consuming significant time and resources of the police and judiciary. The imposition of the minimum mandatory sentence** under the POCSO **results in utmost hardship to couples in a consensual relationship**, especially when they are married and have children or are pregnant. The Special Court often finds it difficult to send the accused to jail for a minimum of 20 years in these cases due to legal provisions when in reality, the victim is living happily with the accused. **Rehabilitation of girls in romantic cases is affected as they are stigmatised, usually rejected by their families, and are institutionalised for prolonged periods** in One Stop Centres or Children's Home. Pregnant girls in such cases often face heightened stigma and biases.
2. **Conflict between the practices of customary laws and implementation of POCSO Act** : Among tribal population, where customary practices and tribal norms recognize and accept early marriages or live-in-relationships, the strict application of POCSO Act results in the

criminalisation of young tribal boys and men and the institutionalisation of tribal girls in Children's Homes. This is commonly seen in the state. Also, POCSO case are also lodged when a disagreement arises on monetary aspects during early marriages or live-in-relationships. Subsequently, these cases are often settled between parties and thereafter the victim and the victim's family evade summons, are not ready to give a statement, and do not support the prosecution.

3. **Absence of child-friendly infrastructure : The JJBs lack a waiting room, separate entrance for child victims, separate toilets for children and families**, and the infrastructure necessary to prevent the exposure of the child victim to the child in conflict with the law, and ensure privacy during the conduct of the inquiry. **Several Special Courts do not have a child-friendly design** as modifications have been made to existing courtrooms. They lack separate entrances and waiting rooms for the victim and family members, which results in the victim being exposed to other witnesses and family of the accused. **Public Prosecutors lack infrastructure within the court premises** such as chairs, tables, computers, cabinets to store files, and separate space to interact with children and families. Lady prosecutors do not have a separate toilet. CWCs also lack child-friendly infrastructure.
4. **Human resource challenge** : Medical examinations are delayed due to the **unavailability of adequate doctors in government hospitals** and this results in crucial loss of evidence. Timely issue of summons and delivery of samples to FSL are affected because of the multiple responsibilities of the police and lack of a dedicated unit for cases of sexual violence against children and women. In several districts, the position of Probation Officers is lying vacant and this is affecting the preparation of Social Investigation Reports in cases before JJBs.
5. **Age determination is affected in remote areas:** In remote or tribal areas, children lack school documents or birth certificates and parents often find it difficult to recall the date of birth. Even if records such as school admission register and date of birth register are present, they are often not maintained properly. Bone ossification test facilities are unavailable in some districts.
6. **Need for attitudinal shifts** : There is an **overall lack of empathy and compassion** while dealing with survivors of POCSO cases. For instance, **children are kept waiting for hours in police stations, hospitals and courts**. There is also a general lack of proactiveness on the part of authorities and functionaries to exercise available powers to advance child survivors' interests and needs or seek additional information or action so as to address gaps. Sexual abuse of boys and cases of non-penetrative sexual assault are yet to treated seriously by the police.

III. Way Forward

3.1. Key Priorities

1. **Strengthening convergence** at all levels through the conduct of district level monthly meeting with relevant departments such as DWCD, Home, Education, Health, Social Justice and Disabled Persons Welfare, etc., as well as among authorities such as Special Courts, JJBs, CWCs, and functionaries like the police/SJPU, Urja Desk, DCPU, DLSA, DM, Support Persons, staff of CCIs, One Stop Centres, Childline and civil society organizations so as to ensure a coordinated and effective response to child survivors. Additionally, POCSO implementation can be included in the agenda of the DCPC.
2. **Development of Child Protection Workforce** so as to build a well-trained and regular cadre of staff, both in the criminal justice system and child protection system, with a clear career path as well as accountability system through appraisals and reviews. A cadre of Support Persons also needs to be created to ensure consistent support throughout investigation and trial. A clearly thought out workforce development strategy to be developed and institutionalized.
3. **Existing training curriculum** needs to be **reviewed and standardised** and indicators need to be developed to assess their effectiveness.
4. **Fund allocation to ensure child-friendly infrastructure** in JJBs, CWCs, and Special Courts that will enable conduct of in-camera proceedings, and provision for separate waiting rooms and entrances for the survivor and the accused.
5. **Family based alternative care and after care services** must be strengthened for survivors of child sexual abuse.
6. An **effective MIS** must be set up for all key areas of child protection, including POCSO.
7. The **age of consent needs to be revisited** in light of consensual/romantic cases and options such as the lowering of the age to 16 years, grant of discretion to the judiciary to impose less than the minimum mandatory sentence after specifying reasons, or graded punishments based on age of the victims need to be evaluated. In the interim, an SOP is needed for the police and the judiciary to deal with consensual/romantic cases.
8. **Delivery of MHPSS** to be strengthened, with convergence of counselors and psychologists across departments, with continuous capacity and refresher programmes and their delivery of services regularly monitored. Further that counselling support is made available to every child within the JJ and POCSO system.

3.2. Proposed Solutions

1. Strengthening Accountability & Convergence:

- a. With a view to ensure effective implementation and adherence to child-friendly procedures and rehabilitation of child survivors, steps may be taken to develop and integrate POCSO specific MIS in the current child protection MIS. Adequate oversight needs to be ensured for Members of JJBs and CWCs.
- b. To ensure effective convergence and coordinated responses at the district level, a monthly/quarterly review meeting may be held among key stakeholders responsible for implementation and oversight such as the District Magistrate, District and Sessions Judge, judges of the Special Courts and Children's Courts, Chief Judicial Magistrate, JJB Principal Magistrate and Members, CWC Chairperson and Members, District Child Protection Officer, Superintendent of Police, SJPU, Secretary DLSA, Chief Medical Officer, Childline and representatives of recognised civil society organisations. Representatives of relevant departments such as Health, Education, Social Justice, Tribal Welfare, and others, will also be invited.

2. Strengthening Support & Rehabilitation :

- a. The State Government may issue **guidelines** for the smooth implementation of **special relief** under Rule 8 of the POCSO Rules, 2020. The High Court may consider the issue of **guidance to Special Courts on determination of interim compensation** and powers of Special Courts to determine the quantum of compensation under POCSO Rules, 2020.
- b. **Guidelines for Support Persons** may be issued to outline their appointment, responsibilities, remuneration, and accountability. Care needs to be taken to ensure that the remuneration and payment schedule enables their sustained support to child survivors throughout the case.
- c. An **updated directory of interpreters, translators, experts, special educators and support persons** has to be prepared by the DCPU and resource directories prepared by the Social Justice Department, and the Indian Sign Language Research and Training Centre should be tapped into. These directories should be emailed to all Special Courts, JJBs, and CWCs. The DWCD also needs to allocate an adequate budget for payment to these experts.
- d. **Para-legal volunteers** can be trained and engaged as Support Persons to provide support to child survivors and their families.
- e. **One stop centres** must be ensured in all districts so that children are able to access a range of support services under one roof.

- f. **Rehabilitative interventions** for child survivors by CWCs must ensure their access to **education, skill training, sponsorship, and timely special relief and compensation.**

3. **Strengthening capacity building:**

- a. A comprehensive child protection workforce strategy to be developed and adopted by the state, which includes mechanism for regular filling of vacancies, career development and growth, and accountability with clear monitoring and performance appraisal system.
- b. Existing curriculum and methodologies need to be **reviewed and standardized** in collaboration with Judicial Academy, Police training academy, nodal departments, UNICEF, Universities, and experts.
- c. A mechanism to review existing capacity building programmes, including anonymous **feedback** about instructors and tests and processes to **track the application of the learnings by participants** needs to be developed.
- d. An **integrated multi-stakeholder capacity building programme** may be designed to forge an understanding of roles and responsibilities of different stakeholders and promote collaborative functioning.
- e. **Capacity building programs** need to be developed for lawyers and court staff as the implementation of child-friendly procedures during trial require their support and cooperation.
- f. **Modules need to be jointly developed** by MPSSA, DWCD, Judicial Academy, Police Training Academy, UNICEF and other stakeholders so as to ensure standardised content of high quality.

4. **Intensifying preventive efforts :**

- a. Existing **community-based mechanisms** such as the **CPCs at different levels**, as well as Nagar Suraksha Samitis, Shourya Dal, Shourya Didis, SHGs, Mother's groups, need to be strengthened to undertake preventive work with vulnerable children, including children vulnerable to trafficking, children from denotified tribes, adolescent boys and girls, among others. **Gram Panchayats** need to be trained specifically on child protection issues. Capable and competent leaders/influencers in the community may also be identified and trained on child protection.
- b. Child Protection Clubs and Bal Sabhas need to be activated.
- c. Adequate number of **trained and qualified counsellors** should be appointed in Government and private schools.

- d. Convergence is also needed between the initiatives of the **DWCD and health and education programs under RKSK and Ayushman Bharat**, so as to build on existing programmes and advance **age-appropriate comprehensive sexuality education, child rights, life skills education, and legal awareness** in schools, colleges and the community.
- e. **Community Support Centres** may be promoted and encouraged to create a safe space, and offer support to children in getting admission in schools, facilitate enrolment in social security schemes and adolescent empowerment programs, and provide mentorship.
- f. Surveys may be conducted to identify hotspots within the community where sexual exploitation of children is rampant for targeted interventions.

5. Strengthening investigation:

- a. A **Standing Order** may be issued by the Home Department/Director General of Police to ensure the adherence of the police to the child-friendly provisions under the POCSO Act and Rules.
- b. A **separate unit** may be established within the police for **service of summons** in cases of sexual violence, which will prevent delays and to ensure that IOs dealing with serious crimes are not drawn into law and order related responsibilities.

6. Forensic and medical examination

- a. A **circular** may be issued by the Health Department stating the **formats, provisions, and guidelines that need to be complied with, along with the samples that need to be collected** based on the nature of the offence and the time-lapse from the date of commission and date of examination.
- b. **District hospitals may assign one doctor to deal with MLC requisitions** and report on the number of cases attended to on a daily basis, in order to make sure that there is no delay in facilitation of medical examination
- c. **FSL and DNA reports should be directly emailed to the Special Courts** to avoid delays.
- d. **Additional FSL laboratories** must be opened in areas where the pendency rate of DNA disposal is high.
- e. **Kits for DNA** testing should be procured based on their sensitivity level and it should be ensured that they are not sub-standard.

Annexure A: Progress made on State Plan - 2018

The State Plan of Action and the progress made was discussed at the Madhya Pradesh State Consultation on Effective Implementation of the POCSO Act, 2012 on 6 November 2022. The details are provided in the table below :

| Sr. No. | Key Action to be Taken | Current Status & Progress |
|---------|--|--|
| 1. | Planned Composite Infrastructure (CI). | <ul style="list-style-type: none"> ● Land Allocation in Gwalior, Identification in Bhopal, Jabalpur & Indore. ● Allocation of Budget and Layout Plan for Gwalior. ● District Composite infrastructure Committee headed by respective Principal District & Session Judge of respective districts monitoring the progress of the Cis. |
| 2. | Child Friendly Police Stations with Resources. | <ul style="list-style-type: none"> ● Rs. 10,000/- is provided to SJPU in advance for expenditure ● 69 Police Stations child friendly spaces/room have been developed. ● PHQ alongwith UNICEF & BBA has trained and sensitized 2955 police personnels in 2021 and 1050 in 2022. |
| 3. | Development of Child Protection Workforce. | <ul style="list-style-type: none"> ● JD and ToR for CWC, JJB and DCPU have been developed ● Police training academy included issues of child protection in basic foundation course for DSP, SI and Constables. ● The state has developed a resource pool of experts on various issues including cyber safety. |
| 4. | Adolescent Empowerment Programme and Preventing Child Sexual Abuse. | <ul style="list-style-type: none"> ● DWCD with UNICEF and other departments started Strategic Action Plan for Adolescent Empowerment with focus on Ending Child Marriage(ECM) and Ending Violence Against Children(EVAC) being carried out in the State. |
| 5. | Campaign to prevent Child Sexual Abuse. | <ul style="list-style-type: none"> ● 260 Chairpersons and Members of CWC and JJB were trained online on POCSO and victim compensation on 25 March 2022. ● The Home Department has conducted 210 awareness programmes in school, colleges, public places, coaching classes on issues of sexual abuse which reached 79301 people ● The Home Department conducted awareness drives in schools and slum areas on the issues of safe and unsafe touch under the initiative 'Operation Ahasas'. |

| Sr. No. | Key Action to be Taken | Current Status & Progress |
|---------|--|--|
| 6. | Development of SOPs | <ul style="list-style-type: none"> ● DWCD developed SOP for CWC and JJB members focusing on do's and don'ts. ● DWCD developed the SOPs for District Inspection Committee to ensure quality in inspection visits |
| 7. | Setting up and strengthening District Block and Ward Child Protection Committees. | <ul style="list-style-type: none"> ● Online training was organized with technical support from Save the Children in which 1200 members of DCPCs & BCPCs participated ● Total number of BCPC established: 313 ● Total number of VCPC established: 23359 ● Total number of WCPC established: 5966 |
| 8. | Standards of care and linkages to services in CCIs | <ul style="list-style-type: none"> ● Training of concerned CCI functionaries on Individual Care plan (ICP) was organized in six batches with technical support from UNICEF. ● DWCD has shared the ToRs and brief roles and responsibilities of Inspection Committee for CCIs |
| 9. | Resource pool of counsellors and psychosocial experts | <ul style="list-style-type: none"> ● DWCD & UNICEF identified a pool of 140 counselors already working in the DCPU, Childline, CCIs and NGO partners and have mapped the number of CCIs with available counsellors and allocated a CCI to each counsellor. ● The Department of Health provides psycho-social experts for referral cases. |
| 10. | De-Addiction Centers for Children and Homes for specially abled Children. | <ul style="list-style-type: none"> ● De-addiction centers for children are established in all 10 division under public private partnership. |
| 11. | Enactment of the Madhya Pradesh JJ Rules 2016 | <ul style="list-style-type: none"> ● The State has notified the Madhya Pradesh Juvenile Justice Rules in 2022. |
| 12. | Child Protection Policy | <ul style="list-style-type: none"> ● The State has developed a comprehensive Child Protection Policy in 2020. |
| 13. | Juvenile Justice Fund | <ul style="list-style-type: none"> ● The state has opened a JJ fund account. ● DWCD has developed operational guidelines for Juvenile Justice Fund. ● Hon'ble Shri Justice Anand Pathak is playing a proactive role by ordering to deposit funds in JJF. |

| Sr. No. | Key Action to be Taken | Current Status & Progress |
|----------------|---|--|
| 14. | Child Protection Management Information System(CP-MIS) | <ul style="list-style-type: none"> ● DWCD has rolled out the CP- MIS and conducted training sessions for all computer operators of DCPUs in regards to CPMIS. ● DWCD has developed the user manual for CWC and would soon reorient CWCs to ensure entrie |
| 15. | Alternative Care Programme | <ul style="list-style-type: none"> ● Chief Minister's Bal Aashirwad Yojna to provide the benefit of after care and sponsorship to the children. ● 73 youths/girls are associated with vocational trainings under the aftercare program and 59 youths have been engaged in employment. ● In 2022, a total amount of Rs 42,77,000/- budget for care leavers was released to the districts to support 198 care leavers. ● Government Sponsorship: 1763 ● Private sponsorship: 5647 ● Foster Care: 277 |
| 16. | Review/Coordination Meetings | <ul style="list-style-type: none"> ● The State Child protection system is reviewed by JJC and SCPC on a quarterly basis. |

Annexure B: Schedule of the Two - day Consultation

State Consultation on Implementation of POCSO Act 2012

Date: 5th – 6th November, 2022

Venue: Madhya Pradesh State Judicial Academy, Jabalpur

Objectives

- To review the on-ground implementation of POCSO Act 2012 over the last 10 years.
- To develop an Action Plan for effective implementation of POCSO Act 2012.
- To review the progress made under the State Action Plan on Child Protection 2018-22, and to develop a new State Action Plan for the period 2023-27.

| Time | Theme | Facilitator/Resource Person |
|----------------------------------|---|--|
| DAY 1, 5th November, 2022 | | |
| 9.00 – 10.00 | Arrival of Participants and Registration | |
| 10.00-10.15 | Welcoming Dignitaries Lighting of the Lamp | Secretary, Juvenile Justice Committee, High court of MP Secretary, Juvenile Justice Committee, High court of MP |
| 10.15 -11:15 | Welcoming Dignitaries on the dais Presentation of Bouquet Introduction & Setting the context of the consultation Launching of JJC Website Remarks by: Keynote Address by | <ul style="list-style-type: none"> ● Hon'ble Shri Justice Sujoy Paul Chairperson Juvenile Justice Committee High Court of Madhya Pradesh (5 Minutes) ● Ms. Margaret Gwada Chief of Field Office, UNICEF (5 Minutes) ● Shri Ashok Shah Additional Chief Secretary - DWCD (5 Minutes) ● Hon'ble Shri Justice Sushrut Arvind Dharmadhikari Chairperson, POCSO Committee High Court of Madhya Pradesh (5 Minutes) ● Hon'ble Shri Justice Sheel Nagu Administrative Judge, Jabalpur Bench, High Court of Madhya Pradesh (5 Minutes) ● Hon'ble Shri Justice Ravi Malimath Hon. Chief Justice, High Court of Madhya Pradesh (10-15 Minutes) |

| Time | Theme | Facilitator/Resource Person |
|---------------|--|---|
| | DAY 1, 5th November, 2022 | |
| | Vote of Thanks National Anthem | Secretary, Juvenile Justice Committee, High court of Madhya Pradesh (5 Minutes) |
| 11.15 - 12.00 | Tea | |
| 12.00 – 14.00 | <p><u>Technical Session I</u> Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures:-Practices, Gaps and Opportunities.</p> <p>Introduction to the session by Chair (5 minutes)</p> <p>Presentation by Expert (15 minutes)</p> <p>Group discussion in 4 groups (30 minutes) based on predefined questions, facilitated by experts</p> <p>Presentation by 4 groups (each group 10 minutes each for presentation)</p> <p>Plenary Q & A (15 minutes)</p> | <p>Chair : Hon'ble Shri Justice Anand Pathak</p> <p>Ms. Bharti Ali, Director and Co-Founder, Haq Centre for Child Rights</p> <p>Ms. Swagata Raha, Mr. Anant Asthana, Ms. Bharti Ali & Kushi Kushalappa</p> |
| 14.00 – 15.00 | Lunch | |
| 15.00 – 17.00 | <p><u>Technical Session II</u> Child friendly Court Procedures during prosecution for POCSO survivors – Practices, Gaps, and Opportunities</p> <p>Introduction to the session by Chair (5 minutes)</p> <p>Presentation by Expert (15 minutes)</p> <p>Group discussion in 4 groups (30 minutes) based on predefined questions, facilitated by experts</p> <p>Presentation by 4 groups (each group 10 minutes each for presentation)</p> <p>Plenary Q & A (15 minutes)</p> | <p>Chair : Hon'ble Smt. Justice Anjali Palo</p> <p>Ms. Swagata Raha Researcher & Trainer</p> <p>Ms. Swagata Raha, Mr. Anant Asthana, Ms. Bharti Ali & Kushi Kushalappa</p> |

| Time | Theme | Facilitator/Resource Person |
|----------------------------------|--|---|
| DAY 2, 6th November, 2022 | | |
| 10.00 –11.30 | <p>Technical Session III Investigation of Cases under POCSO Role of Police, Medical Officer, Special Public Prosecutors, Probation Officer, and Support Person</p> <p>Introduction to the session by Chair (5 minutes)</p> <p>Presentation by Expert (15 minutes)</p> <p>Group discussion in 4 groups (30 minutes) based on predefined questions, facilitated by experts</p> <p>Presentation by 4 groups (each group 8 minutes each for presentation)</p> <p>Plenary Q & A (10 minutes)</p> | <p>Chair: Hon'ble Shri Justice Gurpal Singh Ahluwalia</p> <p>Dr. Jagdeesh Narayana Reddy Prof &HoD, Forensic Medicine, Vydehi Inst of Med Sciences, Bangalore</p> <p>Ms. Swagata Raha, Mr. Anant Asthana, Ms. Bharti Ali & Kushi Kushalappa</p> |
| 11.30 | Tea Break | |
| 12.00–13.30 | <p>Technical Session IV Building Capacity of functionaries under POCSO Act and the role of State-run training institutions</p> <p>Introduction to the session by Chair (5 minutes)</p> <p>Presentation by Expert (15 minutes)</p> <p>Group discussion in 4 groups (30 minutes) based on predefined questions, facilitated by experts</p> <p>Presentation by 4 groups (each group 8 minutes each for presentation)</p> <p>Plenary Q & A (10 minutes)</p> | <p>Chair: Hon'ble Shri Justice Sushrut Arvind Dharmadhikari</p> <p>Mr. Anant Asthana, Advocate and Trainer</p> <p>Ms. Swagata Raha, Mr. Anant Asthana, Ms. Bharti Ali & Kushi Kushalappa</p> |

| Time | Theme | Facilitator/Resource Person |
|----------------------------------|--|--|
| DAY 2, 6th November, 2022 | | |
| 13.30 - 14.30 | Lunch | |
| 14.30 - 16.00 | <p>Technical Session V</p> <p>Developing State Action Plan on Child Protection (5 years)</p> <p>Introduction to the session by the Chair (5 minutes)</p> <p>Presentation of the previous SAP and the progress made (15 minutes)</p> <p>Group discussion in 4 groups (30 minutes) facilitated by experts</p> <p>Presentation by 4 groups (each group 8 minutes each for presentation)</p> <p>Plenary Q & A (10 minutes)</p> | <p>Chair : Hon'ble Shri Justice Sujoy Paul</p> <p>Mr. Samresh Singh Secretary, Juvenile Justice Committee High Court of Madhya Pradesh</p> <p>Ms. Swagata Raha, Mr. Anant Asthana, Ms. Bharti Ali & Kushi Kushalappa</p> |
| 16.00 | Tea Break | |
| 16.15 – 17.00 | <p style="text-align: center;">Valedictory</p> <p>Reflections</p> <p>Key Takeaways</p> <p>Closing Remarks</p> <p>Vote of Thanks</p> <p>National Anthem</p> <p>Departure</p> | <p>UNICEF (5 Minutes)</p> <p>ACS, DWCD (5 Minutes)</p> <p>Hon'ble Mr. Justice Sujoy Paul Chairperson, Juvenile Justice Committee, High court of MP (10 Minutes)</p> <p>Secretary, Juvenile Justice Committee, High court of MP (5 Minutes)</p> |

Guidance Note for Technical Session - I

Technical Session I: Rehabilitation and Reintegration of POCSO Survivors and Preventive Measures: – Practices, Gaps and Opportunities.

- Awareness and engagement with community level structures on prevention of incident, community monitoring mechanism and respectful rehabilitation of survivors within community setting.
- Engagement with adolescent and young people in educational institutions for prevention of sexual abuse, or any form of abuse, violence and discrimination including online safety.
- Victim compensation(national and state) to the survivor and families and role of different institutions. This includes panchayat at community level, legal service authority, child welfare committee and Civil Society Organization as support person.
- Quality legal aid services, provision of para legal volunteers and role of District Legal Service Authority (DLSA).
- Support Person services to the survivor and families and role of Child Welfare Committee, and Civil Society Organizations as support person as well expert organisation.
- Rehabilitation support including referrals to medical care/treatment, education, life skill, vocational skills, family support to healing and life with dignity, Restorative Justice. This includes mechanism to facilitate legal documents for accessing entitlements.
- Mental Health and Psychosocial care and support, counselling services etc.
- Interim shelters and considerations around institutionalisation of victims as interim arrangement from safety and security perspective. This includes provision for adequate services for children with special needs who have experienced and survivor of sexual abuse/violence.

Group Work Questions for Technical Session I

1. What are key challenges and gaps in the rehabilitation and reintegration of POCSO survivors, and in prevention measures? (Identify max 4)
2. What are the good practices at the state/district level in rehabilitation and reintegration of POCSO survivors and in prevention measures that can be scaled up state-wide? (Identify max 3)
3. Recommend 3-4 strategic interventions that can strengthen effective rehabilitation and reintegration of POCSO survivors and for prevention of Child Sexual Abuse.

| Gaps and Challenges | Good Practices | Recommendations : Strategic interventions |
|---------------------|----------------|--|
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Guidance Note for Technical Session - II

Technical Session II: Child friendly Court Procedures during prosecution for POCSO survivors: – Practices, Gaps, and Opportunities

- POCSO related child friendly procedures. This includes survivor protection pre, during and post court proceedings. Practice of protocols from reporting to disposal of cases by various authorities/ functionaries (medical examination and treatment, police during the enquiry, counselling services, compensation, legal services, and post rehabilitation support, participation of survivors and parents at all stages is crucial)
- Functionality of Child Friendly Courts. This includes setting up appropriate child friendly environment within court premises such as separate room, vulnerable witness centers, recording of the statement before the magistrate under 164 CrPC, availability of Special Prosecutors, support person, translators, or interpreters as per the legal provision.
- Intersection of POCSO Act, JJ (CPC) Act, Prohibition of Child Marriage Act and Personal Laws: the issue of child/early marriage, elopement, consented and romantic relationships, medical termination of pregnancy of children and rights of the survivors and the child conceived from the act of sexual abuse, treatment facilities etc.,
- Conflict between the practices of customary laws and implementation of POCSO act, out of court settlements, role of community-based tradition institutions such as caste panchayats, religious bodies, and role of other community level key influencers
- Role of NCPCR and SCPCR in monitoring the POSCO implementation

Group Work Questions for Technical Session II

1. What are key challenges and gaps with regard to Child friendly Court Procedures during prosecution for POCSO survivors (identify max 4)
2. What are the good practices at the state/district level with regard to Child friendly Court Procedures during prosecution for POCSO survivors that can be scaled up state-wide? (Identify max 3)
3. Recommend 3-4 strategic interventions that can strengthen Child friendly Court Procedures during prosecution for POCSO survivors.

| Gaps and Challenges | Good Practices | Recommendations : Strategic interventions |
|---------------------|----------------|---|
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Guidance Note for Technical Session - III

Technical Session III: Investigation of Cases under POCSO: - Role of Police, Medical Officer, Special Public Prosecutors, Probation Officer, and Support Person.]

- Recording of the statement under section 161 CrPC. Child is not exposed to the accused at the time of testifying. Procedures in case the commission of offence by the child and age determination, and role of different functionaries (Child Welfare Committee, Medical Officer, Special Juvenile Police Unit, Juvenile Justice Board etc).
- Role of Special Juvenile Police Unit and Child Welfare Police Officer in the investigation process. Collection and protection of evidence, coordination and networking with other key stakeholders such as forensic lab and medical officer, district child protection unit and legal cum probation offers, CWC and public prosecutors.
- Medical examination of the Child. Guidelines/ Protocols on application of medico-legal care for survivor and victims of sexual violence. Involvement of parents and legal guardian during and post medical examination and case hearing process, and support for counselling services.
- Convergence with other actors, and role of District Child Protection Unit. Periodic update and regular data sharing with among the key institutions, quarterly multi-stakeholders' convergence meeting, support to ensure smooth access and facilitate linkages to avail services such as counselling, legal aid, compensation and post rehabilitation follow up support to survivors.
- Intersection of POCSO Act, JJ (CPC) Act, Prohibition of Child Marriage Act and Personal Laws: the issue of child/ early marriage, elopement, consented and romantic relationships, clarity on application of section under various special laws along with IPC and CrPC while filing FIR and Charge sheet.
- Importance of use of uniform reporting format.

Group Work Questions for Technical Session III

1. What are key challenges and gaps with regard to Investigation of Cases under POCSO (identify max 4)
2. What are the good practices at the state/district level with regard to Investigation of Cases under POCSO that can be scaled up state-wide? (identify max 3)
3. Recommend 3-4 strategic interventions that can strengthen Investigation of Cases under POCSO

| Gaps and Challenges | Good Practices | Recommendations : Strategic interventions |
|---------------------|----------------|--|
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Guidance Note for Technical Session - IV

Technical Session IV: Building Capacity of functionaries under POCSO Act and the role of State-run training institutions

- Role of state level training institutions such as Judicial Academy, Police Academy, State Council of Education Research and Training, State Institute of Rural Development in developing training modules and building capacity of key functionaries in various ways, such as, inclusion of POCSO theme within in-service and pre-service training; and organisation of special / customised course; and standardised training curriculum for all stakeholders.
- Availability of training materials in local languages, State level Resource Pool of trainers, and Information, Education and Communication materials for raising awareness at different levels and platforms.
- Follow up and feedback after training, pre and post test analysis, undertaking training needs assessment and developing annual calendar of training programmes and refreshers. For instance, introduction of new emerging challenges in different forms such as online safety, cybercrime, positive masculinity and engaging with boys

Group Work Questions for Technical Session IV

1. What are key challenges and gaps with regard to building capacity of functionaries under POCSO Act and the role of State-run training institutions (identify max 4)
2. What are the good practices in the state with regard to building capacity of functionaries under POCSO Act and the role of State-run training institutions, that can be scaled up state-wide? (identify max 3)
3. Recommend 3-4 strategic interventions that can institutionalise capacity building of functionaries under POCSO Act and strengthening the role of State-run training institutions

| Gaps and Challenges | Good Practices | Recommendations : Strategic interventions |
|---------------------|----------------|---|
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Guidance Note for Technical Session - V

Technical Session V : Developing a State Action Plan on Child Protection

The Madhya Pradesh High Court Juvenile Justice Committee (HCJJC) in collaboration with the Government of Madhya Pradesh and UNICEF had developed a 16-point State Action Plan (SAP) 2018 (copy available in your folder). Each of the action points were regularly monitored by the HCJJC in coordination with other stakeholders, for its effective implementation. While some of them have been effectively achieved, others have made some good progress. Hence it is important to develop a new action plan, keeping in mind the needs of children in the state and the progress we have made so far.

Group Work Questions for Technical Session -V

Group 1: Child Protection Workforce Development (financial resources, human resources, training, capacity building, mentoring, monitoring, performance appraisal,)

1. What are the critical gaps and challenges in the area of child protection workforce development? (Identify max 4)
2. Recommend key interventions for child protection workforce development (rehabilitative and preventive) including finance, availability of qualified human resources, training, and capacity development, monitoring and performance appraisal, training resources and others)

Group 2: Family based alternative care, including De-institutionalization and Strengthening After Care services

1. What are the critical gaps and challenges in the effective implementation of alternative care, De-institutionalization and after care in the state? (identify max 4)
2. Recommend key interventions for strengthening alternative care, deinstitutionalization and after care

Group 3: Quality of care in child care and Residential Institutions for children, including standards of care

1. What are the critical gaps and challenges in delivering quality care for children in residential institutions, including compliance to standards of care? (identify max 4)
2. Recommend key interventions for strengthening quality care in institutions, including compliance to standards of care

Group 4: Addressing Violence Against Children (Sexual, Psychological, Physical, and others) in various settings (Schools, Hostels, Family, Community and public spaces), including Online safety and Digital Empowerment

1. What are the gaps and challenges in preventing violence against children (Sexual, Psychological, Physical, and others) in various settings (identify max 4)
2. Recommend key interventions in Violence Against Children (Sexual, Psychological, Physical, and others) in various settings.
3. Suggest key interventions for community support centres to protect children from violence and Recidivism.

Group Work Facilitation:

Ms. Swagata Raha, Ms. Bharti Ali, Mr. Anant Asthana & Ms. Kushi Kushalappa

Documentation:

Group Work Documenters: Ms. Advaita Marathe, Mr. Gurmukh Singh Lamba,
Ms. Smita Shendye, & Ms. GopikaNangia

Final Documentation and Report Writing: Enfold Proactive Health Trust, Bangalore

Experts for the Technical Session:

- Mr. Anant Asthana, Advocate (HCs and SC) and National Trainer on Juvenile Justice and POCSO
- Ms. Swagata Raha, Policy Expert, Researcher and National Trainer on Juvenile Justice and POCSO
- Ms. Bharti Ali, Co-Founder, Haq Centre for Child Rights, National Trainer and Researcher on JJ and POCSO
- Dr. Jagdeesh Narayana Reddy, Head, Department of Forensic Medicine, Vydehi Institute of Medical Sciences & Research Centre in Bangalore

PHOTO GALLERY

Manthan : State Consultation on POCSO Act



Inaugural Session



Technical Sessions



Group Work During Manthan



Group Presentation & Plenary Sessions





Child Protection Themed Cultural Programme





Valedictory Session



**Secretariat, Juvenile Justice Committee
High Court of Madhya Pradesh,
Jabalpur**

