

# **Implementation of POSCO Act in Haryana**

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**ABSTRACT**

*The conviction rate in POCSO cases across the state of Haryana is abysmally low. Despite the sound legal provisions, pendency of cases and implementation failures have been impediments to delivery justice to the victims. This research documents the current procedure of POCSO Act implementation in all the 22 districts by conducting meetings with representatives of the Women and Child Development, police and prosecution department. These meetings were done through the pilot titled Neev<sup>1</sup> which focused on documentation of the procedure followed across the three departments in POCSO Act implementation and how this can be improved upon. The findings indicate that inter-departmental coordination plays a pivotal role in smooth implementation of the POCSO Act. Initiation of standard documentation, sensitization of officers and inter-departmental meetings have contributed to the increase in the conviction rate from 12 per cent (June 2017) to 35 per cent (March 2018). This has turned out to be a huge milestone for the Government of Haryana, especially under the umbrella of the Beti Bachao Beti Padhao Campaign (B3P).*

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<sup>1</sup> It means foundation.

## I INTRODUCTION

Children make up one of the most vulnerable groups in India and the percentage of crimes against them is rising every year. According to the National Crime Records Bureau (NCRB), crime against children has increased fourfold from 2014 to 2016. The number went up from 89,423 in 2014 to 1, 05,785 in 2016. As many as 290 children are victims of a crime in India every day (Nigam, 2017). The figures are equally saddening, if not worse for the state of Haryana. The National Commission for Protection of Child Rights (NCPCR) has received more than 200 complaints pertaining to child rights violations in Haryana from 2013 to 2015. (Mahajan, 2015) (Nigam, 2017)

The Protection of Children from Sexual Offences Act (POCSO) Act was formulated in 2012 to address the issue of child sexual abuse and bring justice to the victims. The number of crimes recorded under the Protection of Children from Sexual Offences Act (POCSO) has shot up from 8,904 to 35,980, which is a fourfold jump. A report by NCPCR states that crime against children has increased by a whopping 300 per cent in a period of six years since 2009. A 2007 study by the Ministry of Women and Child Development revealed that 53 per cent of the children surveyed had been victims of some form of sexual abuse. These statistics reveal that a child is sexually abused every 15 minutes in the sub-continent (BBC News, 2017). Such astounding figures reveal the adverse conditions in which the children are living in India (BBC News, 2017) (Times Now, 2017).

The POCSO Act 2012 aims to protect children from offences of assault, sexual harassment and pornography and provide for the establishment of special courts for the trial of such offences and for matters connected therewith or incidental thereto. Being considered a heinous offence, such acts of crime against children are cognizable and non- bailable (POCSO Act, 2012). However, the reality is awfully different and depressing in nature. Reports suggest that the conviction rate in the national capital for the year 2016 was less than 20 per cent (Press Trust of India, 2016). One can cite numerous reasons for such a high rate of acquittal with victims turning hostile being the most common one. The way the victim is treated, the manner in which the statement of the victim is recorded and his/her counselling is done, and the manner in which the case is presented in the court, in all of this the role of the police and the District Child Protection Officers (DCPO) is crucial to ensure the smooth and unobtrusive delivery of justice (Angad, 2018).

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<sup>2</sup> An officer in charge of the police station with rank above a Sub-Inspector (SI) and below a Deputy Superintendent of Police (DSP).

The performance of the state of Haryana has been largely unsatisfactory when it comes to the judicial outcomes in POCSO cases. Of the 328 cases registered in the first four months of 2017, only two of the accused were convicted. The justification often presented by the authorities is that the victims turn hostile and the case is completely dissolved with a change in the victim's statement. In the majority of the POCSO cases, the accused is known to the victim and due to the long-winded investigations, the victims are pressurized by the accused to not pursue the case. A classic and cruel example of the power of financial bullying is observed often (Verma, 2017).

Furthermore, many families prefer taking the settlement money offered by the accused rather than facing societal criticism. The social stigma attached to such incidents often opens doors to external settlements much more conveniently for the accused. Another major loophole in the delivery of justice observed during field study, which paves way for these acquittals, is the lack of coordination across concerned institutional departments. The DCPOs falls under the Department of Women and Child Development (WCD), the investigation is done by the police and the District Attorney (DA) along with the Public Prosecutor (PP) looks into the legalities of the cases. The POCSO Act was envisaged in a manner where the coordinated efforts by these departments would guarantee easy and smooth delivery of justice to the victim.

Thus, the probability of conviction in these cases is heavily dependent on the flow of information between these departments and the coordination mechanisms between them. The coordination between the departments thus becomes paramount. The result of poor level of coordination is reflected in the data collated by the state. As of July 2017, the conviction rate in POCSO cases in Haryana stood at a mere 12 per cent whereas appeal rate was only 2 per cent. It is important to note that even if the efforts by the departments do not fetch the desired result, an appeal against the judgement can be filed in a higher court. However, it is the duty of the DCPO to take the opinion of the DA and eventually file an appeal. The hostile victim or the disapproval of the parents to fight the case does not matter in such circumstances. If the case is found fit for appeal, the judgement can be challenged.

Therefore, in order to achieve a higher rate of conviction, it is extremely important to ensure that the channels of communication between the various departments remain smooth. If the police inspectors do not communicate with the DCPO, they will not be able to counsel the victim. If the DCPO does not stay in touch with the DA, then they do not receive advice on how to make the case legally strong. All those involved must work in unison for each case to be adequately addressed.

In addition to this, what further weakens the smooth coordination between the departments is the poor administrative training given to the officers in order to fulfill the mandate of the act. This in turn leads to lack of information dissemination to the public and low public awareness. The POCSO Act has covered this aspect well with provisions on awareness and media coverage. Chapter IX, Section 43 of the POCSO Act clearly specifies-

Public awareness about Act: The Central Government and every State Government,

shall take all measures to ensure that

- (a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;
- (b) the officers of the Central Government and the State Governments and other concerned personnel (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

It is precisely the aforementioned two sub-sections which are being discussed through this research. The information gap within and across the departments and the lack of substantial training to the concerned departments are the major issues in implementation of the POCSO Act.

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## RESEARCH METHODOLOGY

It is primarily a qualitative research aimed at improving the understanding of the POCSO Act, particularly focusing on proper documentation of the procedures from registration of the case, investigation, trial and judgement based on insights from the field visits. The research design is exploratory in nature where I as a researcher attempt to understand the current methods of operation with regard to the work done on POCSO implementation across the state of Haryana.

The sample was purposive and selective where I chose the required number of samples in accordance with the objectives of the research. The area of study was the entire state of Haryana in order to arrive at a better and more holistic understanding of the ground realities. The first step was to test a pilot in the district of Panchkula with the three departments, i.e., WCD, police and prosecution. Based on the feedback from this pilot, it was then scaled up to all the districts of Haryana. Meetings were held in all 22 districts with representatives from the three departments. In addition to this, unstructured interviews were held with the DCPOs, DAs and the investigating officers from police to gauge their perspective about the on-ground challenges. The objective was to absorb ground realities with specific reference to work done by officers on the field, an analysis of their perception of the law, and the hardships faced by them. This was done with the aim of identifying ways to improve the implementation of the law on ground.

With this purpose in mind, a pilot called *Neev* was initiated in Panchkula. As part of this pilot, focus group discussions were used to enable enhanced interaction between the concerned departments. Based on the POCSO reports submitted by the DCPOs at the state level, the pilot was eventually introduced in all districts. The objective was to eventually cover the entire state, providing a platform to the officers to have a dialogue and initiate a channel of communication for smooth implementation of the POCSO Act.

This study on the implementation of the POCSO Act suffers from a few limitations owing to the fixed time frame within which the study had to be completed and limited availability of resources. On certain occasions, there was also lack of expertise to expand the scope of this research. For example, many on-field issues might not be addressed through the project as the officers understand them better than the researcher given their years of familiarity with the subject. Moreover, the extent of support and coordination from the departments and institutions involved also proved to be a key limitation.

Laced around these concerns this research deals with a central question:

**How do the different government departments responsible for the implementation of the POSCO Act perceive impediments in their effective functioning and their respective roles in Haryana?**

The three key research objectives are:

1. Comprehend the issues being faced by the government departments in implementation of POCSO Act.
2. Improve inter-departmental coordination across various departments for better implementation of POCSO Act.

3. Document the current procedure followed by the three departments in POSCO implementation and explore how it can be improved upon.

## II OBSERVATIONS FROM POSCO WORKSHOPS IN THE DISTRICTS

As the pilot was launched in Panchkula, a few meetings were conducted with the District Child Protection Officer (DCPO) and her team to comprehend the various implementation issues they faced in greater depth. With the resource material prepared and complete onboarding of the department, the first workshop was conducted in Panchkula. It was an attempt to witness the interaction between the

three departments namely police, prosecution and Women and Child Development (WCD). The cases registered under POSCO Act were discussed and phone numbers were exchanged between the officers. The workshop then steered towards the Act, a discussion on the roles and responsibilities of each department and their awareness of it. During the first workshop the DCPO without much apprehension blamed the Station House Officers<sup>2</sup> (SHO) for not being supportive and cited examples to substantiate it. For instance, she narrated how once she had to wait for four hours in the middle of the night for one of the inspectors to register a case due to sheer negligence. Such incidents illustrate how lack of coordination between the departments can affect the manner in which each case is handled. Moreover, only if the concerned officers are aware of their responsibilities under the POSCO Act can such delays be avoided. The workshop ended with a greater sense of responsibility and promise of improved cooperation in the near future.

Post the first workshop, a meeting was held with the DCPOs of the neighbouring districts for feedback and more clarity on the issues being faced by the WCD department. Hence, DCPOs of Yamunanagar, Karnal and Kurukshetra were contacted along with the Legal cum Probation Officers (LPOs). The latter is responsible for maintaining the files and managing the legal aspect of POSCO cases and they act as a point of contact with



Figure 1. Meeting SHOs, Panchkula



Figure 2. Meeting with DCPOs, Panchkula

courts and DA office. The performas and file covers prepared by the B3P Cell Coordinator for standard documentation were shared with the respective department officials in these three districts. The idea of the pilot *Neev* was warmly welcomed by the DCPOs and they were eagerly looking forward to individual district visits. The meetings also saw an exchange of good practices between the officers and became a knowledge sharing session as well.

Title of case	Date of offence & date	FIR no. & date	Under Section	Police station	Name/contact no of Investigating Officer	Detail of victim (age/DOB, gender)	Date/time when informed CWC/DCPO (by police)	Date of statement under 164 a	Date of 1 <sup>st</sup> Counselling Session
Date of challan filed in Court	Reason for cancellation of FIR (if challan not filed)	Court detail	Date of hearing	Current status of case	Final Status of Case discharged/acquittal/conviction with date of order	Conviction details	Judgment obtained from court (Date of receipt)	Appeal filed in acquittal case (if not filed reasons thereof)	Any other issue/remarks

Figure 3. Standard Performa

TITLE OF CASE.....	
FILE NUMBER.....	
COURT OF: .....	
FIR NO : .....	DATED:.....
UNDER SECTIONS:.....	
POLICE STATION: .....	
INVESTIGATING OFFICER:.....	
CONTACT NO.....	
CHALLAN FILED ON:.....	
DATE OF HEARING	STATUS
.....	.....
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Figure 4. Standard File Cover

Before proceeding further, a pattern had to be determined for the flow of these meetings.

It was decided that first there would be an interaction with the WCD department where they would be asked to bring the existing case files and the new format of documentation would be shared with them. The reports submitted by the 22 districts did not adhere to one format which made monitoring and analysis extremely cumbersome. Introducing a standard format would enable uniformity across the state. Second, a conducive setting would be crucial to discuss issues related to police or prosecution where everyone is receptive to the feedback shared. A concern was raised by the DCPOs during the first meeting in Panchkula that given the hierarchical structure in the government, staff officers might not be comfortable sharing such issues in the presence of their superiors. Once this internal meeting was over, a separate workshop with the three departments namely WCD, police and prosecution would take place.

Meanwhile, project *Neev* was also discussed with Dr. G.L. Singal, the State B3P Cell Coordinator. He offered to help and expressed how this subject had not been addressed properly and that the need of the hour was to form a uniform strategy to tackle POCSO related cases. In order to make the workshops more effective and interactive, power point presentations were shared with the DCPOs prior to the meeting. The first presentation focused on the documentation procedure to be followed by DCPOs while the second one discussed the POCSO Act at length and the roles to be played by all concerned departments.

The next workshop was held in Yamunanagar and the response from the officers was unforeseen. The DCPO had maintained files of each and every case while the Legal cum Probation Officer (LPO) was working earnestly to ensure the accused are convicted through continuous follow up in the court and guiding the DCPO on the legal front. Since they were a part of the joint meeting held in Panchkula to test the pilot, work on documentation had already been completed and they were geared to discuss the various issues faced by them while handling POCSO cases with the police and prosecution. Unlike the workshops held in Panchkula, the dialogue between the three departments was extremely cordial and the only issue raised by the DCPO was ensuring responsiveness of the police. However, the DCPO pointed out that the police had been highly supportive and they help them out despite the erratic schedule of the police.

The next district for the workshop was Kurukshetra where Dr. Singal had been facing documentation issues in the monthly meeting held with all districts. The DCPO was clearly unaware of the format of reports desired by the B3P Cell. She had been submitting wrong reports because she did not pay attention to the timelines mentioned in the report template. In addition to this, she was facing difficulty while coordinating with the police on the cases and did not receive the needed support. On the other hand, the DA was doing a great job and was well equipped with all the POCSO cases in the district and the various stages they were at such as investigation, evidence, etc. The major disappointment in the meeting was the almost negligent representation of the police as only one constable attended the meeting.

The experience in Karnal was very different. The representatives of these departments

were exceedingly dedicated and had been producing great results with one of the highest conviction rates in the state. The only issue raised was the lack of responsiveness of the police and their initial reluctance to provide documents to the DCPO. The reason cited by the police inspectors was broken lines of communication and staff crunch which they believe became impediments in their work. The police inspectors present assured that the DCPO would no longer face such a problem in the future.

The districts covered after Karnal were Bhiwani and Rohtak. The DCPO in Bhiwani was maintaining case files well and the internal meeting was used to emphasise their role and the importance of team work. The workshop was perhaps the most interactive so far with questions being asked by all the attendees, officers putting forth their problems and at the same time offering plausible solutions. The workshop also saw representation from the Child Welfare Committee (CWC) and they engaged in the discussion as well. Post the meeting, the team also met the Deputy Commissioner (DC) and the Superintendent of Police (SP). It was an engaging discussion with questions being raised by the DC on how to improve the conviction rate in POCSO cases in the district and make it more sustainable.

The situation in Rohtak was quite grim with the DCPO having taken no charge of the situation with regard to implementation of POCSO Act and ensuring that such cases are not pending in the court. During the internal meeting in Rohtak, Dr. Singal and I realized how capacity building of the DCPOs could also be an area of concern to ensure proper implementation of POCSO Act. The documentation procedure was explained in detail, and during the workshop it was disclosed how the data regarding all the POCSO cases (conviction, acquittal, pendency, etc.) with the DCPO did not match with the data the DA had. In the absence of a check by the district administration, the reports being sent to the state every month were not authentic. Another officer who appeared to be very helpful in Rohtak was the District Programme Officer, Integrated Child Development Services (DPO ICDS). She proved to be more efficient in communicating the issues to the DCPO given the fact they are from the same department. Moreover, there are certain stakeholders at various levels who can contribute to improved implementation of the POCSO Act. The highlight of the meeting was the commitment of the police inspectors. Unlike the previously covered districts, the police had been performing exceptionally well and even going that extra mile to fulfil their responsibilities. They were well informed and aware of the number of POCSO cases, they were in touch with the DCPO and DA team and even shared concerns about doctors not attending to victims during odd hours of the night. Overall, the departments in Rohtak had not been in touch with each other and were facing coordination issues which resulted in poor conviction rate in POCSO cases.

With more than thirty participants, Sirsa saw the maximum attendance in any workshop so far. The internal meeting had DPO ICDS, DCPO, LPO, outreach worker, and social worker. DPO ICDS took charge saying that the files for each case would be completed in a month. The presence of doctors and gynaecologists in the meeting was not the case in any other district. Chief Medical Officer (CMO) even shared his field experience and requested the police for better cooperation. The Additional Superintendent of Police

(ASP) also joined the meeting and spoke to his team of inspectors and gave a motivating speech on how their role is crucial to ensure speedy trial and justice to the victim. It is essential to have such senior officers attend the workshops. It serves as an example for the team and helps convey the severity of the issue.

The workshop in Fatehabad had an inattentive audience, particularly the police, and Dr. Singal and I both struggled to turn it into an interactive session. In addition to the police, the DCPO and his team and the DA attended the meeting. On a positive note, the DCPO put forth a few questions and also sought more support from the police which was taken well by the inspectors. The workshop turned out to be an opportunity for the police to interact with the DCPO and comprehend how their role is critical to ensure that the POCSO cases do not result in acquittal.

Unlike other districts, the workshop in Hisar saw participation from various officers such as the Additional Deputy Commissioner (ADC), Sub-Divisional Magistrate (SDM) and City Town Magistrate (CTM). A separate meeting was held with the CTM since she was inclined to work on POCSO cases and took special interest in ensuring that the victims are not harassed by the existing institutional system. A key take-away from the experience in Hisar was that an in-depth involvement by district officers contributes to better implementation of the POCSO Act and speedy trial of cases. However, the workshop did not have a great turn out with only three inspectors attending it.

The aforementioned nine districts were covered internally and I communicated the purpose and structure of the workshops to the respective DCPOs and Chief Minister's Good Governance Associates (CMGGAs) in the various districts. Post the meetings, official letters were sent out to the remaining districts with a schedule attached. In addition to this, directions were given to all DCs and SPs to attend the meeting as well. This would prove critical to ensure higher participation and increase the credibility of the POCSO pilot with the senior most officials taking keen interest in the workshops.

The remaining workshops were completely covered by Dr. Singal as the handover to department representatives is a critical part of the pilots initiated by CMGGAs. In order to ensure sustainability, it is necessary to gradually transfer the reins to individuals in the administration as many projects are unsuccessful due to lack of ownership by the administration. My responsibility as a researcher was to handle coordination between the state and district administration and ensure that the structure of the meetings is conveyed to the CMGGAs located in the various districts.

Ambala was not facing a lot of issues on the field and the DCPO was well equipped with her responsibilities. Files were being maintained and the three departments did not find it difficult to communicate with each other. Through one of the questions raised, it was revealed that few POCSO cases were not registered under the act citing requirement of consent of the minor.

The police inspectors believed that the act was not applicable in such cases, however consent is irrelevant in the case of a minor. Such doubts were clarified during the

meeting and Dr. Singal reinstated that in POCSO cases consent does not factor in.

In Jind, the DCPO was not present during the meeting and interaction was limited in comparison to other districts. It was evident that due to a lack of communication, the concerned officials were not present in the meeting and pursued other commitments. The performas and file cover formats were shared with the WCD team. However, the individual case files were at a nascent stage and there was no clarity on the number of cases under POCSO Act as well. The major concern raised was with regard to the CWC as the required support was not being provided by them to the DCPO team.

The workshop in Kaithal saw few issues of coordination between the departments and they ensured to work together. A few concerns were raised by the SP which could not be addressed by Dr. Singal during the meeting such as who is the point of contact for the inspectors when the doctors do not cooperate during the medical examination of the victim. A general feedback on the workshop was to have a more interactive one instead of simply using power point presentations for the audience. Discussion of more case studies which would initiate in-depth discussions on the kind of issues faced by officials in the field should be a preferred medium.

In Mahendragarh, discussion on case files did not happen and the standard formats were simply shared with the team. There were certain concerns raised by the police inspectors during the meeting such as timely medical tests of the victim and taking the child to CWC (The law states that children have to be produced in front of the CWC within 24 hours by the police). The three departments seemed to be interacting quite well and the coordination between them was satisfactory.

In Rewari, all the departments were quite vocal about the problems being faced by them and used the workshop as an opportunity to clarify their doubts. For instance, it is often assumed that POCSO cases are only related to girls and hence the female inspectors in the mahila thana<sup>3</sup> are responsible for such cases. However, the fact is that the act is gender neutral. The district had concerns in the past regarding case files such as certain cases were not recorded in the reports shared for the monthly meetings. Such discrepancies could be taken up during the workshop and it was more convenient for all the stakeholders involved to sit together and arrive at a plausible solution.

Dr. Singal was quite satisfied with the maintenance of case files in Mewat. The concerned officials were in touch with their colleagues from other districts. This showed the proactive nature of the officials since they did not wait till the workshop to receive the standard performa for documentation. The workshop saw smooth and easy interaction between the departments and the DA was appreciated for his efforts to ensure POCSO cases are legally sound and stand strong in the court.

The workshop in Palwal began with uneasiness as officers were a little hesitant to interact with each other. It clearly indicated that there had been a lack of interaction between the three departments in the past. Nonetheless, they eventually began to

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<sup>3</sup> Dedicated police station for women where all the police personnel are female as well.

forth questions such as in case of medical emergencies should the child be taken to the hospital first or the statement of the victim needs to be recorded without fail in the first instance. A low coordination level between the three departments was observed and documentation needed work as well since the individual case files did not have the required paperwork such as statement of the victim, judgement, etc.

The files maintained in Faridabad were in a good state; however, the DCPO had not been receiving information regarding POCSO cases from DA office. In addition to the low level of coordination, victims were often called to the police station as opposed to the mandate of the Act that the police should visit the victims at their residence or a place they are comfortable. The victim must not be traumatised by being brought into the police station. The Additional Commissioner of Police (ACP) directed inspectors to ensure that such practices are no longer continued in their respective police stations. Lastly, the CWC was also told to be more cooperative with other departments otherwise the case becomes weak in the court thus increasing the chances of acquittal. Since the children are produced in front of the CWC, they play a vital role in steering the case in the right direction. The POCSO Act clearly states that the decision must be made in best interest of the child. For instance, if the child needs care and protection, they are sent to child care institutions or children's homes.

The DCPO in Gurugram was not fully aware of her rights and responsibilities as the nodal officer for POCSO (they are in charge of each case under the POCSO Act and liaison with other departments to get the required information.). Dr. Singal explained her role during the internal meeting and asked her to take charge without hesitation. It was surprising to know that there is only one special court in the entire district whereas the number of POCSO cases is one of the highest in the state (due to the geographical proximity of the district to the national capital and the large number of cases reported). It was decided that the existing eight session and additional session courts will be given the status of special courts to ensure cases are not stuck in courts and pendency can be reduced. The DCPO also mentioned how getting information from the police inspectors and CWC has been a huge concern. This again reiterates how clear and strong channels of communication between the departments can be an area of concern for the proper implementation of POCSO Act. A subsequent meeting regarding poor coordination was held post the workshop by the district officers. This reflects that ownership was taken by the respective departments and administration and this was not the case in all districts.

The meeting in Charkhi Dadri had the involvement of all three departments and the DCPO clarified doubts regarding a few cases with the police inspectors and Deputy Superintendent of Police (DSP). They were unsure of who to reach out to when such cases are registered in the police stations; a clear indication of lack of clarity on job roles. To ensure the timely attention of the cases, it was decided during the workshop that monthly meetings will be scheduled with the departments on POCSO Act. Another point of discussion was the importance of counselling as it is a crucial factor in shaping the final judgement. Often due to the lack of counselling, the victims turn hostile in court and change their statement due to the trauma they faced. Given the difficult

circumstances, it is absolutely necessary to make the victims feel protected otherwise they are unable to trust the officers and stand by their statements in court. This was a unique insight which was not brought out in the previous workshops; not all districts are at the same level when it comes to implementation of the POCSO Act. Lastly, the associate in the district also stressed that the DCPO is the nodal officer for POCSO and she required support from both the police and prosecution to avoid acquittal in any POCSO related cases. It is necessary for the other two departments to realise that the DCPO is responsible for all POCSO cases and will be held accountable for any shortcomings. This request by the associate also denotes how fellow colleagues also had varying degree of interest in the issue and this eventually affected the sincerity with which the meetings are held.

In Jhajjar discussion over legal issues such as how First Information Reports (FIRs) are cancelled in a few cases was prioritised. The police inspectors were immediately informed that it shouldn't be done. The police have no discretion to take a call on whether FIRs can be quashed or not. Legal sensitisation is extremely important for the departments and it helps to make the case stronger. The DCPO must be updated about all POCSO cases and coordinate with other departments to acquire photocopies of important documents such as FIR, judgement, etc. More importantly, the district administration has decided to follow up on the workshop and have periodic meetings to increase the accountability of officers about POCSO implementation.

Panipat workshop was highly productive and participative in nature. Officers asked questions about how they could change their way of working in the field to ensure that POCSO cases result in conviction and are disposed off within one year (as stated in the POCSO Act). There were no concerns with regard to documentation and maintenance of case files which shows that certain districts and departments have been cognizant of the importance of paperwork in POCSO cases. However, there were some issues between the police inspectors and CWC members and they were advised to resolve the issue at the earliest. For instance, the police are expected to refer all cases to the CWC within 24 hours after they have been reported. This link is very crucial because the child is counselled accordingly. This was a critical point of discussion in the workshop with officials utilising the space to clarify all doubts and state their role vis-a-viz the Act.

The workshops ended with Sonipat, which has been one of the best performing districts in the state. The officers there had been maintaining case files in the new format. Sonipat has the highest conviction rate in the entire state and has a dedicated team of officers across all departments who handle each case. However, this level of commitment is also a direct outcome of the interest shown by the district administration and officers such as the district collector who was very particular about the performance of the district.

### III DISCUSSION

When the pilot *Neev* was launched in Panchkula, the conviction rate of the entire state in POCSO cases was only 12 per cent in June 2017 while the appeal in acquittal cases was a mere 2 per cent. By the month of March 2018, the figures had improved drastically with conviction rate at an all-time high of 31.5 per cent and appeal rate at 25 per cent. The tables below denote the statistics of the two months, i.e., June 2017 and March 2018 with details of individual district's performance.

S N	Districts	FIRs (April 17 – June 17)	PC filed (April 17 – June 17)	Cases under trial	Convictions	Acquittals	Appeal filed	Cases Referred to CWC
1	Faridabad	35	35	114	1	12	nil	35
2	Gurgaon	28	7	Report still awaited				7
3	Rohtak	24	4	4	nil	nil	nil	16
4	Panipat	25	21	74	2	4	nil	25
5	Y.Nagar	18	18	28	nil	nil	nil	17
6	Karnal	19	15	69	7	12	4	19
7	Sonipat	20	20	66	2	1	nil	8
8	Kaithal	16	7/3	32	1/0	4/0	No report	No report
9	Jind	18	16	61	3	2	nil	18
10	Palwal	10	1	20	nil	nil	nil	10
11	Kurukshetra	10	6	57	2	3	nil	10
12	Hisar	13	4	46	nil	1	nil	13

Table 1.1 Implementation of POSCO Act (01.04.2017 to 30.06.2017)

S N	Districts	FIR regd. (April 17- June 17)	PC filed (April 17- June 17)	Cases under trial	Convictions	Acquittals	Appeal filed	Cases Referred to CWC
13	Mewat	18	10	41	1	7/4	nil	18
14	Bhiwani	7	4	70	nil	1	nil	7
15	Ambala	10	2	2	nil	nil	nil	10
16	Sirsa	10	10	50	4	32	9	nil
17	Jhajjar	5	7	63	nil	3	1	5
18	Fatehabad	9	9	46	8	53/57	1	10
19	Narnaul	7	1	2	nil	nil	nil	7
20	Panchkula	7	1	18	nil	2	nil	7
21	Rewari	7	2	2	nil	nil	nil	5
22	Ch. Dadri	0	2	15	0	0	0	0
	Total	316	202	880	31	137	15	247

Table 1.2 Implementation of POSCO Act (01.04.2017 to 30.06.2017)

S.N	Districts	FIRs (April - Mar 18)	Cases Referred to CWC	Cases referred to CWC(%)	PC filed (April - March 18)	Cases under trial	Convictions (A)	Acquittals (B)	% Conviction (A/A+B)	Appeal filed (C)	Appeal Filed in acquittals (%) (C/B)
1	Faridaba	190	190	100%	190	179	16	39	29%	28	72%
2	Gurgaon	140	140	100%	85	189	18	29	38%	15	52%
3	Panipat	101	82	82%	115	132	14	26	35%	3	12%
4	Rohtak	93	93	100%	42	52	36	34	51%	9	26%
5	Sonipat	80	78	96%	68	75	27	11	71%	1	09%
6	Karnal	78	71	91%	65	62	27	47	36%	14	30%
7	Mewat	76	49	64%	56	46	4	38	11%	6	16%
8	Bhiwani	68	68	100%	54	67	15	37	29%	7	19%
9	Jind	65	65	100	43	60	7	17	29%	0	00%
10	Fatehaba	65	61	94%	66	71	3	32	09%	10	31%
11	Y. Nagar	64	64	100%	64	68	16	25	39%	10	40%
12	Ambala	63	48	76%	39	60	5	3	63%	0	00%

Table 2.1 Implementation of POCSO Act (01.04.2017 to 31.03.2018)

S.N	Districts	FIR regd. (April - Mar 18)	Cases Referred to CWC	Cases referred to CWC (%)	PC filed (April - Mar 18)	Cases under trial	Convictions	Acquittals	% Conviction	Appeal filed	Appeal Filed in acquittals (%)
13	Hisar	62	61	98%	62	117	21	27	44%	5	19%
14	Palwal	61	59	97%	27	45	7	61	11%	3	05%
15	Jhajjar	58	56	97%	49	71	8	25	24%	1	04%
16	Kaithal	55	55	100%	36	37	10	21	32%	5	24%
17	Rewari	41	40	98%	10	41	4	7	36%	0	00%
18	Sirsa	36	30	83%	39	36	4	27	13%	11	29%
19	KRK	35	13	37%	35	43	14	38	33%	15	39%
20	Panchkul	28	21	75%	22	38	1	2	33%	0	00%
21	Narnaul	26	20	77%	12	12	3	13	23%	2	15%
22	C.Dadri	21	21	100%	13	21	1	7	13%	2	29%
23	Hansi	19	19	100%	15	21	6	15	29%	0	00%
Total		1525	1404	92%	1207	1543	267	581	31.5%	147	25%

Table 2.2 Implementation of POCSO Act (01.04.2017 to 31.03.2018)

As evident from the four tables above, many districts did not maintain case files and monthly reports were not sent by the district administration to the state. In addition to this, the conviction rate figures were very low in June and it was extremely difficult to have a fair assessment of how the districts were performing in the absence of proper and timely documentation and reporting. On the other hand, a tremendous improvement can be seen by March 2018 with complete reports being sent to the B3P cell. It clearly shows that documentation has come a long way and the districts are putting in efforts to follow the standard format. This pilot has made me understand the importance of reporting and how it becomes a key requirement in ensuring better performance of the districts when it comes to implementation of POCSO Act. It is only when procedures are noted down that they are adhered to in all sincerity. It also makes the individuals and departments accountable and they are answerable if the required deliverables are not achieved; this is particularly true in government settings where things move only when the orders are on paper.

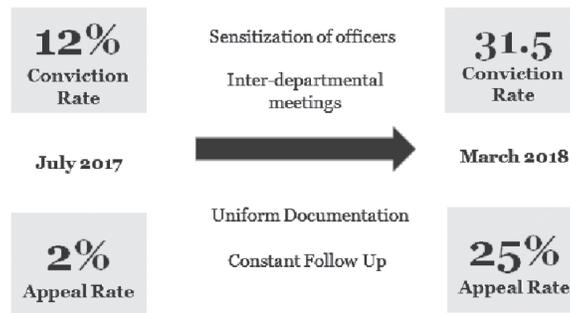


Figure 7. Impact of the Project

When the pilot was designed, nobody could envisage the impact it would make on the field. Most stakeholders were glad that the issue of child sexual abuse had been taken up after continued ignorance for many years. Dr. Singal was pivotal in producing the results that the pilot achieved as he personally knew most of the officers, had worked with them throughout his career and he had dedicated his life to this cause. The involvement of such an individual who has established linkages with not only the state machinery but officers at the district level considerably reduces the time taken to pitch the pilot, disseminate the information and initiate the needed action from concerned officials.

Since the district administration was told to monitor the progress made in implementation of POCSO Act, the departments officials were firstly answerable to their superiors and then to the Chief Minister's Office (during the monthly state meetings). In addition to this, the workshops provided an unprecedented opportunity for the department officials to interact with each other, discuss problems and suggest solutions. The pilot aimed at improving inter-departmental coordination through establishment of proper communication channels, institutionalising the monthly report sharing with the State B3P Cell and regularising the meetings in all districts. In many districts, these workshops turned out to be the initiator of internal meetings which followed. The district administration came together and took an update on the various components of the workshop such as documentation of cases, registration of cases under POCSO Act, number of appeals being filed in acquittal, etc.

Programmes such as CMGGA are an excellent opportunity for young professionals to interact with the administration, initiate a dialogue on issues sometimes neglected by the district authorities and initiate engagement with them in the long run. I ensured from the very beginning that *Neev* is not CMGGA dependent and that the administration takes ownership of the pilot. It was an achievement to have institutionalised the district reviews and solidified the network between Dr. Singal and the DCPOs. This network of stakeholders across the state gave the pilot a larger shelf life with a robust system of checks and balances.

There were many instances when I realised that the workshop needed improvement in terms of increased participation. Feedback was taken from all CMGGAs, a crucial aspect of the pilot, and it helped direct the workshops towards being less theoretical

and focus instead on the practical difficulties faced by officials to implement the POCSO act. The use of a power point presentation became the focal point of discussion during the workshops. Going forward, it would be beneficial to include a few activities or prepare a questionnaire regarding the act and dividing the officers into teams. There was consensus that there is a need to make the sessions more interactive.

During the workshops, it was highlighted that the DCPOs were not fully aware of their responsibilities as Nodal Officers of POCSO Act in the district. It had to be reiterated by Dr. Singal that they had the authority and power to request any information on such cases from the police as well as prosecution. Some DCPOs had shared that acquiring documents such as FIR, charge sheet, judgement, etc. was quite a herculean task. In addition to this, the other two departments often did not see DCPOs as designated officers. The workshop served as a platform to convey the role of DCPOs with regard to the POCSO Act and how support from the other departments is essential to ensure the cases are handled properly and lead to conviction. Due to the lack of clarity on roles of various officials, POCSO reports were often sent by multiple departments to Dr. Singal for the monthly meetings and it was worrisome that the data in the reports would never match. Despite official orders from WCD, it had to be emphasised time and again that the POCSO reports are only to be prepared and sent by the DCPO and no one else in the district. These clarifications given during the workshop were critical to ensure the ownership of the POCSO Act by the DCPOs thus making it a lot more convenient for Dr. Singal to coordinate with each district.

Another notable outcome of the workshops was that calling out certain officers or highlighting the poor performance of a particular department would not always prove to be productive. While the police department is often blamed for their lack of commitment, it is necessary to realise that the police force is often extremely burdened. Hence, it was a strategic measure to ensure that they felt valued, their hard work be appreciated and they were requested to cooperate with the DCPOs and understand their role in the accountability framework the workshop had established. Many police inspectors were identified by Dr. Singal for their exemplary work and were quoted in meetings to encourage the others and create a space for healthy competition.

The third crucial department apart from WCD and police is the prosecution or the DA Office. Being lawyers and representing the district administration, they play a vital role in ensuring that POCSO cases are disposed in a timely manner (the judgement should be out within a year of case registration) and lead to conviction of the accused. In addition to this, the Public Prosecutor (PP) for POCSO cases is present in court during all the proceedings. They can advise the DCPOs better on how to counsel the victims and where the case is lacking legally. More importantly, if the judgement leads to an acquittal it is the DA who determines whether the case is fit for appeal or not and the judgement is later challenged in court.

During the course of this pilot, I was following up on a case where the DCPO feared acquittal could not be avoided. The accused and their lawyer got in touch with the victim and offered basic amenities in addition to money. The victim turned hostile and her parents refused to recognise the accused, with complete denial of any form of assault.

Through a collective intervention of the PP, DCPO and CMGGA, they were able to meet the judge before the judgment was announced. After the problems were shared with the judge she simply stated that she does not deny the child is a victim but in court she needs facts to substantiate this. She even spoke to the child separately but the child refused to say anything. The judge finally gave the next date of hearing but pointed out that counselling of the child should have been done properly and the police was required to be in touch with the DCPO to avoid any contact by the accused, which influenced the victim's statement. Throughout this entire incident, calls were made to the police inspectors and even their superiors but nobody was available. There was an evident lack of communication between the DCPO and DA office too. I concluded that such coordination issues needed to be rectified because they simply nullify the efforts of sincere officers and result in denial of justice.

An area of concern emerging from the workshops was the level of awareness regarding POCSO Act across the three departments. Take for instance, the fact that the police inspectors considered consent of the minor as a crucial prerequisite to register the cases. This indicates the lack of awareness about the provisions of the Act. The DCPOs, on the other hand, despite being notified as the nodal officers for implementation of POCSO Act in the districts, were not able to comprehend their role and responsibility due to irregular and lack of information sharing between the various stakeholders. One cannot expect the conviction rate to rise when the intricacies of the legislation are not fully understood by the concerned officials. This further links to another issue of lack of adequate training. How are the officers supposed to deliver without being coached by respective state teams of their departments? There is a mechanism at present but it clearly does not seem sufficient as the trainings are not held at regular intervals. The workshops helped understand the need for officers to be educated about the POCSO Act before educating the citizens.

Throughout this pilot, one of the defining roles was played by the CMGGAs in their respective districts. Since the information and directions were only given through letters and phone calls, the CMGGAs proved to be a great resource to bring the departments together and improve coordination. True to the nature of the CMGGA programme, the associates worked as catalysts in the districts. Once the workshops were concluded, they took it upon themselves to follow up with the departments and involve the senior most officers in the district administration to ensure that the system is running smoothly. I as a researcher would not have been able to have the same degree of connection with officers in all districts had it not been for the support given by the CMGGAs.

Despite the momentum created by *Neev*, it is imperative to highlight that the current statistics of POCSO cases comprise only the reported cases. One needs to take into account a substantial number of cases that are not even reported in the police stations. It indeed is a greater battle than just improving numbers; the need of the hour is a behavioural change in the society. It also needs to be conveyed more assertively in the training sessions that boys are also sexually abused and are included within the purview of this Act.

The key observations from the pilot have primarily been the lack of inter-departmental coordination across the three departments namely WCD, police and prosecution. The channels of communication were fragmented, and the pilot proved to be helpful in establishing a clear line of communication not only within the districts but with the state machinery. Furthermore, the importance of documentation was validated with the implementation of the pilot. It is essential to have procedures in place and at the same time document everything, this ensures uniformity as well as serves as a strong testament to the quality of work executed. The POCSO Act is a very powerful and strong piece of legislation, however, the POCSO cases statistics (conviction rate, pendency of cases, acquittal rate, etc.) across various states reveal a grim reality. Through the course of this one year, I comprehended that we simply need to find the right people to initiate the process of change. It was the purpose of the pilot to set in place a robust accountability framework between the WCD, police and prosecution departments. Being the key stakeholders it is essential that they work in tandem with each other to improve the implementation of the POCSO Act. Since the process has been institutionalised with the successful implementation of the pilot *Neev*, the state has to work to ensure that Haryana emerges as a model state for orderly implementation of the POCSO Act.

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## References:

1. Angad, Abhishek. "POCSO: Why Cases of Child Sexual Abuse Mostly End in Acquittal." The Indian Express. June 25, 2018. Accessed June 29, 2018. <http://indianexpress.com/article/cities/delhi/pocso-a-case-study-delhi-high-court-child-sexual-abuse-cases-4912888/>.
2. "India Sexual Abuse: 'Four Child Victims Every Hour'." BBC News. December 01, 2017. Accessed February 10, 2018. <http://www.bbc.com/news/world-asia-india-42193533>.
3. Mahajan, N. "Haryana Grapples with Crimes against Children." The Pioneer. May 2018. Accessed February 01, 2018. <http://www.dailypioneer.com/state-editions/chandigarh/haryana-grapples-with-crimes-against-children.html>.
4. Nigam, Chayyanika. "290 Children in India Are Victims of Crime Every Day." Daily Mail Online. November 14, 2017. Accessed January 15, 2018. <http://www.dailymail.co.uk/indiahome/indianews/article-5078869/Every-day-290-children-India-victims-crime.html>.
5. Now, Times. "Survey Reveals 53 Percent Children Fall Prey to Sexual Abuse." Times Now Live TV: Latest India News, World News, Sports, Live News & Videos. December 27, 2017. Accessed January 15, 2018. <https://www.timesnownews.com/india/article/survey-13-states-53-percent-children-face-sexual-abuse-informed-rajya-sabha/182868>.
6. Press Trust of India. "Conviction Rate in POCSO Cases Alarming Low: DSLSA to HC." Business Standard. October 24, 2016. Accessed February 10, 2018. [https://www.business-standard.com/article/pti-stories/conviction-rate-in-pocso-cases-alarmingly-low-dlsa-to-hc-116102400909\\_1.html](https://www.business-standard.com/article/pti-stories/conviction-rate-in-pocso-cases-alarmingly-low-dlsa-to-hc-116102400909_1.html).
7. "Protection of Children from Sexual Offences Act, 2012." Accessed December 30, 2017. <http://wcd.nic.in/sites/default/files/childprotection31072012.pdf>.
8. Verma, Sanjeev. "In Haryana, 2 POCSO Cases a Day in 4 Months of 2017 - Times of India." The Times of India. June 08, 2017. Accessed January 01, 2018. <https://timesofindia.indiatimes.com/city/chandigarh/in-haryana-2-pocso-cases-a-day-in-4-months-of-2017/articleshow/59047251.cms>.

