

No. EDN-HE(21)A(3)20/2020-Sexual Harassment
Directorate of Higher Education
Himachal Pradesh, Shimla-1

Dated: Shimla-171001 the 21 SEP 2024
September, 2024

To

1. All the Principals of Govt. Colleges in District Shimla, HP.
2. The Deputy Director of Higher Education Shimla, District Shimla, HP.


Subject: - Regarding ATR on recommendation-“Issues in the implementation of the POCSO Act, 2012 and measures for strengthening the same”.

Please find enclosed herewith copy of letter No. WCD-DCPU-SML-Loose-2023-983, dated 04-09-2024 alongwith its enclosures received from the District Programme Officer Shimla District Shimla, O/o District Child Protection Unit Shimla HP, on the subject cited above.

In this context, it is intimated that NHRC has recommended some necessary steps for the protection of children from Sexual Offences (POCSO) and measures for strengthening the same. These directions be complied in the educational institutions in true letter and spirit.

You are therefore directed to ensure compliance of the mentioned recommendations and measures in the educational institutions. Action taken report in this regard may be sent to the District Programme Officer Shimla, O/o the District Child Protection Unit Shimla, HP, without delay.


Encl: As above.


Director of Higher Education
Himachal Pradesh
the September, 2024

Endst. No. Even dated Shimla -I

Copy for information and further necessary action is forwarded to:-

1. The District Programme Officer Shimla, Latawa House, Nigam Vihar, Shimla-2, HP w.r.t. letter referred above.
2. The Supdt., College Branch (int.), Directorate of Higher Education, HP, Shimla-1.
3. The Technical Officer I.T. Cell (Internal) D.H.E. Shimla HP to upload the same on departmental website.
4. Guard File.


Director of Higher Education
Himachal Pradesh

WCD-DCPU-SML- Loose -2023 983 .
O/O District Child Protection Unit
Shimla District Shimla.

hen
17/9/24

To

- ✓ 1. The Director
Higher Education , Himachal Pradesh.
 2. The Deputy Director
Higher Education, District Shimla
 3. The Deputy Director
Elementary Educataion, District Shimla
- Dated: Shimla-2, 04/09/2024

24135139
12/9/24

Subject: - Regarding ATR on recommendation-“Issues in the implementaion of thef POCSO Act, 2012 and measures for strengthening the same”

Sir/Madam

I am to refer to Director Women and Child Development letter no. WCSCPS (F) -11/1-2024 (NHRC)-2361-2384 dated 22.8.2024 on the subject cited above.

In this regard please find enclosed herewith recommendations issued to department of Women and child Development on -“Issues in the implementaion of thef POCSO Act, 2012 and measures for strengthening the same. In this context you are requested to take nessary action to comply with recommendation of NHRC as under-

Sr. No	Recommendations of NHRC	Directions to comply with recommendations of NHRC
1	Use technology for risk assessment and legislative evaluation to improve interventions and policy frameworks.	Using technology to enhance risk assessment and legislative evaluation for the Protection of Children from Sexual Offenses (POCSO) can significantly improve interventions and policy frameworks. You are directed to take necessary steps on the following points :- 1. Monitoring: - Directions be issued to Education Department to use IT Devices in schools & colleges to monitor unusual activities or behavior that could signal abuse. 2. Integrated Databases:- Deputy Commissioners be requested to create a centralized database to collect information from various agencies (e.g., child protection services, police, healthcare providers) from where information could be easily accessible. 3. Public Awareness Campaigns: - Use social media and digital platforms to raise awareness about POCSO, reporting mechanisms, and support available for victims.

You are requested to send action taken report to this office on or befoe 7.09.2024 so that it could further be submitted to National Human Right commission please.

Crem

Yours faithfully,

Dy. Commr
District Programme Officer
Shimla District Shimla

Copy to :-

The Director Women and Child Development Himachal Pradesh in compliance to letter no. referred above for information please.

District Programme Officer
Shimla District Shimla

अनिता सिन्हा, भा.र.से.
संयुक्त सचिव
ANITA SINHA, IRS
Joint Secretary (P&T)



राष्ट्रीय मानव अधिकार आयोग
मानव अधिकार भवन, सी-ब्लॉक, जीपीओ कॉम्प्लेक्स,
आइएनए, नई दिल्ली-110023 भारत
NATIONAL HUMAN RIGHTS COMMISSION
Manav Adhikar Bhawan, C-Block,
GPO Complex, INA, New Delhi-110023 India
Ph. No. (O) 011-24663217 / 24683269

D.O. No. R-32/5/2020-PRPP(RU-2)

24th June 2024

17/7/24 Dear
CS (Home)
my (JTE)

O/o the Chief Secretary,
Dy. No. 5.61.0.012/1
Dated 02.07.24

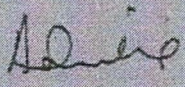
The National Human Rights Commission is mandated under the Protection of Human Rights Act, of 1993, to protect and promote the human rights of all the people in the country.

2. In order to fulfill the mandate, a meeting of NHRC's Core Group on Children on "Issues in the Implementation of the POCSO Act, 2012 and Measures for Strengthening the same" was held on 31st January 2024, under the chairmanship of Shri Rajiv Jain, Hon'ble Member, NHRC. A list of recommendations emanating after due deliberations are enclosed herewith for necessary action deemed appropriate.

3. You are also requested to kindly direct the concerned authorities dealing with the matter to submit a report on action taken/ proposed to be taken on the recommendations, within a period of eight weeks, for information of the Commission

With regards,

Yours sincerely,


(Anita Sinha)

Encl.: As above.

All Chief Secretaries / Administrators (State and UTs)

27/7/24

Dr. A.K.

①

National Human Rights Commission
R-32/5/2020-PRPP(RU-2)

A Core Group meeting to examine the "Issues in the Implementation of the POCSO Act, 2012, and Measures for Strengthening the same" was held on 31st January 2024 under the Chairmanship of Shri. Rajiv Jain, Hon'ble Member, NHRC.

1. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Home Affairs)

- i) Publish reports on child sexual abuse cases to enhance transparency and accountability.
- ii) Audio and video evidence recording by police to ensure compliance with protocols and protect victims' rights.
- iii) Conduct thorough medical and forensic examinations in cases of child sexual abuse and provide specialized training for police personnel.
- iv) Training police officers in handling cases related to the Protection of Children from Sexual Offences (POCSO) is crucial for ensuring effective and sensitive investigation and protection of minors.
- v) The number of Central and State Forensic Science Laboratories should be increased in the country for proper forensic examination.
- vi) In case audio-video evidence is permissible to be recorded by Police, it must ensure compliance with the protocols and rights of victims.
- vii) A uniform portal on victim's compensation should be developed at District, State and National levels. The data should be reflected at the District, State, and National level.
- viii) Police should adopt a child-friendly approach while subjecting the victim to examination. There should not be any gender disparity between/within the POCSO preamble, and the male victims should be given the same treatment and personal safeguards as their female counterparts.

- ix) A conducive setting should be provided and Police officials or specialized personnel must handle these cases and the statement of the child should be recorded at an appropriate place.

2. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Women and Child Development)

- i) Classify child sexual abuse as a public health issue to acknowledge its widespread impact on children's well-being.
- ii) Use technology for risk assessment and legislative evaluation to improve interventions and policy frameworks.
- iii) Publish reports on child sexual abuse cases to enhance transparency and accountability.
- iv) Emphasize concerted action and multi-sectoral collaboration to combat child sexual abuse under the POCSO Act effectively.
- v) Compliance of CSAM - School education as specified in CSAM advisory issued by the Commission be also ensured.
- vi) In cases of abuse of minor victims, the administration should provide not only legal assistance but also counseling to the victims to get over the trauma and ensure their well-being as provided in the CSAM policy.

3. Approved recommendations emanating from the meeting of the Core Group on children (Ministry of Law and Justice)

- i) One of the recommendations is that while awarding compensation to the victims, the State Government should ensure that schemes are aligned with the law on the subject, as it has been observed that victim compensation schemes of some State governments relating to minor victims are not aligned with the law on the subjects, particularly in offences related to rape.
- ii) In some instances, the victim is entitled to compensation based on an administrative decision also, as under the NALSA scheme, SC/ST Act & Rules, etc. In these matters, the administration should ensure timely disbursement of compensation.

- iii) Instances have been noticed, wherein administration, as well as DLSA, wait for the completion of the trial for disbursement of compensation, whereas it is payable at different stages including soon after the offence, intermediate stage, and final stage. The purpose of compensation would be suitably served only if it is disbursed in a timely manner. Hence, one should not wait for grant/sanction of compensation only after completion of the trial.

4. Approved recommendations emanating from the meeting of the Core Group on children (All States and UTs)

- i) It mentions that injury and penetration are necessary to constitute an eligible victim for compensation. The State governments should review their schemes, particularly this aspect.
- ii) In some of the schemes, example in Uttar Pradesh, 'injury and penetration' are necessary to constitute eligibility to victim for compensation. The State governments should review their schemes, particularly with regard to this aspect.
- iii) The Commission notes significant delays in the Award of compensation to minor victims. States should improve their administrative process for sanction of compensation, and align them with the provisions of compensation in Acts like the POSCO Act, SC/ST Act, etc.
- iv) Section 33 (8) of the POSCO Act and Rule 9 of the POSCO Rules have provisions wherein the Special POCSO Court is empowered to grant compensation which the States should utilize.

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