



प्रियंक कानूनगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No.32-332/2021/NCPDR/LC/207784
Dated: 25.01.2021

To,

Shri Sanjay Kumar, IAS

Chief Secretary, Government of Maharashtra,
CS Office Main Building, Mantralaya, 6th Floor,
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Sir,

The National Commission for Protection of Child Rights (NCPDR) (*hereinafter referred to as 'the Commission'*) has been constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) by the Government of India, as a statutory body, for dealing with protection of child rights and other related matters. NCPDR is also mandated under Section 109 of JJ Act, 2015 and Sec. 44 of POCSO Act, 2012 to monitor the proper and effective implementation of the respective Acts.

2. The Commission is assigned with the functions under Section 13 (1) (j) of CPCR Act, 2005 to inquire into complaints and take *suo-motu* notice of matters relating to deprivation and violation of child rights; non-implementation of laws providing for protection and development of children; non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities.

3. It is pertinent to note that as the offences related to children were not being specifically addressed to or dealt with adequately, the Government of India decided to formulate a law specifically for the children explicitly defining the offences countering it through commensurate penalties as an effective deterrence and formulated the POCSO Act, 2012. The POCSO Act is a comprehensive law to provide for the protection of children from the

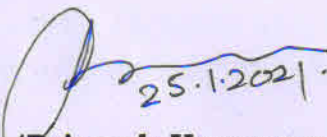
offences of sexual assault, sexual harassment and pornography, while safeguarding the interest and well-being of the child at every stage of judicial process.

4. In the present matter regarding the Judgment dated 19.01.2021 pronounced by Hon'ble High Court of Bombay (Nagpur Bench) in **Criminal Appeal Number 161 of 2020** in the matter of **Satish Versus State of Maharashtra** (copy of the Judgment is enclosed for ready reference), it has been observed by the Commission that the prosecution has failed in presenting the case of the victim properly. If the prosecution had made the submissions as per the spirit of the POCSO Act, the accused would not have been acquitted from the serious offence against the minor. Further, the remark "skin to skin with sexual intention without penetration" also needs to be reviewed and the State should take note of this as it seems to be derogatory to the minor victim.

As per the copy of Judgment/Order circulating in the media, it seems that the identity of the victim has been disclosed and the Commission is of the view that the State should take note of this and take necessary steps whether the original identity of the victim has been disclosed.

5. Therefore, in view of the above and considering the seriousness of the issue, the Commission being the monitoring body under Section 44 of the POCSO Act, 2012 requests you to take necessary steps in the matter and file an urgent Appeal against the aforesaid impugned Judgment of Hon'ble High Court.

6. You are requested to provide details of the minor victim (maintaining strict confidentiality) so that the Commission can provide help such as legal aid, etc. in the best interest of the child


25.1.2021
(Priyank Kanoongo)

Encl. as above