

SEXUAL ABUSE ON CHILDREN



The Protection of Children from Sexual Offences (POCSO) Act 2019

This act came into force in the year 2012 and was subsequently amended in the year 2019 to make it more stringent and to provide greater clarity on child abuse and punishment. The punishment could even be extended to life imprisonment or the death penalty.

The Act offers punishments for all forms of offenses against children that are sexual, such as **Sexual harassment, sexual assault, Using children for Phonographic purposes, etc.**

The Act is gender-neutral. Hence, the victim or the offender could be either a male or a female.

Stringent punishments are provided for different types of offenses.

Any offense under this Act committed by a person who officially has control over a child, like a police officer within his jurisdiction or a person in charge of a children's home, etc., such an offense is described as an **Aggravated Offense and attracts more severe punishment.**

The act criminalizes the production, collection, viewing, or sharing of pornographic content that involves children or forces children to view any pornographic material - all such acts are punishable under the Act.

- **Attempting to commit or Abetment for the commission of any of the above-mentioned offenses is also punishable.**

Sexual Offences described under the Act

Penetrative Sexual Assault

Aggravated Penetrative Sexual Assault

Sexual assault

Aggravated sexual assault
Using children for phonographic purposes
Attempt to commit an offence

Mandatory Reporting:

It is mandatory for anyone who comes to know of an offense committed under this Act, to report the matter to the competent authority. **There are punishments for failure to report.**

- Punishments are also there for making **false complaints** or for **providing wrong information**

Special Courts for Speedy Justice:

The act provides for the establishment of special courts to try offenses related to child sexual abuse. Chapter VIII of the Act extensively deals with the powers of the Special Court and the procedures to be followed while dealing with the victims of abuse. For example – when the child victim is present and gives evidence in the Court, he or she must be protected from the threat of facing the accused directly. But at

the same time, the suspected offender must be allowed to see the child and hear the evidence for his defence.

Obligations on the part of the Media: The Privacy of the child victim is protected and the media is prohibited from revealing identifying information or publication of the photos of the child victim.

For the effective, implementation of this Act:

The Act designates the *National Commission for the Protection of Child Rights* (NCPCR) and the *State Commissions for the Protection of Child Rights* (SCPCRs) to monitor the implementation of this Act.

To prohibit Commercial Sexual Exploitation of Children -

Along with PACSO Act – following acts are available:

Sections **98 & 99** of the *Bharatiya Nyaya Sanhita*;

Sections 2, 4, 5 & 6 of the Immoral Traffic (Prevention) Act;

Section **67B** of the Information Technology Act

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

<https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>

AUTHOR : INDIA CODE

POCSO RULES, 2012 14-NOV-2012 (2).PD

[https://upload.indiacode.nic.in/showfile?actid=AC_CEN_13_14_00005_201232_1517807323686&type=rule&filename=POCSO%20Rules,%202012%2014-Nov-2012%20\(2\).pdf](https://upload.indiacode.nic.in/showfile?actid=AC_CEN_13_14_00005_201232_1517807323686&type=rule&filename=POCSO%20Rules,%202012%2014-Nov-2012%20(2).pdf)

AUTHOR: INDIA CODE

MODEL GUIDELINES WITH RESPECT TO SUPPORT PERSONS UNDER SECTION 39 OF POCSO ACT

https://ncpcr.gov.in/uploads/172422913166c5a60bbfda7_final-guidelines-on-section-39-of-pocso-act-2012-dated-18032024-1-33.pdf

Author: NCPCR

Handbook on Implementation of POCSO Act, 2012 for School Management and Staff

<https://www.nipccd.nic.in/file/reports/pocso12.pdf>

Author: National Institute of Public Cooperation and Child Development 5, Siri Institutional Area, Hauz Khas, New Delhi-110016

User Handbook for POCSO Act

<https://www.iccwtnispceanarc.org/upload/pdf/4739980460USER%20Handbook%20-%20POCSO.pdf>

Author: National Commission for Protection of Children's Right

Learning to Protect Children from Abuse: A handbook for facilitators.

<https://www.ungei.org/sites/default/files/Learning-to-Protect-Children-from-Abuse-A-handbook-for-facilitators-2012-eng.pdf>

Author: SAVE THE CHILDREN –

Child Protection Training Manual

<https://bettercarenetwork.org/sites/default/files/Child%20Protection%20Training%20Manual%20-%20%20Facilitators%20Guide%20for%20Teacher%20Training.pdf>

Author: SAVE THE CHILDREN

National Commission for Protection of Child Right

<https://www.iccwtnispcanarc.org/upload/pdf/4331734679HOW%20TO%20USE%20POCSO%20E-BOX.pdf>

Author: NCPCR

A GUIDEBOOK FOR THE MEDIA ON SEXUAL VIOLENCE AGAINST CHILDREN

<https://www.iccwtnispcanarc.org/upload/pdf/2152351960MedGuideChild.pdf>

Author: NATIONAL HUMAN RIGHTS COMMISSION - PRASAR BHARATI
