

# “Protection of Children Against Sexual Offences”

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## **The Protection of Children from Sexual Offences Act,2012**

- The Protection of Children from Sexual Offences Act,2012 came into force on 14 November 2012.The Act was passed in the Indian Parliament in May 2012.The act under its ambit defines child as a person below the age-group of 18 and is gender neutral and have a clear definition for all types of sexual abuses like sexual harassment, penetrative and non-penetrative sexual abuse and pornography.
- All children whether male or female below the age of eighteen come under this ACT.
- It extends to the whole of India, except the state of Jammu and Kashmir.

# Goals:-

- To protect children from sexual offences such as
  - Penetrative sexual offences,
  - Aggravated sexual offences,
  - Sexual assault,
  - Sexual harassment, and
  - Using a child for pornographic purposes.
- To provide for establishment of special courts for trial of such offences &
- Others connected matters.

# Goals:-

- ❑ The purposes of this Convention are to:
  - a. prevent and combat sexual exploitation and sexual abuse of children;
  - b. protect the rights of child victims of sexual exploitation and sexual abuse;
  - c. promote national and international co-operation against sexual exploitation and sexual abuse of children.
  
- ❑ The sexual Offences Act is gender neutral meaning that both females and males can be charged with offences and both females and males can make complaints about being victims of the offences provided for under the Act.

# Salient Features of the POCSO Act

- Child Friendly
- Child is given police protection during the Investigative Procedure
- Can avail Emergency Medical Treatment
- Provisions for avoiding re-victimisation of the child
- Special Court to decide compensation for the child
- Can testify through Video-link
- A CSA case should be disposed within one year of reporting

## ❑ **Types of Sexual Offences against children**

- ❑ Penetrative sexual assault
- ❑ Aggravated penetrative sexual assault
- ❑ Sexual assault
- ❑ Aggravated sexual assault
- ❑ Sexual harassment
- ❑ Using child for pornographic purposes

## **Penetrative Sexual Assault An offence**

- It involves penetration of penis into vagina, mouth, urethra or anus of a child, or
- Making the child to do so, or
- Manipulates any body part so as to cause the penetration, or
- Applying his mouth to those organs or making the child to do so.

## **Aggravated penetrative sexual assault**

- The penetrative sexual assault when done by a police officer, armed personnel, jail officers, hospital staff, staff of educational institutions, public servants etc, is treated as aggravated penetrative sexual assault
- Any sexual assault using deadly weapons is an aggravated one
- Repeated sexual assault of persons in charge of children, assault by relatives, assault if child is of mental impairment etc comes under this
- Punishment is for ten years or more

# Sexual Assault

- Touching the vagina, penis, anus or breast of the child with sexual intent or causing the child to touch others similarly comes under this
- Punishment is jail term from 3 years to 5 years
- Sexual assault done by police officer armed personnel, jail officers, hospital staff, staff of educational institutions, public servants etc
- Sexual assault using deadly weapons
- sexual assault assault of persons in charge of children, assault by relatives, assault if child is of mental impairment etc comes under this

# Sexual Harassment

- Uttering words, making sound or gestures, exhibiting objects etc with sexual intent or
- Making the child exhibits any body part
- Showing any object to a child for pornographic purpose
- Using any media item for sexual abuse and threatening or enticing a child for pornographic purpose
- Punishment up to three years/with fine

# Using child for pornographic purpose

- Use of a child for pornographic purpose in any form of media for sexual gratification
- Punishment for this offence extends to 5 to 10 years depending on the nature of offence.
- Storage of pornographic materials involving child is punishable  
Punishment with 3 years.

# Abetment of an offence

- Abetment of an offence involving child is punishable
- Engaging in a conspiracy, suppressing information, wilful representation of facts, facilitating an offence transporting a child etc relating to child come under this offence
- Punishment for abetment is equitant to the punishment for an offence under this act
- Even an attempt commit an offence is punishable.

# Conclusion:-

- Children are the greatest asset and resource of the nation.
- Therefore care, protection and proper counselling are very important for their upbringing in the society.
- They should be given the opportunity of a fair and congenial atmosphere to grow up to become good citizen being physically and mentally fit and healthy endowed with skills and efficiency required by the society.
- Equal opportunities to all citizens with no discrimination should be provided for reducing inequality and curbing down delinquency n juveniles to establish social justice.