

Protection of Children from Sexual Offences and its Management: An Appraisal

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Abstract

Children are most valuable asset for mankind but the bitter reality is that children are most exploited and thus the trends of crime against them are increasingly continuously. A total of 58224 number of cases in the year 2013, 89423 in the year 2014 and 94172 number of cases against children in the year 2015 has been registered in India which marks an increase of 5.3% as compared to 2014 (NCRB). The mentioned statistics are enough to point out increasing trends of crime against children on whose shoulders the foundations of the country depends. Major crime trends against children include trafficking, Kidnapping, rape and feticide and forced prostitution. The Government introduced POCSO Act in the year 2012 with an objective to introduce child friendly approach in dealing with crimes against children. The paper analyses the Prevention of children from sexual offences and enlist interventions needed to curb the incidences of crime.

Key Words: POCSO, Intervention, Traumatized

Introduction

According to data furnished by NCRB (2015), there are approximately 8800 cases of rape that were being registered in India under Protection of children against sexual offences act. The continuous and disturbing incidences of crime against children which includes rape, forced prostitution, trafficking of children had lead to strong protest among communities. The children on whose shoulders the future of country depends are suffering various atrocities in silence and darkness. There are lot many laws for the protection of children and the latest among them is POCSO act which is being came into force with respect from May, 2012. But the problem of sufferings of children is continued to show increasing trends due to lack of awareness of various laws and poor implementation of the provisions of act at ground level. In most cases the children doesn't report the cases to their

parents due to their innocence and unable to distinguish between right and wrong touch. In some cases the parents doesn't report or approach police due to honor of family and as a result the children are forced to live in traumatized environment. These instances have an adverse impact on the minds of children. These instances broke the cognitive structure of children. Thus broke them physically and more psychologically in forms which leads to depression and fear. Hence it is the need of the hour that the appropriate government must take stiff action in terms of imposing penalties and punishments and also must device proper mechanism and channel through which the provisions of the act must be properly implemented.

POCSO: Disturbing Statistics

As per figures described by NCRB, the cases which have been registered under Protection of children

from sexual offences (POCSO) Act between period 2014,2015,2016 includes 34,449, 34,505, 36,022 number of cases.

According to Save the children foundation in cases of child abuse the boys were also abuse to a large extent as girls. Also various reports published under various capacities pointed to the established relationship between victims and accused. According to a study undertaken by Ministry of women and child development in the year 2007 dealing with children, nearly 488 cases were there where the abusers were immediate neighbour or share immediate relationship which includes Father, Grandfather, brothers or even sons. Child labour and trafficking is a complex problem which is giving serious headaches to the appropriate authorities and thus requires strong approach to deal with. The children working in extreme conditions as labours are being subjugated to various forms of physical, mental and emotional tortures. They are kept in dark environments and also due to less age, the abusers take advantage and abuse them.

According to an article Published in India Today on issue on human trafficking it was reported that there are about 3 million sex workers in India, out of which from this number nearly 40% of trafficked population constitutes of minors. One of the shocking realities which can be accessed through this is the fact that nearly 83% of the children who are being trafficked for illegal practices of sexual exploitation came from marginalized sections of the society.

Pagare, Meena, Jilohi and Singh, (2005) carried out an study in order to analyse and assess the trends and methods of Sexual abuse among males. The total sample taken for establishing the study was comprised of 189 male children and the universe selected for study was that of observation home in Delhi. The findings of the study concluded that out of the total sample about 38.1% children aged between 6 to 18 years had gone through silence screams of sexual exploitation. As far as pattern of sexual exploitation is talked about 44.4% of minor males had to bear forcible form of sex which had led to behavioral and physical complexities related to getting positive to sexual transmitted diseases which was found in 25% of males. Majority of the children are being trafficked or run away and it was mostly the strangers who abused the innocent minors.

According to The Indian express, among crime categories the kidnap and child rape constitutes top graphs in matters dealing with child crime rate in India. The crime under the ambit of POCSO act constitutes 33% of the cases of the total crime. The interrogations revealed that within states the maximum number of cases is recorded in the State of Uttar Pradesh, while Maharashtra recorded the second highest proportion of cases under POSCO act followed to Madhya Pradesh

Uniqueness of POCSO Act

The Uniqueness of POCSO act lies in fact that this act has clearly differentiated between children abuse from adult abuse. Before the introduction of this act all crime dealing with sexual abuse were being covered in the IPC which covered rape and outraging the modesty of woman and also there was no clear definition of types of assault. Also the POCSO act had successfully laid the types of abuse and assigned proper definition which includes Penetrative sexual assault, Aggravated Penetrative sexual assault which distinguished from penetrative sexual assault in relation to in later if the crime is committed by the person in position of trust. Another critical highlight of the POCSO act is the incorporation of child friendly provisions listed in the act. This act had given an opportunity to all members who are associated with the dealings of the affairs related to matters involving child abuse to adopt more scientific and comprehensive approach in investigating and solving the cases. The POCSO act 2012 defines a child as below 18 years and thus provides protection in matters concerned with sexual in nature. Child is given police protection during the course of investigation procedures. Considering the innocence and less age of the child this act provides for recording of the statement at a place which is convenient for the child preferably the home of the child and the recording of the statement will be carried out by women police officer and evidence should be collected at the earliest with the time frame of 30 days. The act incorporated child friendly procedures and hence it is stated that a child cannot be detained at the police station during night. Also in case if the child who has been abused is disabled then the assistance of special educator and interpreter will be taken. This Act accounts for medical examination of the child by female doctor in case of female and also presence

of the parents must be required. For the implementation of the provisions scheduled in Prevention of children from sexual offences the Power are vested with National Commission for the protection of child rights (NCPCR) and State Commission for Protection of Child Rights (SCPCR).

The POCSO Act identifies six types of offences:

1. Penetrative Sexual Assault
2. Aggravated Penetrative Sexual Assault.
3. Sexual Assault.
4. Aggravated Sexual Assault.
5. Sexual Harassment.
6. Using Child for Pornographic Purposes.

Provision of Punishment

Types of Assault	Section Covered	Punishment Imposed
Penetrative Sexual Assault	Section-3, section- 4	Minimum 7 years, Maximum Life Imprisonment
Aggravated Penetrative Sexual Assault	Section-5, section-6	Minimum 10 years, Maximum Life Imprisonment
Sexual Assault	Section-7, Section-8	Minimum 3years, Maximum 5years
Aggravated Sexual Assault	Section-9, Section-10	Minimum 5years, Maximum 7years
Use Of Child For Pornographic Purposes	Section-14(ii)	Minimum 5years, Maximum 7years

Crime Against Children in India

S.NO	Year	NO OF CASES
1.	2006	18,967
2.	2007	20,410
3.	2008	22,500
4.	2009	24,201
5.	2010	26,694
6.	2011	33,098
7.	2012	38,172
8.	2013	58,224
9.	2014	89,423
10.	2015	94,172
11.	2016	1,06,958

Source: CRY: Child Rights and You, Crime against children, 2016

The above figures points towards rise in sharp number of instances of crime against children. It can be well established that crime against children has rose to nearly 500% in past decade.

Role of government

The Prime responsibility for protecting the dignity of children rests with the appropriate government. The government of India had introduced various schemes and acts for safeguarding the interest of the children but still mere introduction of such measures are meaningless until there are proper machinery and manpower resources for the execution of the provisions underlined in such programs. Also one of the major point due to which the rise in number of cases against children are continuously increasing is the problem of poverty and low socio economic profile of the family. Hence it becomes binding upon the government to introduce the concept of Parental Education. The Parents of the child must be sensitized regarding various policies and schemes which may become a great source in giving proper nourishment and safety of the child. If a family is unable to take the burden of the child then in such case the scope of community work which is one of the methods in social work can be very fruitful. The village pradhan with cooperation of other representatives can make a way out to

make arrangements for such families. The Justice Verma Committee report also expressed the need to audit the performance of all institutions of governance. In Its report justice Verma quoted that every single case of missing children must be registered as FIR. In Its report Justice Verma clearly stated that POCSO is a healthy and comprehensive law and hence it is the responsibility of the concerned government to educate all officials who have associations in matters involving children. The trials must be completed and steered up. So, accused must be trialed according to provisions involving POCSO and thus most stringent punishment should be incorporated which will thus solve the very purpose of introducing the act. The Key initiatives taken by the government for safeguarding the interest of the children are as follows:

1. Juvenile Justice (care and protection) Act (2000)
2. Prohibition of child Marriage Act (2006)
3. National Commission of Protection of Child Rights (2005)
4. The Child Labour (Prohibition and Regulation) Act (1986)
5. Integrated Child Protection Scheme (2009)
6. Right to Education Bill (2009)
7. Prevention of Children from Sexual Offences Act (2012)
8. The Criminal Law Amendment (CLA), Act (2013)
9. The Criminal Law (Amendment) Ordinance (2018): Ministry of law and justice has recently passed an ordinance which seeks for death penalty for rapists of girls below the age of 12 years and also incorporated stringent penal provisions in dealing cases of sexual abuse and rape. The above ordinance amends Indian Penal code (IPC), Code of criminal Procedure, Indian Evidence Act, Protection of children from sexual offences Act
 - Some of the Key Points of the ordinance includes:
 - The minimum sentence of punishment in cases of rape are to make ten years.
 - In condition of rape involving woman aged below 16 years the provision of

punishment made twenty years.

- It laid the provision of awarding the rigorous imprisonment of a time period of twenty years and also marks for death penalty in rape cases, where the sufferer or woman is below 12 years of age.
- There are provisions of time bound trial and it penned the conditions of completion of rape cases within two months.
- There will be no provision of anticipatory bail granted to the accused who is involved in sexual exploitation of women below 16 years.

Addressing the Problem

The incidences of various forms of crimes which include sexual harassment, Societal neglect, trafficking, mars the child physically and psychologically and thus forced them to lead the life with fear and trauma. There is a great need of implementing interventions to bring them back to the normal life. It is the responsibility of the parents to make them teach appropriate behavior regarding "GOOD TOUCH and BAD TOUCH". One of the effective approaches in preventing such crimes is the technique of counseling and thus there is an urgent need of appointing counselors and social workers at schools level so that the needs of the students must be fulfilled effectively by designing effective school based intervention programs. A planned intervention between counselor and child will help the caregiver in analyzing various difficulties of the child and thus improve their maladaptive behaviors. The Child who suffered sexual abuse is apprehended in describing the incidence to the police staff and hence at that crucial time the social worker can assist the police staff in recording proper statement. The Social workers can also assist the police and child welfare committees in drafting reports and in providing counseling and also make proper arrangements for the rehabilitation of the child. As the social workers are equipped with various fruitful skills and techniques in dealing with various problems of children so they can assist the policy makers in drafting various beneficial legislations and policies. Government must appoint social workers in police stations

so that they can assist the victims especially in matters involving with women and children. They can also sensitize the teachers, doctors, and lawyers regarding how to deal with children more patiently and assist them. Hence the role of social workers becomes very significant in combating the problems of child sexual abuse.

Major Initiatives Taken by Government for empowerment of women and children

- **Beti Bachao Beti Padhao** : The Government has launched its flagship programme with a vision to tackle the Problem of Declining child Sex ratio in the country in the year 2015. Ministry of women and child development in collaboration with Ministry of health and family welfare along with Ministry of human resource and development are working on implementing well monitored programmes that focuses on prevention of gender based selection tests, Monitoring education of the girl child.
- **One Stop Centres**: The Ministry of women and child development has initiated a scheme known as "One Stop Centres" in order to assist women who are Victims of any form of Violence. It Offers variety of services that covers Psychological, Medical and legal aid to affected women. The cost under this scheme will be utilized from "Nirbhaya Fund".
- **Reservation to women in Police Force**: To address the issues revolving gender Sensitivity, the Government has taken has initiative to cap up the reservation of women force to 33%.
- **Gender Champions**: To make realisation among children at school level on theme of gender equality. The Scheme will address among boys and girls the awareness on legal rights and promote life skill education. It is aspected that in every school Gender Champion clubs will be initiated.
- **Operation Muskan**: The crux objective of this programme is to rescue the missing children who are forced into the trade of Sexual activities, child labour by traffickers. Under this operation special and trained women teams will be formed who in turn

will be responsible to screen out such children from Shelter homes and similar institutions and also will build measures for their rehabilitation

Management of Child Sexual Abuse

In present scenario India is witnessing an upward surge in figure relating to criminal cases of child Sexual abuse. Sexual crimes occurring to women and children deeply alters the psychology of victims and thus can be configured as violence of human rights. Due to such traumatic experience Most of the victims and children tends to acquire various forms of psychological disorders of the forms like stress disorder, Bipolar disorder and fall into deep wells of depression. The innocent children who undergoes such form of brutal torture needs suitable intervention for building support. It is essential to devise suitable rehabilitation program or such victims by appropriate service providers. The critical objectives which are to settled in due course of healing includes the subjects as that of Providing emotional support, Well managed time bound health care facility, counseling by experts to modify the negative behaviour.

Therapeutic Intervention: There should be provision of Counseling system equipped with the presence of specialized resource persons from multidimensional settings that includes psychologists, Social workers which can assist and develop suitable intervention plan to assess the children behavior which in condition of such crimes a child hesitates to speak out. It is of prime importance that the appropriate government across all states and centre should pass guidelines on opening up of counseling cum health centers which can cater to the needs of children during any such crisis stage. Also In every school the necessary specialized staff should be recruited.

Specialized Medical Care: There should be provision of timely and efficient medical treatment to victims of child sexual abuse. As in some cases it is seen that children feel hesitant in speaking their miseries to Police and similar rank agencies, hence it is crucial to recruit the female social workers. They are experts who can provide much needed emotional support to the victims in cases pertaining to sexual abuse and modify their negative behavior. This is also will be helpful in making a well meaningful document and report

which can serve as crucial part of the investigation process. Through well medications the risk of development of sexual transmitted diseases can be prevented.

Community Participation: If we say that the responsibility of preventing such crimes rest only upon the police and government then it is highly objectionable. The present scenario demands the active participation of all people of the community. Starting from the parents, it is require that parents respond to the needs of their children with sincere approach and look for any unusual behavior. Also the school especially in rural settings should arrange for workshops where students must be made sensitized towards the body physiology so that they can understand and differentiate between healthy relationships than those from criminal intended sexual violence.

Fast Track Special Courts: 'It is of Great favour to establish Fast Track Special Courts which will work towards in disposal of rape cases against children in time bound manner.

POCSO e- Box: The national commission for protection of child rights is a statutory body which looks overall monitoring and implementations of the provisions of the Protection of children from Sexual offences(POCSO) Act,2012. The POCSO e-box is an significant initiative taken by NCPDR that enables children to report the cases of sexual assault directly with the commission. The user has to carry out following order in sequential manner to report the cases through web medium:

- Open the Home page of the NCPDR website.
- After entering into web page the user has to Press the Button namely "POCSO e-box"
- It will then entail the user to navigate a page which will display a window having short animation Movie Highlighting "When you get an unsafe touch, you may feel bad, confused and helpless. You need not feel bad because it's not your fault"
- It will enable user to explore different picture options
- User has to select one of different picture which is being displayed
- The user has to fill the form and have to submit at last in order to register the complaint.

Although it is very safe and secure means that can help the complainant to register the complaint in condition of emergencies but the requisite knowledge of such tools is very limited among people especially in rural population. So community development workshops and orientation programme must be initiated in form of training capsules models.

Collaborations with Media: Media of any form whether it's of print or television or Folk can play a progressive role in Sensitizing communities towards Gender issues. They must give space and report such cases of abuse in front page as prime headline. Also the news agencies must invite specialized resource persons, Police personnel,law experts, Social workers, Psychologists on television debates on themes specifying Child Sexual abuse, value based education.

Inclusion of Standardised Machinery: It will be of great advantage to provide the concerned agencies working in handling and assessing cases of child abuse with Specialised Forensic kit that can assist the experts in collection of evidences which at times are not visible from straight eyes. By bringing in Modern technology and necessary training of its usage the perpetrators can be dealt with severity and Victims may be provided justice.

Cognitive Behavioral Therapy: Cognitive Behavioral Therapy is useful trauma focused short treatment course. This technique plays a pivotal role in eliminating symptoms of anxiety and depression in conditions of Sexual abuse and similar horrific episodes in context of children. It also outlines trauma-specific interventions that aims at improving child-parental education and removing scars of violence from child psychobehavior.

Conclusion

Protection of children from sexual offences is very healthy law which has been enacted to safeguard the interest of child with basic principle of best interest of the child. But still there are various areas that need to be addressed in terms of implementations of the provisions of the act. Accountability should be periodically assessed so as to ensure law serves the purpose. More numbers of centres for child and law and centre of excellence should be established which through its meaningful research can bring about the issues of the children and thus can bring desired social

change. The high statistics of crimes against children gives us a reminder that there exist a lack of resources and well devised preventive mechanism that is a must to address the grievances of children. Although there are numerous welfare models and legislations that has been laid out by the policy makers with great provisions of child safety mechanism, but to the real part there implementation on practical level still is matter of discussion as results signifies that the objectives of initiating such legislations have partially achieved. The competent authorities must build in more infrastructure and investment to open up institutionalised homes and shelter homes and specialised staff must be recruited who can give them expert care.

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