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# **SEXUAL OFFENCES AGAINST CHILDREN**

AUTHORED BY - VANSHIKA ARORA & GARIMA JAIN

## **ABSTRACT**

Child sexual abuse (CSA) is a severe and widespread issue in India today, as it is in many other countries of the world. Sexual abuse trauma can contribute to delayed development as well as a variety of psychological and emotional illnesses that some children and adolescents may never overcome. When sexual assault goes unreported and children are not provided with the necessary protective and therapeutic services, they suffer in silence. This page discusses the nature and prevalence of sexual abuse of kids in India, as well as a summary of current study findings. The socio-cultural and familial risk factors for CSA are examined. The most common signs and problems related with sexual abuse are discussed. Finally, some ramifications for counsellors working with sexually abused children in India are discussed.

This paper would discuss about major provisions of POCSO Act, 2012 and would also discuss about national commission for protection of child rights. The paper would also discuss about situation of child abuse during covid-19 times.

**Keywords:** Child sexual abuse, in India, Investigation, prevention, and intervention

## **INTRODUCTION**

Atrocities against children are not new, but there are numerous examples not only in India, but around the world. Sexual abuse against children is frequently perpetrated by acquaintances, distant relatives, and friends. Child marriage is one of the most common forms of child sexual abuse, according to UNICEF, "Child marriage represents perhaps the most prevalent form of sexual abuse and exploitation of girls." Those who sexually abuse children are commonly referred to as "pedophile."

Child sexual abuse has gained public attention in recent decades and is now one of the most high-profile crimes, but it has existed for a long time, with no one talking about it or complaining about it in order to protect the family's name and dignity. Until the 1920s, there was no such thing as child abuse. It was during the second wave of feminism that the issue of

sexual child abuse became a public, political issue. Non-contact abuse such as exposure and child pornography are examples of non-contact child sexual abuse.

It is thought that protecting these young minds is critical because it leads to a healthier life and the development of the nation as a whole. A child must be protected from all forms of violence, emotional or physical, exploitative or vulnerable situations in which fundamental human rights are jeopardised. Childhood is the most vulnerable time in a person's life. Children are regarded as a nation's most valuable asset because they lead the future and are the ones on whom the nation's well-being is dependent. In the nation, the child is understood to have individual rights and duties.

At a young age, children are gullible, vulnerable, and easily exploited by the stakes of evils in society. A child is vulnerable to both internal and external mental, physical, sociological, psychological, and emotional abuse. It is not always the fault of a stranger to cause harm, but sometimes it is the fault of a child's own parents. It is not still that one would do evil, but rather that one would encourage a child to commit an offence.

One of the most serious issues in India has placed a higher priority on adult rape, whereas child sexual abuse is equally important. The only difference is that most of the time, children are unaware that they have been sexually abused or are too afraid to tell their parents. Some people are afraid of their privacy. In order to address the issue of child sexual abuse in India, the government created POCSO in 2012.

Previously, there was no statutory substance on this subject in the country, but now this act is prescribed by the ministry of development of women and children and works in eliminating child sexual abuse, educating children about sexual abuse, providing a safe space for children who are victims of violence, and imposing punitive punishment on convicts.

The government has taken the initiative to address the issue by enacting the Protection of Children from Sexual Offenses Act in 2012 (POCSO), but proper implementation of such laws and policies is required to put a stop to this social menace. According to studies, over 7,200 children, including infants, are raped each year; experts believe that many cases go unreported.

## **FORMS OF SEXUAL ABUSE**

1. **PHYSICAL-** Most of the time, there is clear physical contact between the offender and the victim. Penetrative sex, fondling of the victim's genitals, or forcing the child to do it are all examples of contact. Physical forms of sexual intent include touching and kissing.
2. **NON PHYSICAL-** It is not necessary for physical contact to occur for abuse to occur. Abuse occurs when a child is exposed to pornographic images or videos, or when a child is used in such material. any other lewd gestures, verbal abuse, or playing sexualized games Things like stalking and chatting with sexual content have been added to the list over time. If a child commits an offence, the POSCO Act will still apply, but the Juvenile Justice (Care and Protection of Children) Act, 2015 will govern the procedure.
3. **INCEST-** Incest refers to a forbidden sexual relationship between close relatives in a family, such as a brother and sister or a parent and child. According to Section 5 (n) of the POCSO Act, whoever commits penetrative sexual assault on a child who is a relative of the child by blood, adoption, marriage, guardianship, or being in foster care, or having a domestic relationship with a parent of the child, or who is living in the same or shared a household with the child, is punishable for aggravated penetrative sexual assault with rigorous imprisonment, which shall not be less than ten years but may extend to life imprisonment and fine.
4. **CHILD SEXUAL TOURISM-** This is the type in which the offender travels from one location to another in order to initiate sexual relations with a child. This can be either domestic or international. It includes resources such as lodging, transportation, and any tourism-related services. Child sex tourism involves the exchange of basic necessities such as cash, food, clothing, and sometimes monetary compensation. These visitors may be married or single, male or female, foreign or domestic. They are mostly made up of wealthy men.
5. **ONLINE SEXUAL ABUSE-** This mostly occurs on the Internet. It could be through social networking sites, online games, or mobile phones. Cyberbullying, grooming, sexual exploitation, and emotional abuse are all common among young people. This can be done by someone they know or by a stranger. It is believed that children often have no way out of this because they are afraid that offenders can reach them at any time of day and have access to their personal space.



## **ABUSE IN INDIA**

In 2007, the Ministry of Women and Child Development released the findings of a nationwide survey on child abuse in which 12,500 children from across the country took part. More than half, 53%, reported having experienced one or more forms of sexual abuse. If this is extrapolated, it means that one out of every two children has been a victim of sexual abuse. Over 20% of those polled said they had been subjected to severe forms of sexual abuse.

57% of those who said they had been sexually abused were boys. Crimes against children were observed to be 20.1 per one lakh population of children, according to National Crime Records Bureau (NCRB) Crime in India, 2014. (up to 18 years of age). In 2015, a total of 10,854 cases of child rape were reported in the country, compared to 13,766 in 2014, representing a decrease of 26.8 percent.

However, the number of POCSO Act-reported cases of child sexual abuse has increased. The Act recognises that the intention to commit an offence, even if unsuccessful for whatever reason, must be punished. The attempted commission of an offence under the Act is punishable by up to half the punishment prescribed for the commission of the offence. The punishment for abetment of the offence is the same as for the commission of the offence, according to the Act. This would include child trafficking for sexual purposes.

The accused bears the burden of proof for the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault, and Aggravated Sexual Assault. This provision was created with the greater vulnerability and innocence of children in mind. Simultaneously, to prevent law from being abused, punishment has been provided for filing a false complaint or proving false information with malicious intent. To encourage reporting, such punishment has been kept relatively light (six months). If a false complaint is made against a child, the punishment is more severe (one year).

## **CAUSES**

There are several factors, which are-

- **Taboo to discuss sex and sexuality-** This is the most common reason why children are victims of sexual abuse. There is reluctance to discuss sex and sexuality, particularly

with children. Because there is a lack of knowledge, teaching, and a healthy environment, both children and adults are unaware of the risks that may arise.

- **Tolerance to gender based violence-** Since the beginning of time, the Indian society has been ignorant of, and accepting of, gender-based violence. We live by the adage that children and women are more vulnerable to such abuse if they cross moral boundaries.
- **Believing adults over children-** Families frequently put an end to cases of violence and abuse because they are unwilling to accept that an adult member of the family could do such a thing. Many times, it is assumed that the child is lying or does not understand what he is reporting.

### **STATISTICS OF SEXUAL OFFENCE IN INDIA**

In 13 different states, a questionnaire was given to 12,447 children from the five different categories of children in family environments, children in schools, children in institutions, children at work, and street children. The following were the survey's major findings:

- 53.22% of all child respondents reported having experienced one or more forms of sexual abuse. There were 52.94% boys and 47.06% girls among them.
- The age distribution of children reporting sexual abuse in one or more forms revealed that, while the abuse began at the age of five, it gained momentum after ten years, peaking at 12 to 15 years and then beginning to decline. This means that children in their adolescence are the most vulnerable.
- The significant finding was that, contrary to popular belief, the overall percentage of boys was significantly higher than that of girls.
- In fact, 9 of the 13 states reported a higher percentage of sexual abuse among boys than among girls, with Delhi reporting a figure of 65.64%.
- 20.90% of all child respondents had experienced severe forms of sexual abuse. 57.30% of these were boys, while 42.70% were girls.
- Other forms of sexual abuse were perpetrated on 76% of the children. There were 53.07% boys and 46.93% girls among these.
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- Other forms of sexual abuse were perpetrated on 76% of the children. There were 53.07% boys and 46.93% girls among these.
- 77% of the children did not report the incident to anyone.
- Persons known to the child or in a position of trust and responsibility are responsible for 50% of the abuses.

### **PROVISION UNDER POCSO ACT, 2012**

**POCSO is in accordance with Article 15(3) of the Indian Constitution, which allows the state to make special provisions for children.** POCSO is an abbreviation for the 2012 'Protection of Children from Sexual Offences Act.' With its adoption, India now has one of the most comprehensive laws that not only provides justice for children who are victims of sexual offences, but also considers the child's best interests and well-being.

It is a watershed moment in child protection legislation. In fact, prior to 2012, India had no specific laws addressing sexual crimes against children. Sexual assaults on children were prosecuted under the Indian Penal Code (IPC). Furthermore, unless there was penetrative sexual assault, many forms of sexual abuse, such as showing pornography to children, could not be prosecuted. There were no provisions for prosecuting sexual assaults on boys.

For victims and their families, navigating the legal system was a daunting prospect. Intense questioning of the child victim by defence counsel in court, as well as the possibility of media coverage surrounding the case, meant that the child was at risk of revisiting the trauma of the incident. Victims and families were frustrated by the judicial system's complexity and delays.

Furthermore, simply obtaining justice through the courts did not guarantee that the victim was able to move on from the incident. Other forms of rehabilitation and compensation were lacking. The justice system was unconcerned about the victims. The victim would be re-traumatized if they were subjected to harsh, judgmental questioning and constant demands that they revisit and recall the crime during the investigation and trial.

Inordinate delays in justice delivery would disrupt the child's and their family's lives. The

victim bore the entire burden of proof, not the offender. As a result, the number of reported cases was small in comparison to the magnitude of the offences. During the investigation and trial, many of the victims in reported cases became hostile. Furthermore, if the victim chose to speak out, they were vulnerable to social stigma because there were no institutional safeguards in place.

### Features of POCSO-

1. **Burden of proof on the Accused-** The POCSO Act is unique in that it asks us to trust our children. Rather, it places the burden squarely on the accused to prove his or her innocence. Section 29 of the Act states that if a person is prosecuted for committing, abetting, or attempting to commit any offence under sections 3, 5, 7, or 9 of the Act, the Special Court shall presume that such person committed, aided, or attempted to commit the offence unless the contrary is proven. The law ensures that the child is not under any obligation to prove that the crime occurred. In Section 30, the Court presumes the accused's culpable mental state (intention, motive, etc). (1).
  2. **POCSO Act is gender neutral-** Sexual crimes committed against both girls and boys under the age of 18 are prosecuted under neutral law.
  3. The POCSO Act mandates punishment for all perpetrators, regardless of age or gender.
- Calibration of offences

The POCSO Act covers a wide range of sexual offences, such as complete and partial penetration, non-penetrative sexual assault, stalking of a child, showing children pornography, using the child for pornography, exhibitionism, and so on. The law safeguards children against both physical and non-physical forms of abuse.

- Severer Punishment when Protectors are Perpetrators

Sections 5 and 9 of the POCSO Act provide for harsher punishment when the sexual offender is a person in a position of trust or authority, such as a police officer, a member of the security forces, or a public servant.

- Introduction of Child-Friendly Measures

The POCSO Act requires people, systems, and procedures to be sensitive to the needs of children. For example, it clearly states that the child does not need to be taken to the police station to report a sexual offence. Rather, it directs the police (who must not be in uniform and

must be a woman officer with a rank no lower than that of Sub inspector) to reach out to the child based on the child's preference and convenience (Section 24).

- Child and Family Support in the Form of a Support Person

The POCSO Act recognises that dealing with a sexual offence is difficult for the child and family. As a result, it provides for experienced and professional individuals to be involved in the pre-trial and trial stages to assist the child referred to in Sections 39 and 40. According to Rule 4 (7) of the POCSO Rules, 2012, the Child Welfare Committee must appoint a Support Person to assist the child during the investigation and trial process.

- Accountability of every citizen to Child Protection

Section 19 of the POCSO Act requires every citizen to report cases of sexual offences against children to the police.

Penalty for failing to report or record a case Failure to report the commission of an offence under section 19 (1) or 20 or failure to record such offence under section 19(2) is punishable under section 21. There is no Discretionary Jurisdiction. In POCSO cases, courts cannot exercise their discretion. They are not permitted to reduce the term of imprisonment to less than the minimum term specified by the Act.

## **REPORTING AND TRIAL OF SEXUAL ABUSE CASES**

Reporting of offences by any person, including children, has become mandatory under Section 19 of the POCSO Act. Section 21 of the Act penalises failure to report or record a case of child sexual abuse. A child, on the other hand, cannot be punished for failing to report as specified in Section 21 (2). It makes it a legal obligation for anyone who has knowledge that a child has been sexually abused to report the crime; failure to do so can result in six months in prison and/or a fine.

According to the act, the child's evidence should be recorded within thirty days of the Special Court taking cognizance of the offence, and the Special Court should complete the trial as soon as possible after taking cognizance of the offence.

It also states that the Special Court will hear cases in private and in the presence of the child's parents or any other person in whom the child has trust or confidence.



### **PUNISHMENT UNDER POCSO, 2012**

The POCSO act also includes provisions for punishment for filing a false complaint or providing false information.

The Act provides for harsh punishment based on the gravity of the offence, including rigorous imprisonment for a term not less than ten years, but which may be extended to life imprisonment, as well as a fine as punishment for aggravated penetrative sexual assault. As punishment for storing pornographic material involving a child, the Act provides for imprisonment of either type, which can last up to three years, a fine, or both. It also imposes penalties on those who traffic children for sexual purposes.

#### **PUNISHMENTS ARE MENTIONED BELOW-**

1. Section 4 of the POSCO Act provides for a sentence of not less than seven years in prison and up to life imprisonment, as well as a fine, for penetrative sexual assault.
2. Under Section 6, aggravated sexual assault committed by a person of trust or authority, such as a police officer, would be punished with a minimum of ten years in prison, with the possibility of life incarceration and a fine.
3. Under Section 10 of the POSCO Act, non-penetrative sexual assault committed by a person with sexual intent is punishable by imprisonment for at least three years and up to five years.
4. If the aggravated sexual assault is committed by the authority or a person of trust, it is punishable by not less than five years and up to seven years in prison under Section 10.
5. Section 12 of the POSCO Act prescribes a three-year prison sentence as well as a fine for sexual harassment.

According to Section 42 of the POCSO Act, if an act or omission constitutes an offence punishable under this Act as well as sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E, or section 509 of the Indian Penal Code, the offender found guilty of such offence shall be liable to punishment under this Act or under Indian Penal Code.

#### **COMPENSATION**

At any stage of the FIR, the Special Court may issue an order for interim compensation to meet the child's immediate needs for relief or rehabilitation. The child's interim compensation will be deducted from his or her final compensation, if any. The Special Court may recommend

compensation when the accused is convicted, or when the case ends in acquittal or discharge, or when the accused is not traced or identified, and the Special Court believes the child has suffered loss or injury as a result of that offence (as per Rule 7 of the POCSO Rules, 2012).

### **CASES-**

#### **TUKA RAM AND ANR V. STATE OF MAHARASTRA, AIR 1979 SC 185**

The Mathura case is another name for it. Two detained police officers raped a young tribal girl here. The session judge ruled that she had consented to it, shedding light on India's rape laws. Later, the Bombay High Court ruled that, while issuing the judgement, the session court judges distinguished between rape and sexual intercourse but failed to distinguish between consent and passive submission.

Based on these findings, the defendants were found guilty of rape. Later, the Supreme Court ruled that because there was no evidence of an assault on the girl's body and no resistance was offered, there is a possibility that the girl did incite the men. Such judicial reasoning resulted in several changes to our rape laws. A few of them are listed below.

The Criminal Law (Second Amendment) Act of 1983 added section 114(A) to the Indian Evidence Act of 1872, which states that in a rape prosecution where it has already been proven that the sexual intercourse by the accused did occur, if the victim says she did not consent to the sexual intercourse, the Court shall presume that she did not consent as a rebuttable presumption of innocence.

Section 376 of the Indian Penal Code, 1860, was amended to include sections 376(A), 376(B), 376(C), and 376(D), which were further amended by the Criminal Law Amendment Act, 2013.

The act included a provision for custodial rape under section 376(2) of the Indian Penal Code, 1860 for offences committed while a victim is in the custody of the state.

The person found guilty under section 376(2) shall be punished with rigorous imprisonment for a term not less than ten years but less than life, as well as a fine.

The act changed the concept of the burden of proof, which always falls on the prosecution. Following the amendment, the accused will bear the burden of proof in cases of rape where

sexual intercourse has already been established.

The Act added section 228A to the Indian Penal Code, 1860, prohibiting any publication of rape victims' identities or any matter through which the victim's identity could be known, which was later amended by the Criminal Law Amendment Act, 2013.

So, the Mathura rape case was monumental from both a social and legal standpoint, as it sparked massive protests and public outcry for the very first time in India for rape cases on a large scale, and it led to numerous reforms in Indian rape law through the Criminal Law (Second Amendment) Act, 1983.

### **SAKSHI V. UNION OF INDIA, AIR 2004 (5) SCC 518**

Sakshi, a non-governmental organisation focused on violence against women, petitioned the Supreme Court of India to declare that "rape" under India's criminal rape law Section 375 of the IPC includes all forms of forcible penetration. Sakshi claimed that the current interpretation of the law violated both the Indian Constitution and India's international obligations under treaties such as the United Nations Convention on the Rights of the Child and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Special Court established by the POCSO Act will have jurisdiction to try offences under the POCSO Act as well as other Acts with which the accused may be charged at the same trial.

### **SABARI V. INSPECTOR OF POLICE, 2019**

The Madras High Court ruled that the definition of "Child" in Section 2(d) of the POCSO Act can be changed from 18 to 16 years old. Any consenting intercourse after the age of 16, as well as body contact and related activities, may be exempt from the restrictions imposed by the POCSO Act.

Though not a perfect solution, legislation to protect children from sexual offences is critical in ensuring that they have a secure and carefree future. Although the time has come for such legislation to take effect, it is not without limitations. It necessitates the establishment of a restitution process for sexual offences, but it makes no changes to society's moral foundation. Furthermore, whatever laws are enacted to protect the interests and welfare of children, the spirit in which they are implemented determines the outcome.

## **MISUSE OF POCSO ACT**

The Kerala High Court has ruled that any attempt to exploit the provisions of the Protection of Children from Sexual Offences Act (POCSO Act) to settle scores with the opponent must be stopped. When a POCSO case against a person was discovered to be fictitious, the court made the observation. The court also ordered the police to investigate whether prosecution can be pursued under Section 22 of the POCSO Act, and if so, to take appropriate action against those who filed false complaints.

According to the court, the allegation of child sexual abuse was a serious matter that affected public conscience. The POCSO Act imposes severe penalties on those who violate it. "As a result, a false case of sexual abuse on a child must be treated very seriously, as must any attempt to falsely implicate a person in an offence under the provisions of the POCSO Act," it stated.

The order was issued in response to a petition filed by Sujatha, the mother of the victim minor girl in the case, seeking a directive to delegate the investigation to a special investigation team. According to the complaint, the accused broke into the petitioner's home and grabbed her 16-year-old daughter while she was alone. The petitioner claimed that the police did not conduct an effective investigation into the case.

The court noted that the mother, victim, neighbours, and teachers to whom the victim allegedly disclosed the details had their statements recorded. Though the victim was said to have told the teachers about the incident, despite repeated questions about her identity, she did not reveal the name of the accused, who was her neighbour and knew her. Two days later, she revealed the identity of the accused.

The police discovered the accused in Karunagappally, far from the alleged scene of the incident in Sasthamcotta on that day. The phone records and CDR details show that the accused was in the Karunagappally tower area from around 8 a.m. until evening. CCTV footage of the accused's workplace was also examined, and it revealed that the accused was seen entering the shop much earlier than the alleged time of the incident. On that particular day, he left the shop in the evening. Following an investigation, police decided to file a final report stating that the current case was false.

The victim's mother also filed a complaint with the Sasthamcotta police, alleging that the

accused had raped her one year before the trespassing incident by giving her a toffee mixed with a sedative. Verification of the accused's passport and travel documents revealed that he was working in Dubai at the relevant time.

During the case argument, the mother's counsel requested that the petition be withdrawn, but the court declined the request due to the nature of the allegation.

The court ordered the investigating officer to invoke Section 22 of the POCSO Act while dismissing the case (Any person, who makes a false complaint or provides false information against any person, with the intention to humiliate, extort or threaten or defame him, shall be punishable for six months or with fine).

### **NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**

The National Commission for the Protection of Child Rights (hereinafter referred to as 'NCPCR') was established under the Commission for the Protection of Child Rights Act of 2005. The commission's mandate provides assurance that all policies, laws, programmes, and administrative mechanisms are consistent with the child rights perspective outlined in the Indian Constitution and the United Nations Convention on the Rights of the Child. A child is defined as anyone between the ages of 0 TO 18.

The act not only provides for the establishment of the NCPCR, but also for the establishment of commissions at the state level to protect children's rights. It expresses the intention to establish courts for children, or tribunals, backed up by speedy trials of crimes against children, so that justice can be delivered without delay.

The establishment of this commission was-

- prompted by the UN General Assembly's 1990 Declaration on the Survival, Protection, and Development of Children;
- India's 1992 accession to the Convention on the Rights of the Child;
- The 2003 National Charter for Children;
- The special session of the United Nations General Assembly, which adopted an outcome document titled "A World Fit for Children."

This Commission's vision is to channel a rights-based perspective into national policies and



programmes, as well as subtle responses at the State, District, and Block levels, while taking into account the specifications and strength of each region. To reach every child, highly skilled penetration into communities and households is required. As a result, the Commission envisions the state playing an essential role in the community's institution-building process, as well as a societal concern for the well-being of children.

Under the 2005 Act, the NCPCR has all the powers of a Civil Court during an investigation of any matter under the 1908 Code of Civil Procedure. Under any type of investigation, the Commission can obtain the discovery or production of any document, including evidence on affidavits. It could also use its authority to obtain any public document or a copy of one from any office or court. Aside from the authority to refer a case to a Magistrate, it is also authorised to issue commissions for witness examination.

The NCPCR may make recommendations to initiate proceedings following an investigation, to prosecute, or to take any other action that the commission deems appropriate in the interests of justice, equity, and good conscience. The Commission may petition the Hon'ble Supreme Court or the High Court for such directions, writs, or orders as the Court deems necessary, or it may recommend to the authority that interim relief be granted to the victim's family as laid out by the Commission. As a result, the powers of the commission are extremely limited.

#### FUNCTIONS OF THE COMMISSION

The committee can perform the following duties:

- i. Examine and review the safeguards provided by or under any current law for the protection of children's rights, and make recommendations for their effective implementation.
- ii. Report on the operation of those safeguards to the Central Government on an annual basis and at such other intervals as the Commission deems appropriate;
- iii. Inquire into violations of children's rights and recommend that proceedings be initiated in such cases;
- iv. Examine and recommend appropriate remedial measures for all factors that impede the enjoyment of rights by children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution.

- v. Investigate and recommend appropriate remedial measures for children in need of special care and protection, such as children in distress, marginalised and disadvantaged children, children in conflict with the law, juveniles, children without family, and children of prisoners.
- vi. Study treaties and other international instruments, as well as conduct periodic reviews of existing child rights policies, programmes, and activities, and make recommendations for their effective implementation in the best interests of children.
- vii. Conduct and promote research on children's rights;
- viii. Spread child rights literacy throughout society and raise awareness of the safeguards available to protect these rights through publications, the media, seminars, and other available means.
- ix. Inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution for children under the control of the Central Government, any State Government, or any other authority, including any institution run by a social organisation, where children are detained or lodged for the purpose of treatment, reformation, or protection, and take up with these authorities for remedial action, if necessary.
- x. Inquire into complaints or take suo moto notice of matters relating to:
  - a) deprivation and violation of child rights;
  - b) non-implementation of laws providing for the protection and development of children;
  - c) non-compliance with policy decisions, guidelines, or instructions aimed at mitigating hardships to and ensuring the welfare of children and providing relief to such children; or bring such issues to the attention of appropriate authorities; and
- xi. Perform any other functions deemed necessary for the promotion of child rights, as well as any other matters incidental to the aforementioned functions:
- xii. Analyze existing legislation, policies, and practises to determine compliance with the Convention on the Rights of the Child.

### **CHILD ABUSE DURING COVID-19**

Aside from its own destruction, Covid-19 elevated crimes such as domestic violence and marital rape and sexual abuse of children. When the entire world was forced to stay indoors, these devil minds got what they always wanted, and crime doubled. The CSA committee in

India reported a 50% increase in phone calls than usual days in the last two weeks of the lockdown, with 30% of total calls received during the period related to abuse protection. Many social media campaigns were launched in order to protect them. When the entire world was fighting the pandemic, these victims were fighting for themselves and saving their lives from such atrocious beings. Nykka had started an initiative aimed at saving such victims by giving code names to various abuses. According to the Interpol 2020 report, there was an increase in child sexual abuse videos on the darknet during Covid-19. The pandemic caused an increase in incidence in the Odisha district of Dhenkanal in terms of sexual exploitation of minors. From April 27 to September 30, approximately 27 minor girls were allegedly sexually abused in the district. It is heart-breaking to read about such incidents when the world is unsure whether or not they will survive the pandemic.

### **CONCLUSION**

Child victims of sexual harassment suffer long-lasting repercussions from the cases throughout their life. There is convincing evidence establishing a direct connection between child sexual abuse and the victim's mental, physical, social, sexual, and behavioural health, according to considerable study in this area.

Victims of child sexual abuse have previously been linked to severe personality disorders such as post-traumatic depression and anxiety, as well as substance abuse and alcohol use. There is an increased risk of re-victimization of the child in both males and females if the issue is not addressed properly. Recent research suggests a link between suicides, suicidal behaviour, and child sexual abuse. Numerous flaws in the institutional structure exacerbate child sexual abuse situations, and these incidents, as previously described, have a significant impact on the child's personality.

Child sexual abuse, our society's most sensitive element, is a sad reality today. Such topics are rarely openly discussed in India and are frequently regarded as a societal taboo. Most families try to keep such incidents hidden, possibly to protect the child's interests. To avoid the trials, everyone in society must be made aware of the situation, and the court system must be overhauled.

In addition to recent legislation that provides an effective framework for dealing with child-related sexual offences, there is an urgent need to make specific preventive measures to reduce

the risks of sexual exploitation of children. Aside from that, improved application and enforcement of existing rules is required. Finally, children are the future of our country, and the threat they face must be addressed on all fronts and at all levels.

The POCSO Act, 2012 is a great piece of law that makes practically all known types of sexual abuse against minors a crime, however there are still certain issues that need to be resolved. To provide holistic, all-encompassing care for victims of child sexual abuse under one roof, a multi-dimensional, multi-agency team, and multi-tier approach will be made available, including access to psychosocial assistance. The POCSO Act's provisions also contributed to the acknowledgement of unacceptable sexual behaviours that endanger children. A sexual assault or sexual harassment act has a long-term impact on the mental psyche of a vulnerable and developing child. This trauma may shape their thoughts for years to come and impede their normal social development, leading to a variety of psychological issues. The failure of Fast Track Court could have a negative impact on the victim. Thus, the Act's loopholes pose potential implementation issues in the Indian context. Judges, prosecutors, and Fast Track Court staff should be trained and sensitised to child rights in order for the Fast Track Courts to be more effective. Thus, resolving the issues of child sexual abuse should be a top priority, requiring the combined efforts of the public, administrators, and the judiciary.

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