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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **AN ANALYTICAL STUDY OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES AND ROLE OF NEW CRIMINAL LAW**

AUTHORED BY – DR. REKHA RANI SHARMA

## **ABSTRACT**

The Protection of Children from Sexual Offences Act (POCSO) came into power on November 14, 2012, and was explicitly formed to manage offences including kid sexual maltreatment and youngster porn. The Act through its 46 arrangements expanded the extent of detailing offences against kids, which were not prior covered under the Bhartiya Nyaya Sanhita(BNS), 2023. This extended the criminal punishment for disturbed penetrative rape to remember discipline for maltreatment by an individual for position of trust or authority including community workers, police, military, and the executives or staff of an instructive or strict establishment. It additionally characterized the method for announcing cases, including an arrangement for discipline for inability to report a case or bogus grumbling. It gave techniques to recording of the assertion of a kid by the police and court, explicitly necessitating that it ought to be done in a kid cordial way, and by the setting up uncommon courts. The POCSO Act characterizes offences of rape, inappropriate behavior, porn and shielding the interest and prosperity of kids. It additionally sets out a kid cordial method in regards to the recording of proof, examination and preliminary of offences, foundation of uncommon courts and rapid preliminary of cases.

**KEYWORDS:** - SEXUAL OFFENCES AGAINST CHILD, POCSO ACT 2012, BHARTIYA NYAYA SANHITA(BNS) 2023, CHILD RIGHTS, CHILD AND JUVENILE

## **INTRODUCTION**

The postmodernist phase in world culture has marked many a stride in the understanding, analysis, and contextualization of the world affairs. The present article entitled “**An Analytical study on protection of children from sexual offences and role of new criminal law**” has its traces in the development of socio-political sensitiveness on the world plank in the later decade of the twentieth century. Law, Politics, and Governance are the off shoots of the eternal urge for betterment of civil life. May it be the human rights laws and the Universal Declaration of

Human Rights in the field of law and allied branches like governance, administration and justice, or the socio-economic forces like post structuralism, deconstruction, gender discourses ,globalization, cyber space or liquid reality, human beings and its development has been focused as the central point .We can define the world affairs in the second decade of the twenty first century totally fixing up and indicating towards geo-centric establishments which sometimes allures even to subsidizing the institution of state. It will never sound hyperbolic if we call it the new renaissance of individuality in the new millennium. Throughout the history of mankind, children have only sometimes been spared to indignities, cruelties, and horrors that human beings so often inflict upon each other. At various times, in various places, children have been abandoned, starved, beaten, enslaved, sexually assaulted, and put to death. One Kofi Atta Annan, winner of 2001 Nobel Peace Prize is a Ghanaian diplomat who served as the seventh Secretary-General of the United Nations from January 1997 to December 2006. such horror-child abuse –have become serious social problems in the societies, yet it occurs infrequently or not at all in many of the world’s societies. Child abuses seems to increase in situations of rapid socio-cultural change, urban migration, family disorganization, and the like, no clear-cut set of prognostic variables has been identified. Indeed, it seems that factors that predict child abuse in one society will not be predictive in another. Only active public and professional concerns led to the emergence of the truer picture of all forms of the child abuse and neglect: physical, sexual, emotional, and failure to thrive owing to maternal deprivation.<sup>1</sup>The present thesis is an attempt to make. a socio legal analysis of the juvenile justice system a n d study of child abuse which is existing in different form and how they have been addressed in different existing legislation and government policies.

### **CHILD PROTECTION IN INDIA**

In the case of India, a huge chunk of the child population is vulnerable at birth till they attain self-sustaining capabilities, physically, emotionally, and mentally. Thus, a holistic approach is needed for children to enable them to become active participants in their own development and the development of the Nation. Protecting children from all forms of violence, abuse, and exploitation in different settings, including family, community and wider society is essential to ensure that they are given all the rights due to them. Protecting children from all forms of violence, abuse, and exploitation is integral to the holistic development of children, as it enables them to become active participants in their own development and the development of

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<sup>1</sup> Jill E. Korbin, Child Abuse and Neglect: Cross-cultural Perspective University of California Press, 1983

the Nation. A child who sells flowers or magazines at a traffic light every day is not just another salesperson, but someone who is deprived of a normal and secured family life, and denied his or her basic rights of nutrition, health, education, and development. Unfortunately, it is common to see children in vulnerable and difficult situations. At an age where they should be in school and learning, children are married off; engaged in work—in farms, households, restaurants, and in industries; trafficked for labour and sexual exploitation; and exposed to abuse and violence.<sup>2</sup> According to the Ministry of Women and Child Development (MWCD), around 170 million or 40 percent of all children in India are either vulnerable to or experiencing difficult circumstances, such as violence at home, separation from family and street life (Integrated Child Protection Scheme—ICPS)<sup>3</sup>. If we look at sexual abuse, a study conducted by MWCD in 2007 shows that more than 53 percent all respondents reported to have faced one or more forms of sexual abuse. Gender-biased sex selection is another important challenge for child protection in India. As per 2011 Census, there are only 914 females to every 1,000 males in the age group of zero to six years.<sup>4</sup> This means that baby girls are largely discriminated over boys at birth. Child marriage is also preventing girls from going to school, developing skills to get a job and, growing to their full potential. In fact, India has the record of having the highest absolute number of child brides: about 24 million. This represents 40 percent of the 60 million world's child marriages.<sup>5</sup> Protecting children from all forms of violence, abuse, and exploitation in different settings, including family, community and wider society is essential to ensure that they are given all the rights due to them. When children are protected, they develop to their full potential, but when they are exposed to risks, they become vulnerable to getting trapped in the cycle of violence, abuse, and deprivation.

### **1.1.1 Child Protection and UNICEF**

At UNICEF, the vision and approach to child protection is about creating a “protective environment” for all children. This means working together with all stakeholders, including the Government, communities, schools, families, children, Panchayat members, teachers and Anganwadi workers to protect children against all forms of violence, abuse, and exploitation. This protective environment, which implies the establishment of a responsive system to address violations of children's right to protection, has some key elements: Government's commitment to fulfilling children's right to protection, which is reflected in

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<sup>2</sup> Child Protection in India, Dora Giusti, Aneerudh Kulkarni

<sup>3</sup> The Integrated Child Protection Scheme (ICPS)

<sup>4</sup> Child Protection in India

<sup>5</sup> UNICEF Report

a strong and sensitive policy for children. Appropriate legislation, which safeguards children's rights, and adequate financial and human resources to implement the laws. Promotion of positive social and cultural norms, attitudes, traditions, behaviours and practices, which are essential to address issues such as gender biased sex selection, child labour, and other protection concerns; Creating an atmosphere of open and frank discussions on child protection, including engagement with the media and civil society to raise and address child protection concerns; Building children's own capacities to protect themselves and demand their rights, through knowledge and skills; Enhancing capacities of families, caregivers, and everyone who comes in contact with children, to be able to provide effective care and protection of children. Provision of basic and targeted services, including health and education, as well as specific services for children who have been victims of violence, abuse, and exploitation; A system that can provide effective monitoring and oversight –both in terms of violations of children's rights, and to the child protection system as whole. 5 UNICEF Report 4 UNICEF<sup>6</sup> works with government and NGO partners, with communities, the media, academia and children themselves to build and strengthen the protective environment so that children do not get harmed and if this happens, they can rely on buffers which will support them through difficult circumstances and risks. UNICEF has been providing technical support to the Ministry of Women and Child Development to support the implementation of the Integrated Child Protection Scheme (ICPS) which provides an excellent opportunity to establish and strengthen a robust preventive and responsive child protection system at state, district, and community level by creating and reinforcing structures, promoting coordination and accountability of all stakeholders. On the one hand, the scheme provides for setting up village and block level child protection committees, with a mandate to ensure that children are protected from all forms of violence, abuse, and exploitation, and on the other, it ensures that a child sensitive and effective response mechanism is put in place to provide specific services to children who have been victims of any form of violence and exploitation. The scheme also brings with its adequate provisions for financial and human resources to provide a range of services.<sup>7</sup> One innovative element of the Integrated Child Protection Scheme is the emphasis placed on family and community-based modalities of care in lieu of institutions for those children that are deprived and or separated from their biological family. Global evidence suggest that institutions are not the most suitable form of care to promote child's

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<sup>6</sup> The United Nations Children's Fund

<sup>7</sup> Ibid

development as children best thrive in family like environments. Traditionally, institutions were used as the most common option for children without families but ICPS is bringing a change as it is trying to promote family care modes by setting guidelines, standards and models for State Governments and their partners. UNICEF is supporting the government in building capacity for this change. In addition, UNICEF implements a number of programmes that promote the establishment of a protective environment for children at local level in partnership with State Governments, District Administrations, and Civil Society. The focus of these interventions is to strengthen the district and village level child protection mechanisms, ensuring that children are going to school, learning, and not working, to mobilize communities to promote social and cultural norms to address issues such as child marriage, trafficking and child labour, and linking vulnerable families with social protection programmes of the government.

### 1.1.2 Child Protection and National Human Rights Commission

The National Human Rights Commission (NHRC) is an embodiment of India's concern for the promotion and protection of human rights. Ever since the NHRC came into existence, it has been concerned about the plight of juveniles who come in conflict with law and children who are in need of care and protection. While the Law Division of the NHRC has been dealing with complaints; the Policy Research, Projects and Programmes Division of the NHRC has been monitoring the implementation of the related Act at the national level as well as studying and recommending effective application of those international instruments that intend to improve the overall functioning of the juvenile justice system in the country.

### **1.1.2 Rights of the Child**

There is unanimity on the importance of protecting children and their right to freedom and dignity. It was enshrined in the Constitution of India. Yet there have been gross violations of children's rights since independence and serious gaps in the delivery of services for children. There is a need therefore to understand the core principles for delivering services to children and an adherence to a rights-based perspective. Recent enactments, such as the Juvenile Justice Act 2015<sup>8</sup> and protection of children from sexual offences<sup>16</sup> have been child centric clearly emphasizing the rights of children. Some policies like the Integrated Child Development Scheme (ICDS)<sup>17</sup> and Integrated Child Protection Scheme (ICPS)<sup>18</sup> have also shown that decentralization and involvement of the community and civil society as

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<sup>8</sup> Juvenile Justice (Care and Protection of Children) Act, 2015

equal Juvenile Justice (Care and Protection of Children) Act, 2015 has been passed by Parliament of India. It aims to replace the existing Indian juvenile delinquency law, Juvenile Justice (Care and Protection of Children) Act, 2000, so that juveniles in conflict with Law in the age group of 16–18, involved in Heinous Offences, can be tried as adults. The Act came into force from 15 January 2016.<sup>9</sup>As part of the country's child protection measures, India has passed legislation prohibiting all forms of child sexual abuse. On May 22, 2012, the Indian Parliament enacted the 'Protection of Children Against Sexual Offences Bill, 2011' into law. The government's guidelines, created in accordance with the legislation, were also announced in November 2012, and the law is now ready for execution. Integrated Child Development Services (ICDS) is an Indian government welfare programme which provides food, preschool education, and primary healthcare to children under 6 years of age and their mothers. These services are provided from Anganwadi centres established mainly in rural areas and staffed with frontline workers.[1] In addition to fighting malnutrition and ill health, the programme is also intended to combat gender inequality by providing girls the same resources as boys. The Integrated Child Protection Scheme (ICPS) is a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, through Government-Civil Society Partnership partners with the government are important components for effective realization of children's rights.<sup>10</sup>The Constitution of India recognizes the vulnerable position of children and their right to protection. The framers of the Constitution of India have also become fully aware of their responsibility towards children. This awareness is reflected in the constitutional provisions which are intended for protecting the rights of children. Following the doctrine of protective discrimination, it guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) 39(f) and reiterate India's commitment to the protection, safety, security and well-being of all its people, including children. The articles read as follows: Article 14: Within the boundaries of India, the State must not deny to any individual the equality before the law or the equal protection of the laws; Article 15 prohibits

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<sup>9</sup> Child sexual abuse laws in India have been enacted as part of the nation's child protection policies

<sup>10</sup> The Integrated Child Protection Scheme (ICPS) is a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, through Government-Civil Society Partnership

discrimination against citizens solely on the basis of their religion, race, caste, sex, place of birth, or any combination of these. Article 15 (3): Nothing in this article may prohibit the State from providing for women and children in particular ways; All people have the right to freedom of speech and expression, according to Article 19(1)(a). Protection of life and personal liberty is guaranteed by Article 21; no one may be deprived of life or personal liberty unless in accordance with legal process:

Article 21A: All children between the ages of six and fourteen are entitled to free and compulsory schooling; Article 23: Prohibition of trafficking in human people and forced labour. This article forbids trafficking of human beings, the use of beggars, and other similar types of forced labour, and anybody who violates this provision has legal consequences; According to Article 24, no kid under the age of fourteen may be employed in any industry, mine, or other hazardous job. It is the duty of the state to ensure that the following things are taken into consideration when formulating policy: (e) protection of the health and strength of workers, men and women, and children in their tender years; (f) provision of opportunities and facilities for the development of children in healthy, free, and dignified environments; (g) protection of children's rights to play and education; and (h) protection of children's health and strength during their formative years.

## **PRINCIPLES OF CHILD CENTRIC POLICIES AND LAWS**

The National Commission for the Protection of Child Rights (NCPCR) has developed an understanding of the fundamental concepts that should guide policymaking, service provision, the administration of justice, and the creation of laws on behalf of children. Policymaking and service provision should be informed and guided by a number of management concepts, including those of decentralisation, flexibility, institution building processes, convergence, and hearing the voices of children. In this way, the gramme panchayats and the community at large may feel like they have a stake in the safety of the children under their care. Parliament passed legislation in 2005 called the Commissions for the Protection of Children's Rights (CPCR Act), which led to the establishment of the National Commission for the Protection of Children's Rights (NCPCR) in March 2007. (December 2005). The NCPCR is a statutory body formed under the CPCR Act, 2005, which is overseen by the Ministry of Women and Child Development of the Indian Government. It is the responsibility of the Commission to ensure compliance with the Indian Constitution and United Nations Convention on the Rights of the Child in all applicable laws, policies, programmes and administrative processes. Additionally,

it would be necessary to approach the problem with a sense of urgency and come up with solutions that are tailored to the local circumstances. This means that a government-funded, centrally planned programme may not necessarily be the best solution for a given situation. Everything must be formalised and done in a methodical, predictable manner rather than on an as-needed basis. It is essential that all relevant agencies work together and synchronise their plans and services at the neighbourhood and regional levels in order to improve health, nutrition, education, and other entitlements in the community. Every step of the adjudication process involving child victims and witnesses (i.e., children in touch with the law and children in need of care and protection) requires particular procedures. To achieve this goal, it is necessary to implement child jurisprudence, a child focused procedural code, a well-trained cadre of the judiciary on child rights, and appropriate space and opportunity for children to seek justice in an environment that is humane and kid friendly. The best interests of the child, including his or her right to privacy and protection from additional victimisation, must be prioritised at all times throughout the adjudication process. Reparative and restorative justice are also necessary components of child-centered law. The rights of children must be clearly stated in any law enacted to safeguard them, with the state obligated to provide the necessary infrastructure and services. All children under the age of 18 should be protected by the law, and the laws should be written with universality in mind rather than with fairness and social justice as their primary goals. Affirmative action measures tailored to the needs of underprivileged children should be a part of all laws, within the context of human rights and the principle of universality. The right to education act and the act to protect minors from sexual offences are two examples of contemporary laws that include rights-based ideas.<sup>11</sup>

## **NATIONAL POLICIES AND LEGISLATIONS**

### **ADDRESSING CHILD RIGHTS**

The rights of children in India are grounded on the Constitution's fundamental guarantees and guiding principles. A number of laws and policies at the national level have been enacted to give effect to the commitment to children's rights. Regarding (a) national policy, Among the most important laws and policies enacted in the nation to protect and advance the rights of children are: 1974's National Policy for Children; 1986's National Policy on Education; 1987's National Policy on Child Labour; and 1989's National Nutrition Policy. Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, Report on

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<sup>11</sup> Ibid

11 Ibid Prostitution, Child Prostitutes, and Children of Prostitutes (1993). National Health Care Reform Act of 1998, 2002 Report on the State of Children's Rights in the United States, 2004 An Update to the Children's National Action Plan To protect children from all types of abuse and to enhance the family, society, and the country as a whole, the goal of the National Charter for Children, 2004 is to ensure that every child has the opportunity to grow up free from harm and to fully realise his or her potential. Care, protection, and welfare of children from marginalised and underprivileged groups; Ensuring child-friendly processes; Protection from economic exploitation and all types of abuse; Protection of the female child; Ensuring child-friendly procedures. In 2005, the then-Department of Women and Child Development (now MWCD) developed the National Plan of Action for Children (NPAC). The Prime Minister's Office is keeping tabs on the Plan. The goal of the Action Plan is to protect the rights of all children under the age of eighteen. It reaffirms the government's commitment to provide all children with the opportunity for health, education, and safety. Its overarching goal is to provide conditions that safeguard children's rights. The National Partnership for Children and Youth (NPAC) is urging states to create child-focused plans of their own. The National Plan identifies a number of critical priority areas, including children's right to survival, development, protection, and participation, as well as monitoring and assessment of policies and activities. The NPAC also emphasises allocating funds specifically for child safety purposes. Important National Laws in India to Protect Children's Rights Include: Legal Acts: Guardian and Wards Act (1890), Factories Act (1954), Hindu Adoption and Maintenance Act (1956), Probation of Offenders Act (1958), Bombay Prevention of Begging Act (1959), Orphanages and Other Charitable Homes (Supervision and Control) Act (1960), Bonded Labour System (Abolition) Act (1976), Immoral Traffic Prevention Act (1986), Child Labour (Prohibition and Regulation) Act (1986), Prevention of Illicit Traffic in Narcotic Drug.

### **INTERNATIONAL COMMITMENT TOWARDS CHILD PROTECTION**

Several international agreements and declarations guarantee the right to protection, safety, and dignity of children, and India is one of their signatories. Reaffirming its commitment to UNCRC's 1959 Declaration on Child Rights and completely implementing all of its provisions, it acceded to the convention in 1992 and is fully committed to its implementation. Children's participation in armed conflict and child trafficking, prostitution, and pornography were among two UNCRC Optional Protocols that India ratified in 2005. Indian policies and methods to safeguard children from such harmful types of abuse and exploitation are being strengthened. Rights to Civil and Political and Economic and Cultural Rights are also recognised by India,

which is a signatory to several international conventions. Three important International Instruments for the protection of Child Rights that India is signatory to, are:

**CONVENTION ON THE RIGHTS OF THE CHILD (CRC):** CRC was adopted by the UN General Assembly in 1989, is the widely accepted UN instrument ratified by most of the developed as well as developing countries, including India. The Convention constitutes the pillar of children human rights law. The chief intention of the Convention is to protect all children in the world and establish similar international legal obligations for States parties. The intention of the Convention should be regarded as a revolutionary movement for the protection of sovereignty of the rights of the child. The Convention calls upon States parties to improve family conditions and lays a heavy weight on the concept of non-discrimination or race. The concepts of ethnicity as well as nationality are also highly valued by the Convention. Thus, the purpose of Convention is to unequivocally protect the primary and basic elements of the rights of the child. There are actually four core principles in the framework of this significant international law- making treaty which must be introduced:

- 1) The best interest of the child as opposed to those of parents,
- 2) Enjoying the right of the child with a non-discrimination method,
- 3) Having access to basic rights which include right to life, and
- 4) Survival development as well as respecting the right to participate in the proceedings or hearings which may positively affect their rights in any other domestic procedures.

### **CHILD SEXUAL ABUSE IN INDIA**

As part of the country's child protection measures, India has passed legislation prohibiting all forms of child sexual abuse. Fifty-three percent of Indian youngsters have been abused as children. The need of stricter legislation has been realised several times.<sup>12</sup> Goa Children's Act, 2003<sup>13</sup> was a portion of child abuse law that existed prior to the 2012 Act. Protecting children from sexual assault was enacted into law by India's Parliament on May 22, 2012, when it was signed into law by Prime Minister Narendra Modi.<sup>14</sup> The rules formulated by the government in accordance with the law have also been notified in November 2012 and the law has become ready for implementation.<sup>15</sup> Before POCSO Act, most of the sexual offences are covered under

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<sup>12</sup> Need stringent law to curb child sexual abuse: "Tirath".

<sup>13</sup> 13 CHILDLINE India Foundation

<sup>14</sup> 14 "Parliament passes bill to protect children

<sup>15</sup> 15 Law for Protecting Children from Sexual Offences

IPC 1860. But does not provide for all types of sexual offences against children and its general legislation. It does not distinguish between adult and child victims. Child sexual abuse was prosecuted under the following sections of **Bhartiya Nyaya Sanhita 2023**:

**BHARTIYA NYAYA SANHITA 2023 (Section 63)-Rape**

**BHARTIYA NYAYA SANHITA 2023 (Section 74)-Outraging the modesty of a woman**

**BHARTIYA NYAYA SANHITA 2023 (repealed) -Unnatural offences**

BNS 2023 section 63 does not protect male victims or anybody from sexual acts of penetration other than "conventional" peno-vaginal intercourse, and BNS section 74 does not define "modesty" in statute, hence the code was unable to properly protect the youngster in this case. It's a very minor crime that may be committed repeatedly. The "modesty" of a young boy is not safeguarded either.

**POCSO ACT 2012:** The new Act<sup>16</sup> provides for a variety of offences under which an accused can be punished. It defines a child as a person under age of 18 years age. It encompasses the biological age of the child and silent on the mental age considerations. A recent case in SC has been filed where a woman of biological age 40 years but mental age 6 years was raped. The victim's advocate argues that "failure to consider the mental age will be an attack on the very purpose of act." SC has reserved the case for judgement and is determined to interpret whether the 2012 act encompasses the mental age or whether only biological age is inclusive in the definition. Finally, in 2017 in the case of Ms. Eera v. State (Govt. NCT of Delhi)<sup>17</sup> the court held that on a reading of the POCSO Act, it is clear to us that it is gender neutral. In such a situation, to include the perception of mental competence of a victim or mental retardation as a factor will really tantamount to causing violence to the legislation by incorporating a certain word to the definition. By saying "age" would cover "mental age" has the potential to create immense anomalous situations without there being any guidelines or statutory provisions. Needless to say, they are within the sphere of legislature. To elaborate, an addition of the word "mental" by taking recourse to interpretative process does not come within the purposive interpretation as far as the POCSO Act is concerned. POCSO Act, 2012 recognizes forms of penetration other than peno-vaginal penetration<sup>18</sup> and criminalizes acts of immodesty against children too. The act is gender neutral. With respect to pornography, the Act criminalizes even watching or collection of pornographic content involving children.<sup>19</sup> The Act makes abetment

<sup>16</sup> The Protection of Children from Sexual Offences Act, 2012

<sup>17</sup> 2017 SCC OnLine SC 787

<sup>18</sup> The Protection of Children from Sexual Offences Act, 2012 Chapter 2

<sup>19</sup> Chapter POCSO ACT 2012 Chapter 3

of child sexual abuse an offense<sup>20</sup> It also provides for various procedural reforms,<sup>36</sup> making the tiring process of trial in India considerably easier for children. The Act has been criticized as its provisions seem to criminalize consensual sexual intercourse between two people below the age of 18. The 2001 version of the Bill did not punish consensual sexual activity if one or both partners were above 16 years.<sup>21</sup>

## **CONCLUSION AND SUGGESTIONS**

The researcher has tried to focus on providing effective solutions to the questions raised as well as suggest effective and practical measures that can be adopted in order to address the menace of child sexual abuse. A congregation of the working of the Act coupled with the provisions, the burning issues of the present society and also specific personal suggestions has been incorporated. We've all had our share of childhoods. There is solidarity in this. Quite a few of us are parents or actively involved in the lives of children. We hope that today's youth will grow into tomorrow's strong, healthy, happy, and productive adults. We hope they achieve their goals. Children represent both the present and the future. They represent the next generation of leaders in society, including parents, grandparents, teachers, doctors, police, judges, civic and religious figures, politicians, and policymakers. It is certain that child abuse is a pervasive social issue that exposes profound underlying frailties. These conditions and their attendant indifference and passivity frequently served as fertile ground for the growth of such aggressive behaviour. Some children become far more accepting of violent behaviour and attitudes in such a setting, while others do not. The way we deal with the criminality that now impacts young people will have far-reaching consequences for future families and society. Six out of ten kids between the ages of 2 and 14 experience regular physical punishment at home. The rule applies to all children. Those who are vulnerable do not discriminate based on age, gender, religion, ethnicity, disability, socioeconomic status, sexual orientation, or gender identity and expression. Gender-sensitive approaches are needed to decrease children's exposure to violence and to satisfy their specific needs for care and assistance.

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<sup>20</sup> POCSO ACT 2012 chapter 4

<sup>21</sup> POCSO ACT 2012 Chapter 5, 6, 7