




RESEARCH ARTICLE

Effective Measures to Prevent Sexual Offences against Children: Need for a Multi-Pronged Approach

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ABSTRACT

Recently, the CBI raided 76 places in 14 States of India. These raids were in connection with Red child pornography & child trafficking. This was one of the biggest child trafficking cases that was exposed. This is very serious and sensitive regarding India as a nation where youth is the biggest generation. According to the National Crime Register, 24% of all children are sexually abused. Half of these abuses are perpetrated by adults who believe in children. Article 15 (3) of the Indian Constitution empowers the State Government to make special provisions for children. The Government of India has also ratified the terms of the International Convention on the Protection of the Rights of the Child dated 11 December 1992. In order to protect children from abuse, to maintain a healthy childhood, to protect the rights of children, and to protect children from childhood and adolescent sexual exploitation was the only specific piece of child abuse legislation before the 2012 Act. In order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children through less ambiguous and more stringent legal provisions, the Ministry of Women and Child Development championed the introduction of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The law was passed. The rules made under this Act were also notified in November 2012, and this Act was ready for implementation. The law provides for the protection of children (girls/boys) from sexual offenses as well as severe punishment of the offender. The special law was enacted to protect children from sexual harassment, molestation, obscenity, crime, abuse, and rape.

Keywords: child sexual harassment; adult psychology; heinous crimes

FULL PAPER

The increasing number of child sexual assault cases in India raises serious apprehensions. Any sexual assault of a child upsets our country's honour and respect. The Indian law on child sexual abuse is not cited in a single legally binding document, but rather dispersed extensively in several legislations. The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is the most predominant enactment addressing this issue. It is India's first all-encompassing law designed to protect children from sexual assault, sexual harassment, and pornography. In Chandigarh, too, there are problems like child abuse, sexual abuse of children, and sexual abuse of women. Consequently, in this city, 1100 cases had been reported from 1 April 2021 to 31 March 2022, in which 24 cases were of sexual abuse. There are other cases like physical abuse, begging, child labour, drugs, and drug addiction that have been reported in one year. A detailed analysis of areas and the economic situation of families of the children who were reported in Chandigarh Childline 1098 was done. It was found that child abuse has a deep relation with area, economic status, and age group, which is ramping up these types of crimes. Thus, this paper would be an eye-opener and helpful in preventing child sexual abuse in society.

The Act defines a child as a person under the age of 18 years. However, this definition is a purely biological one, and does not take into account people who live with intellectual and psycho-social disability. Another hallmark of the POCSO Act was that it set up procedures to make the criminal justice system child-friendly and prevent re-traumatisation. This includes everything from how the statement of the child should be recorded to the medical examination to the designation of special child-friendly courts. The POCSO Bill also aims at making offences against children gender neutral.

Sections of the POCSO Act may be added by the police in the First Information Report (FIR) whenever a sexual offence is committed against a child. Child molestation is also a crime. This law is gender-neutral. It applies to both boys and girls. The law also criminalizes the viewing or possession of pornography involving children in the context of pornography. It is also a crime under this law to engage in child sexual abuse. Not only the perpetrator but also the person who does not file a complaint despite being aware of the atrocity is considered a criminal under this Act.

Punishment Under the Posco Act - [Some Offences and Punishment]

1. Penetrative sexual assault - minimum 7 years to Life imprisonment
2. Aggravated sexual assault - minimum 10 years to Life imprisonment

3. Sexual assault - Punishment of any description for 3 to 5 Years and a Fine
4. Aggravated sexual assault - Punishment of any description, 5 to 7 years, and a Fine
5. Use of a Child for pornographic purposes - Not less than five years and a fine, and in the event of subsequent conviction, seven years and a fine
6. Use of a child for pornographic purposes resulting in penetrative sexual assault - Not less than 10 years (in case of a child below 16 years, not less than 20 years)
7. Use of a child for pornographic purposes resulting in aggravated penetrative sexual assault: Not less than 20 years and a fine

Amendment in the PocsO Act, 2019

In 2018, after the incidents of rape of girls in 'KATHUA' and 'UNNAO' in India, changes were made in the Posco Act to provide more severe punishment to the perpetrators. The Act was amended in 2019 to make provisions for the enhancement of punishments for various offences to deter the perpetrators and ensure safety, security, and a dignified childhood for children. The POCSO Amendment Act was notified on 6 August 2019. The amendment addresses penetrative sexual assault, aggravated sexual assault, aggravated penetrative sexual assault, and the use of children for pornographic purposes.

Offences Added Due To Amendment -

The Bill adds two other offences for the storage of pornographic material involving children. i) failing to destroy, or delete, or report pornographic material involving a child, and (ii) transmitting, displaying, or distributing such material except for the purpose of reporting it.

Effects of the Amendment on Punishment of the Posco Act

The Bill increases the minimum punishment from seven years to ten years. It further adds that if a person commits penetrative sexual assault on a child below the age of 16 years, he will be punishable with imprisonment between 20 years and life, with a fine. The punishment for aggravated penetrative sexual assault is imprisonment between 10 years and life, and a fine. The Bill increases the minimum punishment from ten years to 20 years, and the maximum punishment to the death penalty. For using children for pornographic purposes, Bill amends this to provide that the punishment can be imprisonment between three and five years. To prevent such crimes, there is a drastic need for the strict implementation of the POCSO Act, 2012.

Measures to prevent POCSO (Protection of Children from Sexual Offenses) crimes

Awareness and Education

- Integrate cybercrime education into school curricula to raise awareness among young students about laws like the POCSO Act and cybercrime regulations.
- Conduct regular awareness campaigns to inform the public about online safety and the risks of cybercrimes.

Parental Guidance

- Set clear rules for internet usage, such as limiting screen time and implementing parental controls.
- Encourage outdoor activities to reduce online exposure.

Law Enforcement and Policy

- Update the POCSO Act to explicitly cover digital crimes and improve law enforcement training to handle these cases effectively.
- Establish stricter regulations and accountability for internet intermediaries to prevent online child exploitation.

Support and Resources

- Provide support services for victims of POCSO crimes, including counselling and legal aid.
- Increase the number of female police officers to facilitate the sensitive handling of cases.

Community Involvement

- Disseminate suitable material and information about POCSO at public places like schools, colleges, and community centres.
- Encourage community participation in preventing child abuse and reporting suspicious activities

School-based Education:-

Integrate child sexual abuse prevention education into school curricula, teaching children about safe and unsafe touch, healthy relationships, and how to report incidents.

Public Awareness Campaigns:- Conduct nationwide awareness campaigns through various media to educate the public about the POSCO Act, child sexual abuse, and reporting mechanisms.

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