

## ROLE OF CHILD WELFARE COMMITTEE (CWC) UNDER THE ACT:

- ❖ On receipt of complaint/information from police or any other person, the CWC is then required to make further arrangements for the safety and security of the child.

## SPECIAL COURTS AND CHILD FRIENDLY PROCEDURE:

- ❖ The Act makes provision for establishment of Special Courts to try such cases.
- ❖ The Act makes provisions for avoiding the re-victimisation of the child at the hands of the judicial system.
- ❖ It provides for Special Courts that conduct the trial in-camera and without revealing the identity of the child, in a manner that is as child-friendly as possible.
- ❖ Hence, the child may have a parent or other trusted person present at the time of testifying and can call for assistance from an interpreter, special educator, or other professional while giving evidence; further,
- ❖ The child is not to be called repeatedly to testify in court and may testify through video-link rather than in the intimidating environ of a courtroom.
- ❖ Above all, the Act stipulates that investigation of case of sexual abuse of a child must be completed within 2 months & trial within 6 months from the date the offence is reported.
- ❖ To ensure that the child is not exposed in any way to the accused during the trial, video conferencing facility may be used to avoid such situation.
- ❖ District & Sessions Court is designated as Special Court in Arunachal Pradesh for such cases.

## MEDICAL EXAMINATION UNDER THE ACT:

- ❖ During investigation, if medical examination of a child is required, it has to be done in the presence of the parents of the child. In case of a girl child, a woman doctor shall conduct such examination. The Act also makes provisions for the medical examination of the child designed to cause as little distress as possible.

## COMPENSATION:

- ❖ Another important provision in the Act is that it provides for the Special Court to determine the amount of compensation to be paid to a child who has been sexually abused, so that this money can then be used for the child's medical treatment and rehabilitation.

And in ensuring that, the Hon'ble Supreme Court of India took up the issue in Suo Moto.



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## PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012



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Arunachal Pradesh State Legal Services Authority,  
(APSLSA)

Tower - I, Apartment, 3rd Floor,  
Zoo Road, Chimpu - 791113

Email: [apslsa2013@rediffmail.com](mailto:apslsa2013@rediffmail.com)  
Helpline No. 15100 (Toll Free No.)

# PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

## OBJECTIVES

The Protection of Children from Sexual Offences Act, 2012 was enacted with a view to protect children from offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well being of children. The Act regards the best interests and well being of the child as being of paramount importance at every stage, to ensure a healthy physical, emotional, intellectual and social development of a child.

## SALIENT FEATURES OF POCSO ACT, 2012

- It is gender neutral;
- It makes the reporting of abuse mandatory;
- It makes keeping record of sexual abuse mandatory;
- It lists all known types of sexual offenses towards minors;
- It provides for the protection of minors during the judicial process;
- It provides for speedy disposal of related case: It provides Special Court/Fast Track Court;
- The Act is Child friendly;
- The Act is a deterrent.

## DEFINITION OF CHILD

- Any person below the age of 18 years shall be treated as a child for the purpose of this Act.

## OFFENCES UNDER THE ACT

- ❖ The Act deals with various types of sexual offences, including-
  - Penetrative sexual assault;
  - Aggravated penetrative sexual assault;
  - Sexual assault which involves touching the private parts of a child;

*Aggravated Sexual Assault; The Act deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-a-vis the child, like a family member, police officer, teacher, or doctor.*

*Sexual Harassment which includes uttering any words or making sounds or gestures with sexual intent or exhibiting any object or part of the body with such word or sound so that it shall be seen by a child;*

- Making a child exhibit his or her body or any part thereof;
- Showing pornographic material in any form to a child or enticing a child to enter into pornography;
- Stalking or following a child either physically or through electronic or digital means, i.e. by facebook, twitter, instagram etc.;
- People who trafficked children for sexual purposes are also punishable under the provisions relating to abetment in the Act;

## PUNISHMENTS

- The Act prescribes stringent punishment, graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life and fine:

- ❖ All offences of sexual assault, sexual harassment and pornography are punishable with imprisonment which may extend to life and fine.
- ❖ The abetment to commit such offenses or making attempts to commit such offense is also punishable with imprisonment and fine with a maximum term of rigorous imprisonment for life and fine.
- ❖ In keeping with the international child protection standards, the Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon the person who has knowledge that a child has been sexually abused to report the offence. If he fails to do so, he may be punished with six months' imprisonment and/ or a fine.
- ❖ The Act prohibits the media outlets such as newspapers and TV channels from disclosing the identity of the child. If anyone violates the prohibition, he may be sentenced to imprisonment as well as fine.

## ROLE OF POLICE UNDER THE ACT:

- ❖ The Act also casts the police in the role of child protectors during the investigation process. Thus, the police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a Shelter Home, as the need arise. The police are also required to bring the matter to the attention of the Child Welfare Committee (CWC) within 24 hours of receiving the report, so the CWC may then proceed where required to make further arrangements for the safety and security of the child.