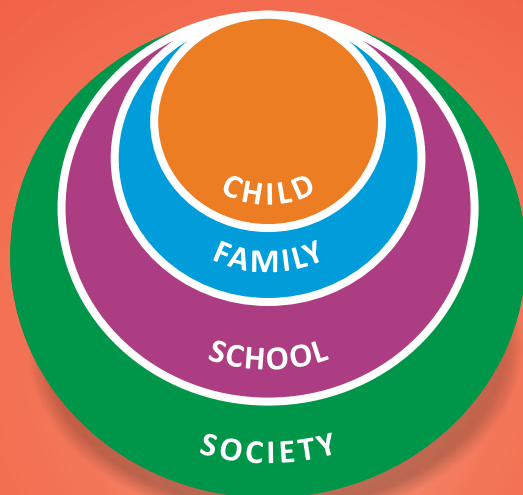




Project CACA

Support Staff Booklet

To Empower You and Your Child Against Child Abuse



ENG



This resource booklet is complimentary for support staff of the school. It is also available for free download on www.projectcaca.org in English, Hindi and Regional Languages.

Partners



edusynergies

With Support From Various:

State Legal Services Authorities (SLSA)

State Commissions for Protection of Child Rights (SCPCR)

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Disclaimer - This booklet is not a substitute for the advice of a qualified expert. The contents and the provisions of various laws have been simplified for the benefit of the reader by using reader-friendly language. This booklet does not substitute any law or its provisions.



1. Who should read this companion booklet?

The booklet is a companion to the CACA Safety Workbook series being taught to children in the school under the school's safety policy. The children safety workbook series is in English language and from UKG to 9th class. The workbooks are the core instrument of Project CACA. Besides, the project comprises of companion booklets and workshops for teachers, parents and non-teaching staff. The safety workbooks teach our children about their rights (child rights), gender equality and child abuse, child sexual abuse in particular so that the abuse can be prevented. The various stories, poems, plays and activities in the children's safety workbooks have children, teachers, parents, grandparents and support staff (*non-teaching staff of the school*) as characters. The companion booklets for parents, teachers and support staff are in English, Hindi and various regional languages so that they can all tune themselves accordingly.

This particular companion booklet is for the support staff some of whom are also parents and grandparents. However, anyone who cares about children will be interested in reading this booklet after all, we all want children to be healthy, happy and safe. Moreover, since support staff (part time, full time, contractual) of a school like drivers, conductors, sweepers, maids, janitors, etc. have to interact with children on a regular basis it becomes more important for them to understand their role and responsibilities as well as various law related to children safety.

Census Survey of India (2011), around 40% (almost half) of our population is below the age of 18 years (children).

Survey 2007 Ministry of Women and Child Development (MW&CD), Govt. of India: every second child, boy or a girl, faces one or more forms of sexual abuse.

2. "Komal", A Film with difference for children

"Komal" is a film on Child Sexual Abuse. It is a short animated film by MWCD, Government of India and produced by NGO - CHILDLINE India Foundation. The film has also won the National Film Award in the category of "Best Educational Film". Komal is like any other bright, sensitive and happy seven year-old. Her new neighbour –



Mr. Bakshi, who moved in with his wife, is her father's old friend. Komal bonds with the affable Mr. Bakshi with whom she has a whale of a time, until she discovers Mr. Bakshi's bitter reality. The CHILDLINE Didi explains to the children the concept of safe and unsafe touch, so that they can be better equipped to protect themselves and take help from trusted adults if ever caught in a similar situation.

The CACA Safety Workbooks are a companion to the Komal film. They cover the various safety principles mentioned in the film like *Safe Touch*, *Unsafe Touch*, *Secrets*, *Trusted Grown-Ups*, *Telling*, *It is not your fault*, *Child Helpline Number* and much more in age appropriate and progressive ways. Komal film is suitable for children within the age group of 8 to 14 years. The exhibition of the film to children is recommended by the *Central Board of School Education* (CBSE) and various other boards and related organisations. It is being shown to children in the school. Besides children, all parents, grandparents, caregivers, school teachers and support staff should also view the film. The film is available in English, Hindi and various regional languages.

Search for "Komal video" on YouTube to find it online.

3. About the CACA Safety Workbooks

It is rare in the school system when parents, teachers and support staff get involved in the content of the books that children are being taught. But when it comes to the safety of our children we have to collaborate, build trust and be responsible. CACA Safety Workbooks are based on life skills and value education (moral/ethics) developed to keep our children happy, healthy and safe. The workbooks, share essential information on various laws formulated for the protection of children like *POCSO Act - Protection of Children from Sexual Offences*, *Juvenile Justice Act - JJA*, etc., *helpline numbers like 1098* and various government organisations related to protection of child rights. It would be judicious for everyone to promote the CACA Safety Workbooks and let people know that children are learning about prevention of child sexual abuse in their school on a regular basis. The promotion would send a clear signal to everyone including the abuser that children are aware, understand safe and unsafe touches and looks, and won't hesitate to report the same to trusted adults like teachers, parents and grandparents.

Children are rarely taught about personal safety rules and vocabulary for private parts and feelings. They are not encouraged to discuss, share or



express their emotions. Shame and dirt are wrongly instilled in parts of their body. We may listen to them but rarely believe them. Blaming them is the easiest thing to do. For a child to be assertive is taken as disrespect to elders. They are also conditioned to accept physical punishments (*spare the rod, spoil the child*) as a corrective measure. Once a child undergoes physical punishment as a way of reform, they will not only follow the same as a principle or way of life but will also find it difficult to stand up against any physical abuse. Because of all this, they are in no position to understand, prevent or report abuse. All these shortcomings are well known to every abuser. In fact, they thrive on these shortcomings. The safety workbooks empower our children against these shortcomings and various tricks played by abusers through poems, plays, letters, picture stories, etc. They prompt children to express their feelings and emotions through activities and questions. The questions are open as well as closed ended.

Example: Here is a question for children from “My First Safety Workbook” (Class 1):

I do not like when _____ touches or kisses me.

A look at their answers will be helpful for parents, teachers, and caregivers, and provide them with an opportunity to have a dialogue with the child on sensitive issues which are otherwise difficult to talk about. The safety workbooks focus on self-esteem of the child and project emotions as friends to its young readers. These two core principles then build on child rights, gender equality, and child abuse prevention. The workbooks, like a safety drill, are being practised repeatedly by the children.

The CACA Safety Workbooks revolve around three best friends: A girl named Sana, a boy named Arpit and a tiger named Pokso.



The workbooks also cover various day-to-day situations that children face, have faced, or may face, in and outside their schools related to their safety, health and hygiene. Here are a few examples of stories that cover situations faced by children and where teachers and support staff are involved.

Examples:

My Sixth Safety Workbook (Class 6)

Story – An Incident In The Toilet

In this story the attendant, who cleans the bathroom, tries to talk to children in an inappropriate way about how private parts of men are different from those of boys. One of the boys immediately runs to the teachers' staff room and complaints about the attendant. The story ends with the school authorities suspending the attendant.

My Seventh Safety Workbook (Class 7)

Story – Water and Water Everywhere

In this story the children go to a picnic on their school bus. They fall sick when they drink contaminated water. With the timely efforts of their school bus driver, conductor and teacher, the children reach the nearest hospital and are taken care of by the doctor.

The safety workbooks also prompt children, parents, teachers, and support staff to come together for the safety of children and adopt behavioral changes which may seem unconventional to some but are necessary to prevent child abuse.

Here are few examples to ponder.

Example: To force affection like pull a child's cheek or make a child sit on the lap.

When our children dislike, resist and deny certain touches, we tell them that it is okay to ignore what they are feeling, and let the person do what they are doing under the pretext of love, affection and respect.

Example: To change a child's clothes in the presence of adults or other children; or as adults, to change clothes in front of children.

Example: To encourage young children to take the help of maids for their daily chores like using the toilet /dressing up, etc.



4. Who is a child?

The life cycle is a spectrum and varies from individual to individual. How do we then differentiate between a child and an adult in a clear-cut way? Cognition levels and understanding of ethics or morals (*reference Kohlberg's theory of cognitive moral development stages*) are two critical parameters for academic, clinical and legal purposes for defining the age of a child. The age of a child, as defined by the *UNCRC - United Nations Conventions on Rights of the Child* (1989), is below 18 years. Children are innocent, but we all know that, at times, they do commit heinous crimes like murder - but, who do we have to blame for their crimes? The children themselves, or their social-economic background, or the adults whom they imitate, infatuate and follow, irrespective of the fact whether the adults are right or wrong. Besides, children do not fully understand the consequences of their actions, especially long-term consequences. That is why, when children commit crimes (children in conflict with the law), the jurisprudence is reform and rehabilitation. The academic, clinical and legal conclusion goes with the age-old saying that "*children are innocent.*"

5. What is child abuse?

Child abuse constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Child abuse is a violation of child rights.

(Source: WHO - World Health Organisation)

6. Child Sexual Abuse - CSA, an epidemic

As per the survey* of 2007 by the MWCD, Govt. of India every second child in our country, boy or a girl, faces one or more forms of sexual abuse. The majority of the abusers are men, but women are not immune to committing child sexual abuse. Such a person is called a *Paedophile*. But, can we conclude that most people are paedophiles? No, because the evolutionary success of humans as a species lies in the fact that they have always protected their children (*Most grown-ups, but not all, want children to be happy, healthy and safe*). The situation is alarming because paedophiles, though small in numbers, are repeat offenders. They do not

limit themselves to only one child. We ignore or bear with them due to the social stigma attached to the problem of child sexual abuse and cultural conditioning. In most cases, the abuser is known to the child and is not a stranger (*Most, but not all, strangers are trustworthy*). Boys are equally vulnerable to abuse. Contrary to conventional belief, statistics show that boys are more likely to be sexually abused. Remember, the abuser can be anyone, irrespective of their gender, age, social, economic, professional, or religious background; child abuse can occur anywhere - at school or home, family function, in a bus or a park.



7. Child Helpline – 1098

The helpline by *Childline India Foundation (CIF)* (www.childlineindia.org.in) is a toll-free telephone helpline for children in distress. MWCD and Department of Telecommunications, Govt. of India supports the childline. A child in need or a concerned adult/child, can dial 1098 to access its services. It operates across India (about 350+ cities) through a network of over hundreds of partner organisations. CHILDLINE stands for a friendly 'Didi' or a sympathetic 'Bhaiya' who is always there for vulnerable children 24 hours of the day, 365 days of the year. The CHILDLINE not only responds to the emergency needs of children but also links them to services for their long-term care and rehabilitation. It works for the protection of the rights of all children, in general. However, its particular focus is on children in need of care and protection, especially the more vulnerable sections like:



- Street children and youth living alone on the streets.
- Child labourers working in the unorganised and organised sectors.
- Domestic help, especially girls .
- Children affected by physical/sexual/emotional abuse in the

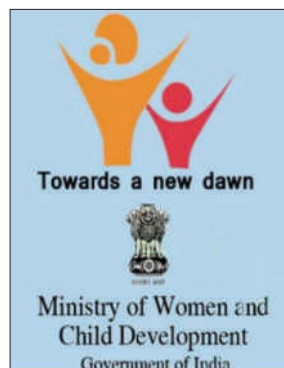


family, schools, institutions, etc.

8. One Stop Centers - OSC

In India, gender-based violence has many manifestations, from the more universally prevalent forms of domestic and sexual violence, including rape, to harmful practices such as dowry, honour killings, acid attacks, witch-hunting, sexual harassment, child sexual abuse, trafficking for commercial sexual exploitation, child marriage, sex-selective abortion, etc. MWCD, Govt. of India has formulated a Centrally Sponsored Scheme for setting up One Stop Centre, a sub-scheme of the Umbrella Scheme for National Mission for Empowerment of Women, including Indira Gandhi Matritav Sahyaog Yojana. Popularly known as *Sakhi*, the scheme has been implemented since 1st April 2015. These Centres are being established across the country to provide integrated support and assistance under one roof to women, including girls under 18 years, affected by violence in private and public spaces in a phased manner. The centres are integrated with a Women's Helpline to facilitate access to the following services:

- a. Emergency response and rescues
- b. Medical assistance
- c. Assistance to women in lodging the FIR
- d. Psycho- social support and counselling
- e. Legal aid and counselling
- f. Shelter
- g. Video conferencing facility



One can find a list of One Stop Centres from National Repository of Information for Women(NARI) <http://nari.nic.in/> run by MWCD, Govt. of India.

9. National Database on Sexual Offenders - NDSO

The National Database on Sexual Offenders is a National Register of Sex Offenders from across India. It contains complete details of convicted sex offenders since 2005 so that they can be tracked and monitored. NDSO became operational in 2018 and has details of more than 4 lac convicts. The database will be accessible only to law enforcement agencies and not

to the public. The *National Crime Records Bureau (NCRB)* is the nodal agency to maintain the NDSO. The offenders are classified as low danger, moderate danger and habitual offenders in the registry as per the gravity of their crimes. The registry stores data for:

- 15 years for “low danger” convicts.
- 25 years for “moderate danger” convicts.
- And through lifetime for “habitual offenders” like violent criminals, convicts in the gang rape and custodial rapes.

The NDSO contains names, photographs, residential addresses, fingerprints, DNA samples, Aadhaar and PAN numbers of convicted sexual offenders. This crucial decision to set up such a database was taken in April 2018 following nationwide outrage over cases of sexual assault on minors, including the rape and murder of an eight-year-old girl in Jammu & Kashmir’s Kathua. India is the ninth country to have its NDSO.

10. Juvenile Justice (Care and Protection) Act, 2015 - JJA

The Act defines the age of the child (juvenile) as a person below 18 years. It deals with children who fall in the following two categories:

Category A: Have broken the law (“*children in conflict with the law*”).

Category B: In need of care, protection, treatment, development and rehabilitation like a child:

- Who is found without any home or settled place;
- Who is found working in contravention of labour laws or is found begging or living on the street;
- Who resides with a person and such person has injured, exploited, abused or neglected that child, or has threatened to kill, exploit or abuse that child or has killed, exploited, neglected or abused any other child;
- Who is mentally ill or mentally or physically challenged and has no one fit enough to properly take care of her/him;
- Whose parent or guardian is found to be unfit or incapacitated;
- Who does not have parents or whose parents have abandoned



her/him or surrendered her/him and no one is willing to properly take care of her/him;

- Who is a missing or a runaway child and whose parents cannot be found after making reasonable inquiry;
- Who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse;
- Who is found vulnerable and is likely to be inducted into drug abuse or trafficking;
- Who is at imminent risk of marriage before attaining the age of marriage and whose parents or family members are likely to be responsible for such marriage.

A child in **category A** may also fall in **Category B**. Example, an orphan who is in conflict with law.

Child Welfare Committee - CWC

Under this Act, *Child Welfare Committees (CWC)* have been formed (district-wise) which make sure that care, protection, treatment, development and rehabilitation is provided to children of both the categories A and B. The reform and rehab can be institutionally driven, if required. These institutions, as defined in the Act can be *shelter homes, observation homes, foster care, etc.* The CWC consists of a Chairperson, and four other members of whom at least one is a woman and another, an expert on matters concerning children. In the event of any difference of opinion among the members of the Committee at the time of taking any decision, the opinion of the majority prevails. If there is no majority, then the opinion of the Chairperson prevails. Anybody can produce a child before CWC including:

- Any police officer or *Special Juvenile Police Unit - SJPU* or a designated *Child Welfare Police Officer*
- Any officer of *District Child Protection Unit - DCPU* or inspector appointed under any *labour law*
- Any public servant
- Child Line Services

- Voluntary or non-governmental organisation
- Child Welfare Officer or probation officer
- Any social worker
- Public spirited citizen
- Child herself/himself
- Any nurse, doctor or management of a nursing home, hospital or maternity home

Juvenile Justice Board - JJB

The children in conflict with law (*they are not called criminals*) are produced in front of the *Juvenile Justice Board (JJB)* and not the usual court for adults. The JJB consists of a *Judicial Magistrate* of first class and two social workers of whom at least one shall be a woman. The social worker members should be persons who have been actively involved in health, education, or welfare activities pertaining to children for at least seven years or are practicing professionals with a degree in child psychology, psychiatry, sociology or law. The board is empowered to conduct an inquiry (not a trial) regarding a child in conflict with law and to pass orders as prescribed in the Act. No matter what, a child can never be put in a police lock-up or jail. When the Board feels that a child in conflict with law is also a child in need of care and protection, then it can refer the child to the CWC for necessary action. The Board is required to hold its sittings in either an Observation Home or a Special Home or any place which is close to these child care institutions. The Board cannot hold its sittings in any court or jail premises. In case of difference of opinion among members of the Board, the opinion of majority is to prevail and if there is no majority then the opinion of Principal Magistrate is to prevail.

Special Juvenile Police Unit - SJPU

Even the police who handle these cases are different. They are called the *Special Juvenile Police Unit (SJPU)*. The SJPU and JJB are specially constituted (district-wise) for children under this Act.



Orders by JJB

Petty offences - these are offences which hold a maximum punishment of 3 years of imprisonment under the Indian Penal Code (IPC) or any other law.

Serious Offences - these are offences which hold a punishment ranging from 3 years to 7 years of imprisonment under the Indian Penal Code or any other law.

Heinous Offences - these are offences which hold a minimum punishment of 7 years of imprisonment under the Indian Penal Code or any other law.

The JJB, for various types of crimes committed by children like petty, serious and heinous can award the following types of orders:

- To go home after advice or admonition
- Group counselling
- Community service
- Child or parent of the child to pay fine.
- Child may be released on probation and placed under the care of guardian or fit person or fit facility where he shall be kept for 3 years only.
- Child to be sent to special home having reformatory services, for such period not exceeding three years.
- The child to attend school; or a vocational training; or a therapeutic center; or to undergo a de-addiction program.

However, no record of the child can be kept for any future disqualification like for Govt. services, passport application, etc.

The JJA goes by the principle "*Once a juvenile, always a juvenile*" hence,

- If a person was below 18 years on the date of committing a crime and turned 18 during the course of inquiry, he/she shall still be treated as a child during the rest of the course of inquiry.
- If a person was below 18 years of age on the date of committing a crime but had turned 18 on the date of apprehension, he/she shall be still treated as a child during the process of inquiry.

Children's Court

The Commissions for Protection of Child Rights Act (2005) CPCR which pre-dates the POCSO Act provides for the formation of a *National Commission and State Commissions for Protection of Child Rights*. The CPCR also provides for formation of *Children's Courts* in each district for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.



The JJ Act 2015, keeping in mind the public sentiments for heinous crimes committed by children (Example, Nirbhaya Delhi Gang Rape), considers a child in the age group of 16 to 18 years who has committed a heinous crime as an adult, provided the Juvenile Justice Board - JJB finds that the child has the mental capacity as that of an adult. Such cases are recommended by the JJB to the Children's Court. If the Children's Court is of the same opinion about the mental capacity of the juvenile, the juvenile will then be treated as an adult. When the matter comes before the Children's Court, the Children's Court has two options:

- a. The Children's Court decides that there is no need for trial of the child as an adult. In such case, the Children's Court has the power of the Juvenile Justice Board and therefore instead of transferring the case back to the Board, the Children's Court can conduct inquiry and pass orders accordingly. This implies that a child will not be given detention of more than three years.
- b. On the other hand, the Children's Court may decide that there is a need for trial of the child as an adult and thus will follow the procedures prescribed under *Code of Criminal Procedures - CrPC*. The quantum of detention in such case is not prescribed in the Act and has been left at the discretion of the Children's Court. However, under the Act, no child for any offence can be sentenced for life without the possibility of release or sentenced to death by the Board or the Children's Court.

Determination of age of a Juvenile

The JJA provides for the method for determination of the age of a juvenile. The Act says:



- a. If on the basis of appearance of the child, the Board decides that the child brought before it is a child then in such case, it has to record its observation stating the age of the child as nearly as may be and proceed with inquiry without waiting for further confirmation of age.
- b. If the Board has reasonable grounds regarding the age of the child then it will follow the procedure:
 - (i) Date of birth certificate from the school or the matriculation or equivalent certificate from the examination board concerned, and in the absence thereof;
 - (ii) Birth certificate given by a corporation or a municipal authority or a panchayat;
 - (iii) And only in the absence of (i) and (ii) age is to be determined by an ossification test or any other medical test for determining the age of the child, provided the test is completed within 15 days of order by the Board.

11. Protection of Children from Sexual Offences Act (2012) or POCSO Act

The law was enacted in 2012 to protect children from sexual offences. It is a child-centric law that protects everyone below the age of 18. The law effectively filled all the loopholes of existing laws related to Child Sexual Abuse (CSA). Through POCSO some of the offences were clearly defined for the first time in Indian law. *Example: Penetrative sexual assault (commonly called rape) for boys. The offences defined in POCSO are gender neutral.*

- Under POCSO, special in-camera trial, child-friendly and district-wise fast-track **special courts** (commonly called POCSO courts) have been set up exclusively to deal with the offenders.
- The Special Court can award compensation to the victim.
- The child is not to be brought in contact with the accused at any point of the criminal justice process.

POCSO, since its inception, has been under scrutiny. The law was amended and made more stringent by bringing changes like death penalty to the

child rapist, etc. in 2019 – *Protection Of Children From Sexual Offences (Amendment) Act, 2019*. **POCSO Act is applicable across India**. The *National Commission for the Protection of Child Rights (NCPCR)* and *State Commissions for the Protection of Child Rights (SCPCRs)* are responsible for monitoring the implementation of the POCSO Act. It is a stringent law because of features like:

- The burden of proof is on the accused to prove that she/he is innocent of the charges.
- Under the POCSO Act a sexual offence must be reported to the *local police or the Special Juvenile Police Unit (SJPU)*. Failure to report an incident or its possibility is an offence, punishable with imprisonment and/ or fine. The general obligation to report sexual offences under the POCSO will apply to all schools (private/ government). It cannot be handled internally through administrative inquiries or compromises.

For instance, if a school staff learns about the sexual abuse of a student by another school staff in the school, she/he must definitely alert the Principal or the head of the institution. She/he should also inform the local police or Special Juvenile Police Unit - SJPU in the event that the Principal or head fails to do so. Failure on the part of the principal to report is punishable with imprisonment of up to one year and/or fine. The school staff can also be held liable for failure to report and can be punished with imprisonment of up to 6 months and/or fine.

- Provision for death penalty.
- Abetment to an offence has the same punishment as prescribed for the offence.
- Consent of a child is not considered as a valid defence.
- The punishment for an unsuccessful attempt to commit an offence is up to half of that which is prescribed for the commission of the offence.
- In the event of any conflict between POCSO Act and any other law for an offence, the POCSO Act will override.



- Refusal to register an FIR by a police officer is punishable for up to 6 months of imprisonment and/or fine.

A child can also be charged with a sexual offence under the POCSO Act but the cases against the child will be dealt by the Juvenile Justice Board as per procedures laid down under the Juvenile Justice (Care and Protection of Children) Act 2015. The child cannot be tried by the Special Court set up to deal exclusively the cases of POCSO and cannot be punished under the POCSO Act.

Categories of the offences

The act can, by and large, be categorised under the following 6 categories:

I. Sexual Harassment - Non-touch-based offences like passing lewd remarks, stalking, sending obscene pictures/ messages, showing private parts, etc.

Punishment - Imprisonment of up to 3 years and shall also be liable to fine.

Various offences as defined under POCSO Act are applicable only when there is a sexual intent, meaning intention of a sexual nature behind the commission of the act. Example: A maid changing the spoiled clothes of a KG student despite of the child's reluctance to do so will not be covered under the POCSO Act. There is no clear definition on what constitutes 'intent'. The facts and circumstances of the case before the Court will indicate the presence or absence of sexual intent. Moreover, this will vary depending on the interpretation by the Courts.

II. Sexual Assault - Touch-based but non-penetrative offences like fondling a child's private parts or making the child do the same to someone else, etc.

Punishment – Minimum imprisonment of 3 years to maximum 5 years and shall also be liable to fine.

III. *Aggravated Sexual Assault -

Refer box information

IV. Penetrative Sexual Assault – Insertions of any object/body part in an orifice (mouth and/or any opening below the waist) of a child for sexual gratification.

Punishment – Besides, liability for fine –

- a) The minimum imprisonment is 10 years which may extend to imprisonment for life.
- b) If the child is below 16 years the minimum imprisonment is 20 years which may extend to imprisonment for life.*

V. Aggravated Penetrative Sexual Assault -

Refer box information

*Sexual assault and penetrative sexual assault have been further classified as **aggravated sexual assault and aggravated penetrative sexual assault** respectively. **Aggravated** means if the offence is committed by a person in position of responsibility and trust that would include a range of persons like persons from police, armed forces, management or staff of an educational institution, management or staff of a hospital, etc., it is a gang rape or causes death of the child, or the child victim is below the age of 12 years, etc.,

For **Aggravated Sexual Assault**, imprisonment is for 5 to 7 years and fine.

For **Aggravated Penetrative Sexual Assault**, there is rigorous imprisonment of more than 20 years to life imprisonment and fine or death penalty.

Categorisation of child victims as below 12 years, increase in quantum of punishments and provision for death penalty were introduced when the POCSO Act was amended in 2019.

VI. Use of Children for Pornographic Purposes –

Involving a child through any medium like print, electronic, computer, television channels, internet or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of pornographic material.

Punishment – Minimum imprisonment of 3 years to maximum 5 years and shall also be liable to fine. For repeat offenders, the imprisonment will be longer.



Storage of child pornographic material in any form like print, electronic, digital, etc. is a crime under this Act. The punishment for storage of such material ranges from a minimum fine of Rs. 5,000 to a maximum of imprisonment of 7 years and shall be also liable for fine. The quantum of punishment depends upon factors like whether the offence committed was a repeat offence by the person, the intention of the person was to use the stored material for commercial purposes, etc.

VII. Abetment - of an offence is to be treated at par with the commission of the offence.

Punishment - The punishment for abetment is the same as the punishment for the offence committed.

Abetment of an offence means to instigate, intentionally aid, or conspire with another person to commit an offence. Any person who helps or aids the commission of a sexual offence by actively assisting someone or even by not preventing the commission of the offence will be an 'abettor' under this Act. For instance, a villager brought his fourteen year old girl with a skin problem to a god man who proclaims to have healing powers. The god man takes her inside the room and sexually assaults her under the guise of treating her, and his wife guards the door during this period knowing full well that he is assaulting the child. The wife will be regarded as an abettor of the offence as she did not prevent the assault and also facilitated its commission by standing guard.

Safeguarding evidence and crime scene

It is very important to secure the evidence and hence school authorities must take immediate steps to cordon the area in which the abuse may have been allegedly committed and alert the police. Destruction of evidence is an offence under Section 201 of the IPC. Whoever destroys evidence or gives false information in order to screen the offender in respect of:

- Offences punishable with death – will be punished with imprisonment up to 7 years and fine
- Offences punishable with life imprisonment – will be punished

with imprisonment up to 3 years and fine.

- Offences punishable with less than 10 years imprisonment - will be punished with imprisonment up to one-fourth of the longest term of punishment prescribed.

Protecting the identity of the child

The privacy of the child involved is to be strictly protected. Identity of a child includes his or her name, address, photograph, family details, school, neighbourhood, or any other details that may lead to disclosure of identity. School authorities must ensure that the identity of the child is protected from the media. Any person who discloses the identity of a child without the permission of the Special Court can be punished with six months to one year punishment and/or fine.

False Complaints under POCSO

Any person, who makes a false complaint or provides false information against any person is liable for punishment of up to six months and/or fine. However, the Act specifically states that a person will not incur civil (paying fine) or criminal liability (sentence to jail) for giving information about the commission of a sexual offence or the likelihood of commission of an offence in **GOOD FAITH**. What this means is that no legal action can be taken against a person who has acted in good faith and reported an offence. An explanation of the term 'good faith' can be found in Section 52 of the IPC, which states that "Nothing is said to be done or believed in 'good faith' which is done or believed without due care and attention." Example: If a person reports a matter based on information that a child has been sexually abused by her/his uncle after speaking to the child, doctor, and cousin of the child, then it can be said that the person has acted in good faith. This will serve as a defence in the event that the uncle files a civil suit alleging defamation.

A child who fails to report the commission of an offence, makes a false complaint, or gives false information about the commission of an offence cannot be held liable under this Act.



Children Against Child Abuse

12. POCSO E-Box

NCPCR along with the MW&CD, Govt. of India has created an illustrative complaint box called POCSO E-Box. This E-Box is available on www.ncpcr.gov.in. Whether a child in need or a concerned adult/child, they can use the POCSO E-Box to report Child Sexual Abuse. You can also dial the Toll Free numbers: **1098 or 9868235077 or 1800115455** to complain about any unsafe touches that a child is getting. Calling on these numbers is free.

13. The Integrated Child Protection Scheme (ICPS)

The Integrated Child Protection Scheme (ICPS) has significantly contributed to the realisation of Government / State responsibility for creating a system that will efficiently and effectively protect children. Based on cardinal principles of “protection of child rights” and “best interest of the child”, ICPS contributes to the improvement in the wellbeing of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from their families. ICPS is a centrally sponsored scheme and is implemented with the participation of State Governments. *District Child Protection Unit (DCPU)* functions under the ICPS at district level.

The DCPU coordinates and implements all child rights and protection activities at the district level. It operates under the chairpersonship of the *District Collector/ District Magistrate*.

14. NALSA - Free Legal aid to children and women

The National Legal Services Authority or NALSA (www.nalsa.gov.in) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organise Lok Adalats for amicable settlement of disputes.



Among other categories like a victim of human trafficking, a member of a scheduled caste or scheduled tribe, etc., free legal services are provided to all women and children. The Act also has a provision for compensation for survivors of child sexual abuse.

The Chief Justice of India heads NALSA. In every State, State Legal Services Authority (SALSA) has been constituted to give effect to the policies and directions of NALSA. SALSA is headed by the Chief Justice of the respective High Court. In every District, District Legal Services Authority has been constituted to implement Legal Services Programmes in the District. The District Legal Services Authority is situated in the District Courts Complex in every District and headed by the District Judge of the respective district. Taluk Legal Services Committees are also constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to coordinate the activities of legal services in the Taluk. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee.

NALSA engages volunteers (also known as 'Para Legal Volunteers - PLV') from different walks of life such as: retired teachers, retired Government servants, NGOs, self-help groups, "anganwadi" workers, panchayats, educated prisoners with good behavior and serving long term sentences. They work at the grass root level and act as a bridge between the Legal Services Authorities and the public so as to ensure that legal services reach to all sections of the people to facilitate implementation of the schemes of the government for the entitled sections and to achieve higher rate of legal awareness; thereby ensuring access to justice for all. They are provided basic legal training by the State Legal Services Authorities. Minimum educational qualification required to be a PLV is matriculation.

15. Child Rights

Besides parents and caregivers, it is everyone's responsibility that children get their rights. Children are citizens too. Besides the citizen rights, they have certain exclusive rights. Some child rights are as following:

- ✓ I have the Right to know about my Rights.
- ✓ I have the Right to express my views freely.



- ✓ I have the Right to a good education.
- ✓ I have the Right to good health care.
- ✓ I have the Right to be well fed.
- ✓ I have the Right to be loved and protected from harm and abuse.
- ✓ I have the Right to live without violence (verbal, physical, emotional) and corporal punishment.
- ✓ I have the Right to be protected from economic and sexual exploitation.

All child rights and responsibilities are enshrined in the United Nations Convention on the Rights of the Child (UNCRC), 1989. It contains all the rights which children all over the world have .

16. Messages for children

Here are some messages for our children from their CACA Safety Workbooks to learn, understand and follow so that they can be happy, healthy and safe.

- Our body, just like our things, belongs to us.
- Unsafe touches make us feel scared, sad, dirty or guilty.
- Each and everyone's physical and personal boundaries are to be respected.
- Any unsafe touch, if given to you, is never your fault and you do not have to be ashamed, or feel guilty because of it.
- A secret that makes us sad, guilty or ashamed is an unsafe secret.
- Children must share their secrets with their loved and trusted ones. It is a safety rule.
- Tell a trusted grown-up right away if someone touches you in an unsafe way.
- Assertive means to express your feelings and views firmly and confidently without insulting the other person or becoming violent.
- Qualities, emotions and intelligence are universal and not restricted to gender.
- Safety Rule: If someone gives you an unsafe touch - Scream and Run. Then tell your loved ones. Keep telling till someone believes you.

A safety programme for children
under the safety policy of the school.



CACA Safety Workbooks UKG to 9

Book Title

My Beginner's Safety Workbook

My First Safety Workbook

My Second Safety Workbook

My Third Safety Workbook

My Fourth Safety Workbook

My Fifth Safety Workbook

My Sixth Safety Workbook

My Seventh Safety Workbook

My Eighth Safety Workbook

My Ninth Safety Workbook

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End the Stigma, Raise Awareness

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