

Project CACA

Parent - Teacher Booklet

To Empower You and Your Child Against Child Abuse

This booklet is complimentary for Parent / Teacher. It can be downloaded from www.projectcaca.org

ENG

CHILD
FAMILY
SCHOOL
SOCIETY



Partners



edusynergies

With Support From Various:

State Legal Services Authorities (SLSA)

State Commissions for Protection of Child Rights (SCPCR)

I N D E X

1. Who should read this companion booklet?	01
2. Komal, a short cartoon film on CSA for children	02
3. Child Rights and the Constitution of India	02
4. Laws related to Children Safety/ Child Rights	03
5. Juvenile Justice (Care and Protection) Act, 2015 – JJA	04
6. Protection of Children From Sexual Offences Act - POCSO Act ...	08
7. National Commission for Protection of Child Rights – NCPCR	14
8. The Integrated Child Protection Scheme – ICPS	14
9. National Legal Services Authority – NALSA	15
10. One Stop Centers – OSC	16
11. National Database on Sexual Offenders – NDSO	16
12. Motor Vehicle Act 2019 – MVA	17
13. PoSH Act	18
14. How to respond to children who have been sexually abused?	21
15. Helplines	23
16. Govt. Logos/Policies/Schemes covered in the children's workbooks	25

Published By: Edusynergies for Social Axiom Foundation (SAF)

Printed By: Repro India Ltd.

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.

© Copyright 2021, SAF Social Axiom Foundation. All rights reserved.



1. Who should read this companion booklet?

Project CACA, i.e., Children Against Child Abuse, is a safety programme for children. It is implemented under the school's safety policy. The project's core instrument is 'Children's Safety Workbooks' for classes UKG to 9. Various companion booklets are resource material for teachers, parents and non-teaching/support-staff of a school. There are three companion booklets, **Blue**, **Green** and **Red**. The **blue** and **green** booklets are for teachers and parents, whereas the **red** booklet is for the school's non-teaching staff/support-staff. However, anyone who cares about children will be interested in reading these booklets; after all, we all want children to be happy, healthy and safe. The companion booklets are available in English, Hindi and various regional languages. The project also comprises webinar-based workshops for teachers, parents, and non-teaching staff/support-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. Children, teachers, parents and support-staff regularly appear as characters in various stories, poems, plays, and activities of the workbooks. Teachers have to interact with children regularly, so it becomes essential for them to understand their roles and responsibilities and various laws related to child safety. Moreover, some teachers are also parents/ grandparents. Thus it makes sense to have common companion booklets for parents and teachers that would help them to collaborate and tune themselves according to the school's safety policy.

The CACA Safety Workbooks revolve around three lead characters: A girl named Sana, a boy named Arpit (similar to the characters Boojho and Paheli of NCERT books), and a tiger Pokso. The tiger is named after the POCSO law to familiarise children, from an early age, with the POCSO Act as a safety net and a friend. These and other characters break age-old gender roles and stereotypes prevalent in Indian society. Sana loves football and wants to become a professional footballer. Arpit's first love is dance, and his chosen profession is dancing and choreographing. In the stories, it is not just boys who protect girls; sometimes, it works the other way around. The stories also feature policemen, working mothers, fathers doing household chores, and so on.

**POKSO****SANA****ARPIT**

2. Komal, a short cartoon film on CSA for children



'Komal' is a short cartoon film for children on Child Sexual Abuse (CSA). NGO - CHILDLINE India Foundation produced the film with support from the government of India. Komal is like any other 9-year-old girl who, unfortunately, is abused by her neighbour. The CHILDLINE Didi explains to the children the

concept of safe and unsafe touch to protect themselves and take help from trusted adults if ever caught in a similar situation. The film is being shown to children in the school. The CACA Safety Workbooks are based on the film. They cover various safety principles mentioned in the film in an age-appropriate and progressive way. These principles include safe and unsafe touch, secrets, trusted grown ups, telling, it is not your fault, being assertive, child helpline number-1098, etc. Parents, grandparents, teachers and support-staff should also view the film to tune themselves accordingly.

The safety workbooks prompt parents, teachers, and support-staff to come together for children's safety and adopt behavioural changes, which may seem unconventional to some but are necessary to prevent child abuse. Here are a few examples to ponder upon.

Example 1: 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 2: 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 3: To encourage young children to take the help of maids for their daily chores like using the toilet /dressing up, etc.

Census Survey of India (2011): *Around 40% 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.*

3. Child Rights and the Constitution of India

United Nations Convention for Rights of the Child (UNCRC-1989) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of race, religion or abilities.



The age of a child, as defined by the UNCRC, is any person below 18 years. The four core principles of child rights as per UNCRC are:

- i. Non-Discrimination**
- ii. Best Interest of the Child**
- iii. Survival and Development**
- iv. Participation/ Inclusion**



Children are citizens too, and they have all the rights that citizens have. Besides, they also have exclusive rights. Like most of the countries, India is a signatory to the UNCRC (1992) and since then has been improving upon child rights. The UNCRC has influenced our judiciary, laws, school education (introduction of *life skills, corporal punishment ban*, etc.), police and children reform and rehabilitation services. Some of the child rights and related laws that were upgraded or came into existence after 1992 under the umbrella of the Indian Constitution are:

- Right to free and compulsory elementary education for all children in the 6-14 year age group.
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength.
- Juvenile Justice Act (2015) or JJA.
- Protection of Children from Sexual Offences Act (2012) or POCSO.

Children have the right to know their rights. Providing information on child rights to children help them understand that adults are supposed to protect them, and they must do it as their duty. When shared with students, information on child rights strengthens the concept that children are special. If an adult violates a child's right, it is the adult's fault and not the child's. A child can approach other adults, report the violation, and get help. When we talk about child rights or rights in general with children, we also have to make them understand that their and others' rights must be carefully balanced.

4. Laws related to children's safety/ Child Rights

In alphabetical order

- a. Bonded Labour System (Abolition) Act**
- b. Child Labour (Prohibition and Regulation) Act**
- c. Children (Pledging of Labour) Act**
- d. Factories Act**

- e. Guardians and Wards Act, and Hindu Minority and Guardianship Act
- f. Hindu Adoption and Maintenance Act
- g. Immoral Traffic (Prevention) Act
- h. Juvenile Justice (Care and Protection of Children) Act
- i. Mental Health Act
- j. Mines Act
- k. Motor Vehicle Act
- l. National Food Security Act
- m. Pre-Conception and Pre-Natal Diagnostic Techniques Act
- n. Prohibition of Child Marriage Act
- o. Protection of Children From Sexual Offences Act
- p. Right of Children to Free and Compulsory Education Act
- q. Rights of Persons with Disabilities Act
- r. Surrogacy (regulation) bill
- s. Young Persons (Harmful Publication) Act

5. 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. This category covers a range of children like a child who:

- who is an orphan/ abandoned/ surrendered.
- who is found without any home or settled place.
- who is rescued from trafficking and his/her parents cannot be traced.
- whose family is a threat to the child. For example, a child who is suffering from domestic violence is being forced into a child marriage. ETC.

A child in **category A** may also fall in **category B**. For example, a street child in conflict with law who is also a drug-addict.

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, defined as child care



institutions 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. Anyone can produce a child before CWC and the child himself/herself can also approach the CWC. Anyone can also contact the child helpline 1098 for help under the JJ Act.



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* 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 or are practicing professionals with a degree in child psychology, psychiatry, etc. 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. **A child can never be put in a police lock-up or jail, no matter what.** When the Board feels that a child in conflict with the law is also a child who needs care and protection, it refers the child to the CWC for the 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.

Special Juvenile Police Unit - SJPU

A district wise special police called Special Juvenile Police Unit - **SJPU** to deal with children is formed under the JJ Act.

Petty offences - these are offences which hold a maximum punishment of 3 years of imprisonment under the Law of Bharatiya Nagarik Suraksha Sanhita (2023) or any other law like Bharatiya Nyaya Sanhita (2023)

Serious Offences - these are offences which hold a punishment ranging from 3 years to 7 years of imprisonment under the Bharatiya Nyaya Sanhita (2023) or any other law.

Heinous Offences - these are offences which hold a minimum punishment of 7 years of imprisonment under the Bharatiya Nyaya Sanhita (2023) or any other law.

Orders by JJB

When JJB finds a child guilty, it can pass the following orders keeping in mind the child's age and gravity of the offence, i.e., petty, serious or heinous.

- Advice, warning and counselling to such child and his/ her parents or guardian.
- Community service like participating in tree plantation, working as a helper in a library, etc.
- Impose a fine to be paid by the child, parents or guardian.
- Released on probation for good conduct and placed under the care of any parent, guardian or fit person.
- To be put in a Special Home for detention but not for more than three years.

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

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

If a person is below 18 years on the date of committing a crime and turns 18 during the inquiry, he/ she shall still be treated as a child during the rest of the inquiry.



Children's Court

The JJ Act 2015, keeping in mind the public sentiments for heinous crimes committed by children (For 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 and physical capacity as that of an adult. Such a case is recommended by the JJB to the children's court.

- a. If the children's court disagrees with the findings of the JJB about the mental and physical capacity of the child, it treats the child as a child and not as an adult. In such a case, the children's court functions as a JJB and passes an order.
- b. If the children's court agrees with the findings of the JJB, it treats the child as an adult, but conditions apply. For example, the child cannot be awarded the death penalty or be sentenced to imprisonment without a possibility of release.

Determination of age of a Juvenile

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

- a. If, based on the 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 the 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 the Order by the Board.

-----XX —

6. 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.

*In camera trial means that the general public cannot be present in the court room. There is a physical barrier between the accused and the child. The defence lawyer of the accused cannot question the child directly.

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 Protection of Child Rights (NCPCR)* and *State Commissions for Protection of Child Rights (SCPCR)*s are responsible for monitoring the implementation of the POCSO Act.

POCSO 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 a petty offence, punishable with imprisonment and/ or fine. The general obligation to report sexual offences under the POCSO Act 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 of the Institution, 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 a 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 such a 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 and the approach will be based on reform and rehabilitation and not on punishment.

Categories of the offences

The Act can, by and large, be divided under the following 7 categories - A to G:

A. 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 an action or act.

Example 1: *A biology teacher showing a documentary on body parts to explain the human body cannot be covered under the POCSO Act.*

Example 2: *A maid changing the spoiled clothes of a KG student despite of the child's reluctance to do so will also 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.

B. 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.

C. *Aggravated Sexual Assault -

When does a sexual assault become aggravated - refer Box information on next page.

Punishment - refer Box information on next page.

D. 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) When the victim is below 16 years, the minimum imprisonment is 20 years which may extend to imprisonment for life.
- c) When the victim is below 12 years, the offence is defined as

E. *Aggravated Penetrative Sexual Assault -

When does a sexual assault become aggravated - refer Box information on next page.

Punishment - refer Box information on next page.



Sexual assault and penetrative sexual assault have been further classified as **aggravated sexual assault** and **aggravated penetrative sexual assault** respectively. Aggravated means when the offence is committed by a person in a 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.

F. 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.

G. 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

godman who proclaims to have healing powers. The godman 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. 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 236 of the Bharatiya Nyaya Sanhita, 2023. 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 the 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*. This means 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 2(10) of the Bharatiya Nyaya Sanhita, 2023* 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 if 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.

Special Obligations of Schools in Karnataka

In 2014, the Department of Public Instruction, Government of Karnataka issued a circular regarding prevention of sexual harassment, rape and physical abuse of students studying in schools and colleges in the State. Soon many states followed and issued similar circulars. The Karnataka Govt. circular can be considered as a check list for the safety policy of a school. Some of the obligations imposed on schools under the Karnataka circular are as follows:

- Schools to provide their name and address and the names and addresses of the members of the School Management Committee to the jurisdictional police station.
- Names and addresses of teachers/staff working in the school must be registered in the police station and updated at regular intervals.
- Schools to establish a 'Child Protection Committee'. This Committee should be at every level to prevent instances of sexual harassment and other atrocities against children.
- Take adequate steps to ensure that children leave school only with their parents or authorised person.
- Appoint workers for transport, security, housekeeping etc. through prestigious and recognized agencies and get police verification done.
- Appoint both female and male security personnel who will continuously monitor all entrances, exits and premises – and check visitors.
- Display various phone numbers like that of Child Welfare Committee, Child Helpline 1098, District Child Protection Unit - DCPU, Special police units for children on the notice board.
- Ensure that security staff confirms that no student or staff is on premises after school.
- Ensure that punishments like locking children in dark rooms or sending them out of the classrooms etc. are not practiced.
- Install CCTVs in every class room and in school premises and appoint two vigilant staff members to report the information on the CCTVs.

- Conduct awareness trainings for management, teaching and non-teaching staff on POCSO Act & Rules.
- Install complaint and suggestion boxes, check them and address them on a weekly basis.
- Provide ID cards to all staff, drivers, helpers, cooks, etc.
- Identify and mark all unsafe places in schools.
- All schools must prepare a child safety plan in order to provide the highest safety levels in schools.
- The plan should list out the rules and responsibilities, norms for the teachers, parents, students and other members.
- Parent and teacher meetings must happen regularly.

7. National Commission for Protection of Child Rights - NCPCR

The Commissions for Protection of Child Rights Act (2005) CPDR which pre-dates the POCSO Act provides for the formation of a National Commission and State Commissions for Protection of Child Rights – <https://ncpcr.gov.in/> The commission is headed by a chairperson and has many functions like:



Inquire into complaints and take suo motu notice of matters relating to:

- Deprivation and violation of child rights;
- Non implementation of laws providing for protection and development of children;
- Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare of the children and to provide relief to such children;
- Or take up the issues arising out of such matters with appropriate authorities.

8. 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 the 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*.

9. National Legal Services Authority - NALSA

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 (CJI)* heads NALSA. In every State, *State Legal Services Authority (SLSA)* has been constituted to give effect to the policies and directions of NALSA. SLSA is headed by the *Chief Justice* of the respective High Court. In every District, *District Legal Services Authority (DLSA)* has been constituted to implement Legal Services Programmes in the District. DLSA 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, "aganwadi" workers, panchayats, educated prisoners with good behaviour 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, facilitate implementation of the schemes of the government for the entitled sections, and 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.

10. 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 Matritva Sahyaog Yojana*. Popularly known as **Sakhi**, the scheme is being 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 below the age of 18 years affected by violence, both in private and public spaces in a phased manner. The centres are integrated with a Women Helpline to facilitate access to following services:

- a. Emergency response and rescue
- 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.

11 National Database on Sexual Offenders (NDSO)

The National Database on Sexual Offenders (NDSO) 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 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 (Kathua). India is the ninth country to have its NDSO.

12. Motor Vehicle Act 2019 - MVA

For senior students who will soon be adults and go to colleges/universities or may start working part time to support their education/family, the workbooks introduce **laws on Motor Vehicle Act, prevention of ragging in colleges and sexual harassment of women at the workplace (PoSH Act).**

Death by road accidents, as we all know, is quite common in India. Many of those who die are children who often meet with road accidents while going to or coming back from schools. The amended Motor Vehicles Act (MVA) came into existence in 2019 with new stringent Laws. The Act prioritises the protection of children and vulnerable road users like pedestrians and many more. Here are its salient features:

- The fines for violations of drunk driving/ rash driving/ driving without a licence/ over speeding/ not wearing a seatbelt or a helmet/ jumping a red light/ talking on the phone while driving etc. have been significantly increased.
- The driver licensing system in India controls and filters the number and quality of drivers on the road. The system is being digitalised and made uniform for the entire country.
- The compensation for death in hit-and-run road accidents was increased in 2022 from ₹25,000 to ₹2 lakhs by the Government.
- The Act has provisions for the protection of Good Samaritans. Those who come forward to help accident victims will be protected from civil and/or criminal liability. It is optional for them to disclose their identity to the police or medical personnel.
- It is mandatory to alter vehicles to make them suitable for differently-abled people.
- Contractors, consultants, and civic agencies are liable for punishment for faulty design, construction or poor maintenance of roads leading to accidents.
- A time limit of six months has been prescribed for the resolution of an application for compensation submitted to the Motor Accident Claims Tribunal (MACT) in relation to road accidents.
- The government can recall vehicles whose engines or other components do not meet the required safety standards.

- Manufacturers can be fined upto Rs 500 crore in case of sub-standard components or engines.
- Various improvement schemes have been introduced in the areas of road safety, rural transport, last mile connectivity, public transport automation, passenger convenience, online learning licences, and increasing validity period for driving license.

A driving licence is an official document certifying that the holder is suitably qualified to drive a motor vehicle or vehicles. No person can drive a motor vehicle in any public place, unless they hold a valid driving licence issued to them by the government, authorising them to drive a vehicle of that particular category. In India, two kinds of driving licences are issued: Learner's Licence and Permanent Licence. Learner's Licence is valid for 6 months. For obtaining a Permanent Licence, you must have a valid Learner's Licence.

- ✓ The minimum age to apply for a permanent licence to drive a motor vehicle is 18 years.
- ✓ In traffic violations by juveniles, the guardians or owner of the vehicle will be held responsible, unless they manage to prove that the offence was committed without their knowledge or they had tried to prevent it. The registration of the motor vehicle in question will be cancelled. The juvenile will be tried under the Juvenile Justice Act.
- ✓ The eligibility for obtaining a Learner's Licence for a private motor vehicle of 50 CC engine capacity and without any gear, is 16 years (if the applicant's parents or guardians give their consent).

13. PoSH Act

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - PoSH Act.

As the children reach late teens they are gearing up for a new life, a very big part of which is making a career. Often the children start working part time or on a voluntary basis with various companies/ organisations as interns. The workspace is a fairly unprotected space than the school (particularly for women) and there are certain laws made to protect the rights of the employees. One of the laws is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (also called the PoSH Act). It was enacted to ensure safe working spaces for women and to build enabling work environments that respect women's right to equality of status and opportunity. A safe workplace is a woman's legal right.



This is further reinforced by the *UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*, which was adopted by the *UN General Assembly* in 1979 and which was ratified by India. Workplace sexual harassment, which is often excused as ‘natural’ male behaviour or ‘harmless flirtation’ which women enjoy, causes serious harm and is also a strong manifestation of sex discrimination at the workplace. Not only is it an infringement of the fundamental rights of a woman, “to practice any profession or to carry out any occupation, trade or business”; it erodes equality and puts the dignity and the physical and psychological well-being of workers at risk. This leads to poor productivity and a negative impact on lives and livelihoods. To further compound the matter, deep-rooted socio-cultural behavioural patterns, which create a gender hierarchy, tend to place responsibility on the victim, thereby increasing inequality in the workplace and in the society at large. The Supreme Court placed an obligation on workplaces, institutions and those in positions of responsibility, to uphold working women’s fundamental right to equality and dignity at the workplace. Three key obligations were imposed on institutions to meet that standard, namely: Prohibition, Prevention, Redress. It is important to note that the Act provides a civil remedy to women and is in addition to other laws that are currently in force. Consequently, any woman who wishes to report instances of sexual harassment at the workplace has the right to take recourse of both civil and criminal proceedings.

“No woman shall be subjected to sexual harassment at any workplace.” Section 3(1) of the PoSH Act”

1. Who is an aggrieved woman? The Act recognises the right of every woman to a safe and secure workplace environment irrespective of her age or employment/work status. Hence, the right of all women working or visiting any workplace whether in the capacity of *regular, temporary, adhoc, or daily wages* basis is protected under the Act {2 (a), POSH Act}. It includes all women whether engaged directly or through an agent including a contractor, with or without the knowledge of the principal employer. They may be working for remuneration, on a voluntary basis or otherwise. Their terms of employment can be express or implied. Further, she could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name. The Act also covers a woman, who is working in a dwelling place or house (Given, that 93 per cent of women workers are employed in the informal sector, they remain unprotected by laws. With no laws or mechanisms to protect them, proactive measures are required to make their workplaces safe.)

2. What is a workplace? A workplace is defined as “any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.” {2 (o). POSH Act, 2013}. As per this definition, a workplace covers both the organised and unorganised sectors. As per the Act, workplace includes:

- ✓ Government organizations, including Government company, corporations and cooperative societies;
- ✓ Private sector organisations, venture, society, trust, NGO or service providers etc. providing services which are commercial, vocational, educational, sports, professional, entertainment, industrial, health related or financial activities, including production, supply, sale, distribution or service;
- ✓ Hospitals/Nursing Homes;
- ✓ Sports Institutes/Facilities;
- ✓ Places visited by the employee (including while on travel) including transportation provided by employer;
- ✓ A dwelling place or house.

The Act defines the unorganised sector as:

- Any enterprise owned by an individual or self-employed workers engaged in the production or sale of goods or providing services of any kind;
- Any enterprise which employs less than 10 workers.

3. What is sexual harassment at the workplace? It includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) {3(2.), PoSH Act, 2013}, namely:

- a. Physical contact or advances
- b. A demand or request for sexual favours
- c. Making sexually coloured remarks
- d. Showing pornography
- e. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

4. Who is an employer?

- a. The head of the department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the Appropriate Government or local authority or such officer specified in this behalf.
- b. Any person (whether contractual or not) responsible for the management, supervision and control of a designated workplace not covered under clause (I).
- c. A person or a household who employs or benefits from the employment of domestic worker or women employees.

5. Complaint mechanism: The Act provides for two kinds of mechanisms.

- a. Internal Complaints Committee (ICC) and
- b. Local Complaints Committee (LCC).



a. Internal Complaints Committee (ICC): It is an obligation under the Act which must be adhered to by an employer of a workplace with more than ten employees as per Section 4 of the Act. Committee is the initial in-house body which must be approached for filing of a complaint relating to sexual harassment by the aggrieved women. Every employer is obliged to constitute an ICC through a written order. It is composed of the following members:

- I. A Presiding Officer Women working at senior level as employee; if not available then nominated from other office/units/department/workplace of the same employer.
- II. Two employee members from amongst employees committed to the cause of women.
- III. One member from NGO or Association working for the cause of women.

b. Local Complaints Committee (LCC): District Officer will constitute an LCC in every district so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment. The LCC will receive complaints:

- I. From women working in an organisation having less than 10 workers.
- II. When the complaint is against the employer himself.
- III. From domestic workers.

When the employer fails to constitute an Internal Committee or breaches provisions of this Act or any rules made thereunder, they shall be punishable with fine of Rs 50,000.

14. How to respond to children who have been sexually abused?

Our first suspicion that abuse has occurred may come from noticing physical or behavioural signs of abuse in a child or the child may come and tell us that abuse has occurred. It is important that we react, appropriately. Otherwise, we can potentially cause even greater harm to the child.

a. It is crucial that we do not:

- React in a hurry.
- Blame the child.
- Interview the child.
- Ask 'why questions'.
- Interrupt.
- Give our opinion/ agree or disagree.
- Try to prove that abuse has happened.

- React with shock, anger or disgust.
- Force/ rush the child to talk.
- Tell the child to forget it happened/ not to talk about it.
- Push for information.
- Initiate physical contact to comfort the child like hugging, holding hands etc., unless the child is receptive to it.

b. Here is what we should do:

- Make it clear to the child that we are available to talk.
- Be calm and willing to sit silently with the child, waiting for them to talk, rather than filling the silence with our questions and concerns. Children need to feel that they are still lovable and valuable.
- Remaining calm will help them to feel normal.
- If the child talks, listen without interrupting unless it is to encourage them to go on.
- Believe the child. Children rarely make up stories about sexual abuse. Believing the child is a major step in healing the hurt caused by abuse.
- Affirm the child's feelings. Children must be allowed to voice their feelings and have them affirmed.
- They must be taken seriously to continue the telling and healing process.

c. Reassure the child

- Tell the child that they did the right thing by telling us.
- Tell the child that it is not their fault.
- There is sure to be a conflict if the abuser is a family member. Reassure the child that anything that happens as a result of telling, such as a division in or break-up of the family, is not their fault. Safety comes first at all times.

d. Support the child

Sexually abused children often feel that they are alone, that this has happened to no one else, or that no one will believe them, so they need as much positive adult support as possible.

e. Evaluate the situation

- If the child is injured, get medical help immediately.
- If we think the child is in immediate danger, contact the local law enforcement agency.



f. Report

It is our legal obligation to report a case of child abuse under the law POCSO Act 2012. Even if we suspect a child is being abused in anyway, we do not ignore it. We can always report suspected abuse in good faith even if the child does not tell us about it.

15. Helplines

a. POCSO-E-Box

NCPCR along with the MW&CD, Govt. of India has created the child-centric and an illustrative complaint box called POCSO E-Box. One can report online any case of child sexual abuse under the POCSO Act, 2012. This E-Box is available on www.ncpcr.gov.in. Whether a child in need or a concerned adult or child, they can use the POCSO E-Box. The POCSO E Box toll-free helplines are 9868235077 and 1800115455. The box is also available in the form of a mobile app.

b. Child Helpline - 1098

The helpline by Childline India Foundation (CIF) (www.childlineindia.org.in) is a toll-free telephone helpline for children in distress. Ministry of Women and Child Development, 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 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 rehab. 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 girl domestics.
- Children affected by physical/ sexual/ emotional abuse in the family, schools, institutions, etc.

c. Child labour complain

Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits the engagement of children under the age of 14 in all occupations, and children between the age of 14 and 18 in hazardous occupations and processes. Just like the POCSO EBox, one can register an online complaint against child labour on www.pencil.gov.in.

REPORT - **Child labour** at - <https://pencil.gov.in/Complaints/add> **Child sexual abuse-CSA** at POCSE E Box at - https://ncpcr.gov.in/user_complaints.php Or toll free phone numbers 1800115455, 9868235077, 1098 **Food adulteration** by SMS/ WhatsApp at - 9868686868 **National Cyber Crime Reporting Portal** <https://cybercrime.gov.in/>

TRACK - **A missing Child** at - <https://trackthemissingchild.gov.in/trackchild/index.php>

ADOPT - **A Child** - <http://cara.nic.in/>

HELP-LINES

The National Disaster Response Force (NDRF) 9711077372 Railway Police Helpline 1052 Transgender certification by Ministry of Justice and Empowerment, Govt. of India <http://transgender.dosje.gov.in/> NIMHANS for psychosocial support and mental health services to survivors during disasters 080-46110007 NALSA (Free Legal Aid) 15100 National common emergency number 112 Drug de-addiction, Ministry of Social Justice and Empowerment Govt. of India 1800-11-0031

क्या आपको कोई परेशान कर रहा है, बताएं, कौन और कैसे ?
Tell us how you are being harassed ?

चित्र चुनें / Select Picture (S)

खेल मैदान / दुकान / सड़क Playground / Shop / Road	स्कूल / ट्यूशन School / Tuition	शौकमेल Blackmail
स्कूल बस / ट्रेन इत्यादि In School Bus / Van/ etc	परिवार सदस्य / रिश्तेदार / अन्य Family Member / Relative / Others	इंटरनेट / फोन Internet / Phone

Box 2 → * नाम / Enter your name

Box 3 → * मोबाइल / Phone number
* और / और OR / AND

Box 4 → * ई - मेल / Your email

Box 5 → * घटना का संक्षिप्त विवरण दर्ज करें / Enter brief description of incident

95t9c

Please Enter The Security Code shown in the Text Box Provided.
[Case Sensitive] *

6 क्लिक करें दबाना / Click on Submit

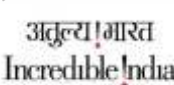
SUBMIT

POCSE E-Box हम आपको सहाय है, हम NCPCR है

POCSE
E-BOX



16. Govt. Logos/ Policies/Schemes covered in the children's workbooks



Pradhan Mantri Rashtriya Bal Puruskar



CARA Child Adoption



Khoya-Paya Missing Children

PENCIL - Child Labour Reporting





Children Against Child Abuse

Project CACA



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

CACA Safety Workbooks UKG to 9

Book Titles

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



Project CACA

Address: EW - 3, Second Floor, Mianwali Nagar, Paschim Vihar, Delhi-110087

Contact No:- 011-40074904, 092054 88402, 092054 88405

E mail: info@projectcaca.org

Website: www.projectcaca.org



[@projectcaca](https://www.facebook.com/projectcaca)



[@projectcaca](https://www.instagram.com/projectcaca)

End the Stigma, Raise Awareness

BLUE-ENG-01