Project CACA
www.projectcaca.org

# Project CACA – Children Against Child Abuse

## Webinar on children safety & Wellbeing

As per NEP 2020 & POCSO Rules

## A Few Requests

- The webinar is interactive, academic in nature not a substitute for any legal/clinical advice
- Please ensure to write your full names.
- Keep your **mic mute** & **cameras shut off**.
- To ask a question, **raise hand or post the questions via the chat-box | Private messages** can also be sent.
- Keep your display on the **Speaker View Mode**.
- In case of the internet breakdown, you can re-join using the **same link & password**.
- The workshop will be recorded for research purposes and evaluation.
- At the end, there will be an **online questionnaire for those who want a certificate for participation**.

## Children's Safety Workbook (UKG-class 9

Teacher Manual Pink Book

**Blue, Green & Red Booklets for parents/ teachers/ non-teaching staff in English/Hindi/Regional Languages**

# Webinar – 3 Sessions

## 1. Protection of Children from Sexual Offences (POCSO) Act

**Speaker:** Neha Tyagi - Legal Consultant Project CACA (*Advocate practicing before honourable Supreme Court & Delhi High Court)*

**Observer:** *Ravi Kumar - Panel Advocate Project CACA. Master in law (LLM) from Tata Institute of Social Sciences, Mumbai.*

## 2. Role and responsibilities of schools for children's safety & wellbeing:

**Speaker:** Monica - Project Coordinator Project CACA (Criminal Psychologist).

Moderators:
Meenal | Varun
Chat Support by:
Vikas | Pradeep | Ravi

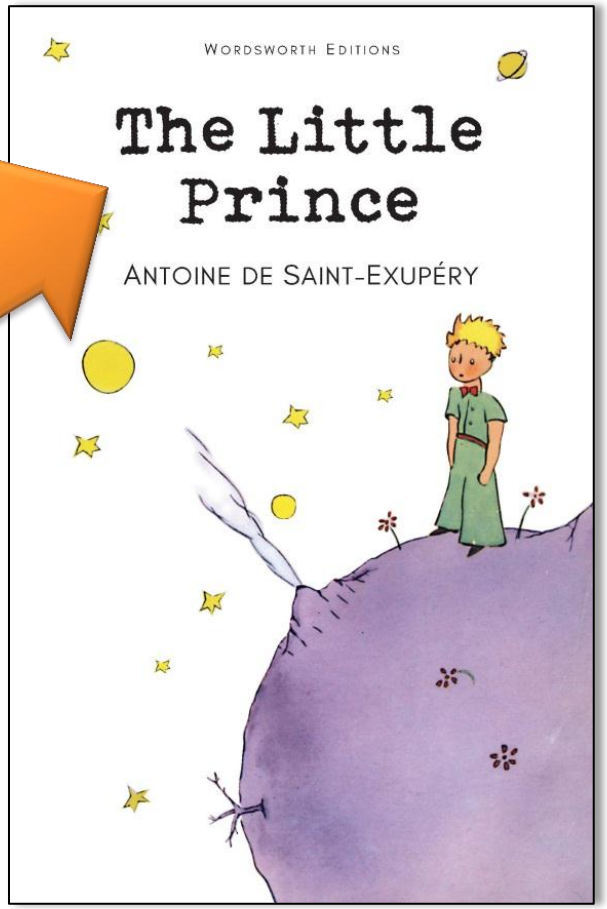
## 3. Cyber/ Online Safety for Children

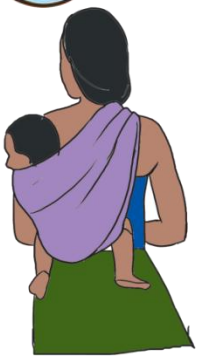
**Speaker:** Donita Quadros **-** *Master in Social Work (Criminology & Justice), Tata Institute of Social Sciences, Mumbai. Fr. Project Officer - SAMVAD - NIMHANS under the MoWCD (Bangaluru)*

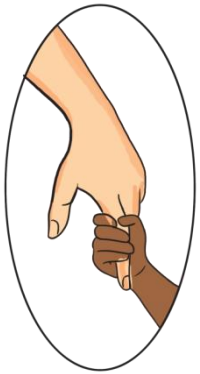
#3A

# Children live in our world or we live in their world?

Suggested Reading







#3B

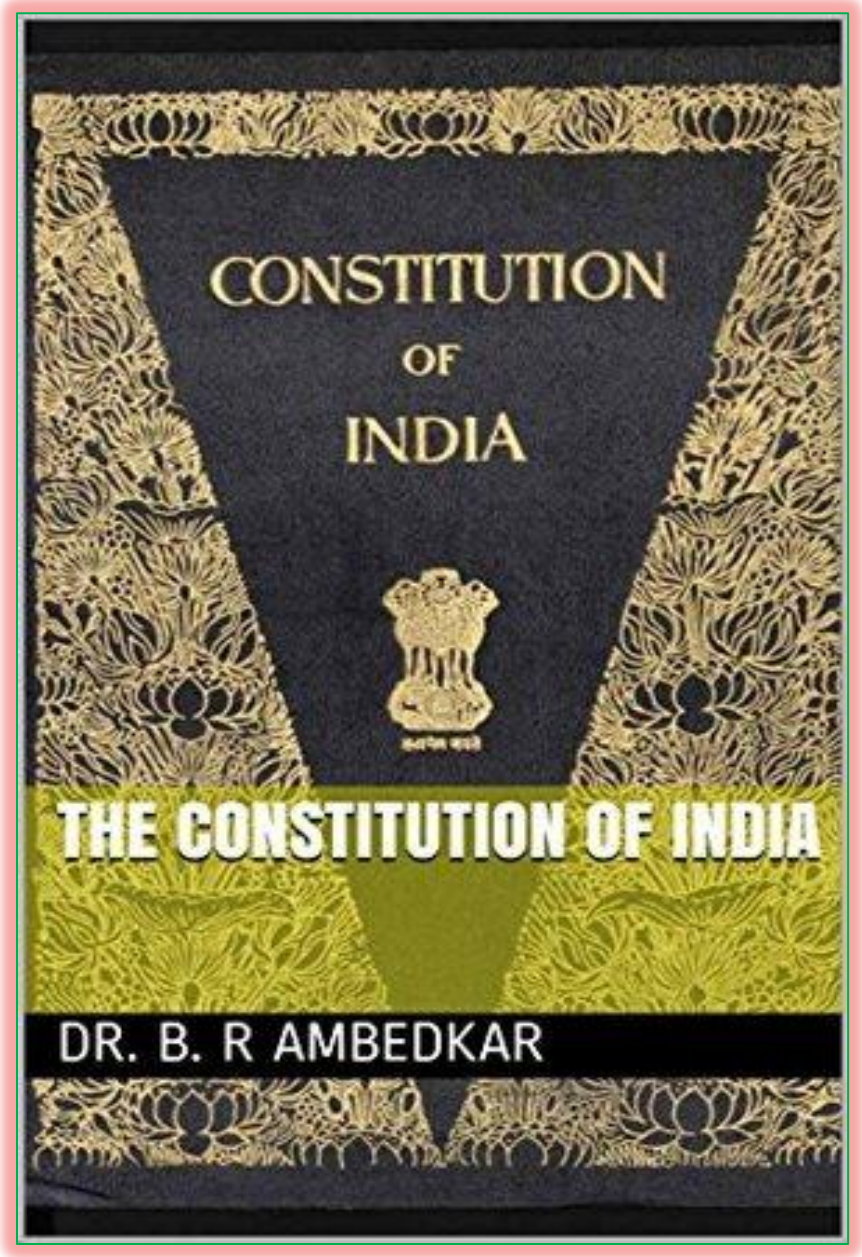
# What is the age criterion to be a child?

***Kohlberg's 6 Cognitive Moral Development Stages***

Suggested Reading

#4A

# Are children citizens too?




## THE CONSTITUTION OF INDIA

### PREAMBLE

**WE, THE PEOPLE OF INDIA,** having solemnly resolved to constitute India into a [1]**[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens :

**JUSTICE,** social, economic and political;

**LIBERTY** of thought, expression, belief, faith and worship;

**EQUALITY** of status and of opportunity and to promote among them all;

**FRATERNITY** assuring the dignity of the individual and the [2][unity and integrity of the Nation];

**IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)

**Children-Children Everywhere,**

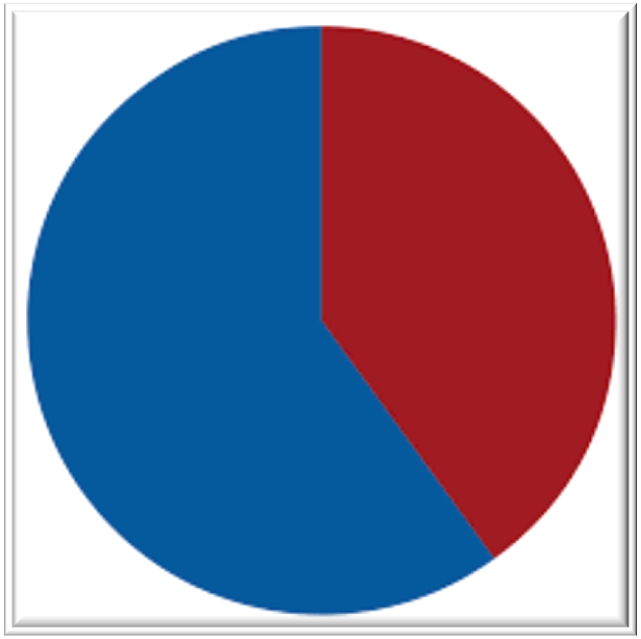
**Children dark Children Fare,**

**Children…**

- With different Intelligences & cognitive learning abilities/ styles/ limitations.

  ***DYS****-lexia-calculia-graphia*
- With different medical conditions
- With different ethnicity.
- From various religious backgrounds.
- From various economic backgrounds.
- Not as binaries in term of gender but as a spectrum.
- Living on streets

**What percentage of India's population are children?**

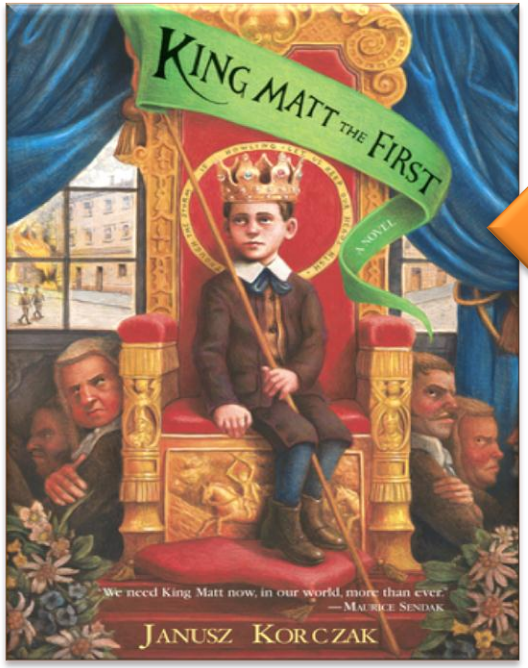


# UNCRC
# United Nations Convention for Rights of Children

- **Genesis,** UNCRC-1989
  **Any person < 18years = child**
- **India Ratifies** - 1992

**UNCRC Core Principles:**

- Non Discrimination
- Best Interest of the Child
- Survival and Development
- Participation / Inclusion




Suggested Reading

- Children are also citizens. They have all the citizens' rights. They also have special rights.
- Each child has a right to know their rights.
- Every child is born with child rights and no one can take them away.
- Rights cannot exist without responsibilities and duties.

## Reforms In India:

- Right to education/ Mid day meals
- Corporal Punishment Ban
- Education – 10 Life Skills by WHO
- Judiciary/ laws - JJ Act - POCSO
- Special Police – SJPU

# Child Rights Related Laws

1. Guardians & Wards **Act**, 1890 & Hindu Minority & Guardians Act, 1956
2. Children (Pledging of Labour) **Act**, 1933
3. Factories **Act**, 1948
4. Mines **Act**, 1952
5. Immoral Traffic (Prevention) **Act**, 1956

**Image Credit:** marketwatch.com

**Image Credit:** The New Indian Express

6. Young Persons (Harmful Publication) **Act**, 1956
7. Bonded Labour System (Abolition) **Act**, 1976
8. Child Labour (Prohibition & Regulation) **Act**, 1986 & 2016
9. PCPNDT - Pre-Conception and Pre-Natal Diagnostic Techniques **Act**, 1994
10. The Commissions for Protection of Child Rights **Act,** 2005
11. Prohibition of Child Marriage **Act**, 2006
12. Right of Children to Free and Compulsory Education **Act**, 2009
13. **Children Act 1960 | Juvenile Justice Act - JJA 1986 | Juvenile Justice (Care & Protection of Children) Act, 2000 – Re Enacted in 2015 | (Bill 2021)**
14. **POCSO - Protection of Children From Sexual Offences Act, 2012-19**
15. National Food Security **Act**, 2013

# Session 1

- Protection of Children from Sexual Offences Act (POCSO)

  **Salient Features**

- Bare POCSO Act

  **Capacity to read the bare Act**

- Juvenile Justice (Care and Protection of Children) Act - JJ Act

  **Salient Features**

# POCSO Act 2012-19

**Image Credit:** Thehansindia.com

Child Sexual Abuse

- Entire India
- Perpetrator > 18 years
- Victim/survivor < 18 years

**Jurisprudence:**
Punishment to act as a deterrent

# Juvenile Justice (Care & Protection of Children) Act – JJ Act

**Child = Any person < 18yrs**

**Entire India**

**Category A:** Children in Conflict with Law

**Category B:** Children in need of care & protection

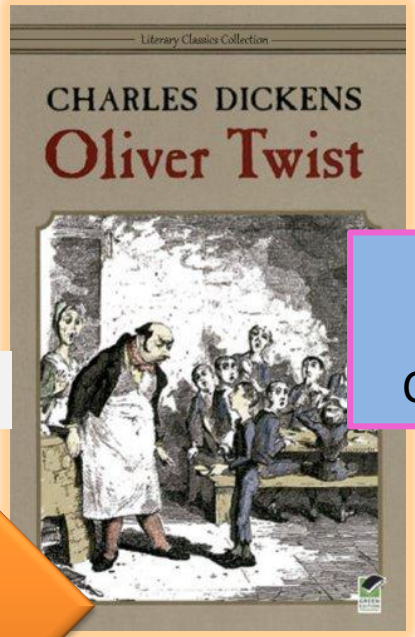
**Victim = Another Child/ Adult**

* Orphans
* Surrendered
* Abandoned

Child Welfare Committee

Juvenile Justice Board

**Jurisprudence:** Reform, Rehabilitation & Reintegration



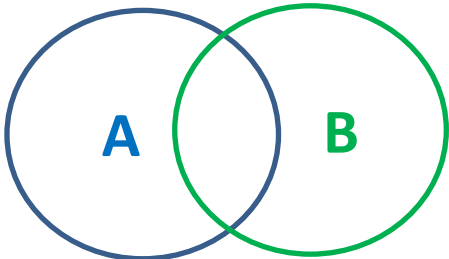

**Oliver Twist**

**Suggested Reading**

**Lord of the Flies**

**Image Credit:** Romi Soni

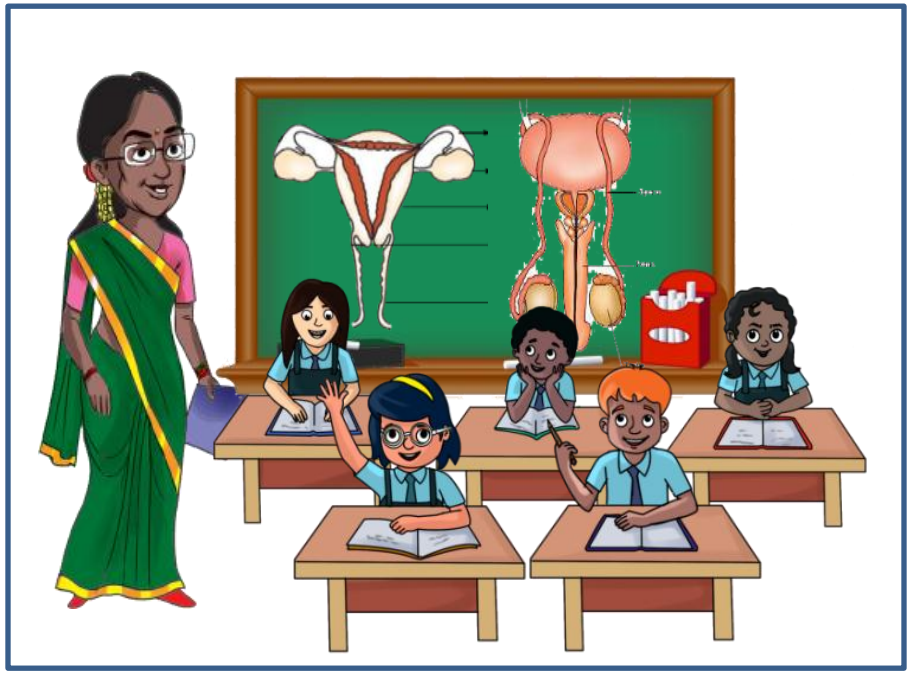
A child in **category A** may fall in **category B**



# What is a crime?

- **Intended Actions** codified in various criminal **(substantive)** laws like: **IPC | POCSO | POSH | Dowry Prohibition |** etc.

- **Ex.** Biology teacher / Maid



# Petty Serious & Heinous Offence

**Petty** upto 3 yrs

**Serious** 3-7 yrs

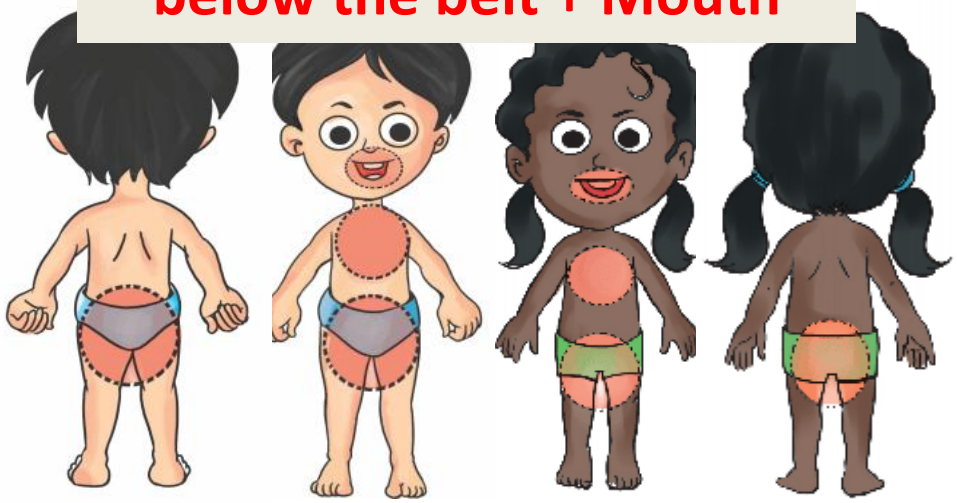
**Heinous** > 7 yrs

Maid steals & then confesses

+ hits with a flower pot

+ attacks with a knife

**Pvt. Parts = All orifices below the belt + Mouth**



**Situation 1 -** Obscene picture

**Situation 2 -** Inserts in Pvt. Parts

**Situation 3 -** Touches Pvt. Parts

# POCSO – (Special, Child Centric & Strict Law)

- Provision for death penalty.
- Burden of proof on the accused.
- Legal obligation **to report/ Register an FIR.**
- Abetment as an actual offence (Gang rape)
- A superseding law - Whichever is more
- The Act filled all the loopholes that were there related to Sexual abuse in various other existing laws. Ex: CSA for boys defined for the first time
- Special Child Friendly Fast Track Court with in camera trial (POCSO Courts)
- Special Police – SJPU.
- Compensation to survivor by Legal Services Authorities.
- Gender Neutral.

# POCSO - Use of Children for Pornographic Purpose

- ❑ Digital Recording
- ❑ Creations
- ❑ Storage
- ❑ Sharing

**Report** sexually explicit images or videos featuring children on the internet at **www.aarambhindia.org/report**

# POCSO - The child victim identity is to be protected

# Commissions for Protection of Child Rights

**The Commissions for Protection of Child Rights Act (2005-2007)**
**NCPCR** - National Commission for Protection of Child Rights
**SCPCR -** State Commissions for Protection of Child Rights

**(Quasi Judiciary bodies) Inquire/ investigate/ monitor/ issue show cause notice-summons/ recommend (but no trial/ judgment)** into complaints and take **suo motu** (on its own) 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.

**Example of Quasi Judiciary Powers:**
Commission can send **summons** to a private school for corporal punishment or any other child right violation.

# Whom to Report?

- ❑ Local Police
- ❑ SJPU - Special Juvenile Police Unit
- ❑ Childline Helpline 1098
- ❑ SCPCR – Commissions for Protection of Child Rights

#16

क्या आपको कोई परेषान कर रहा हैं, बताएं, कौन और कैसे ?
Tell us how you are being harrassed ?

Box 1

चित्र चुनें / Select Picture (S)

खेल मैदान / दुकान / सड़क
Playground / Shop / Road

स्कूल / ट्यूशन
School / Tuition

ब्लैकमेल
Blackmail

स्कूल बस / वैन इत्यादि
In School Bus/ Van/ etc

परिवार सदस्य / रिश्तेदार / अन्य
Family Member/ Relative/ Others

इंटरनेट / फोन
Internet/ Phone

Box 2 → 2 नाम / Enter your name

Box 3 → 3 मोबाइल / Phone number *

* अथवा / और OR / AND

Box 4 → 4 ई – मेल / Your email *

यदि आप के पास मोबाईल नं. अथवा ई मेल आईडी नहीं है तो आप इन्हीं एक नंबर पर संपर्क कर सकते हैं :–
9868235077,1098 (Childline)

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 नीचे बटन दबाएं / Click on Submit

SUBMIT

POCSO E-Box हम आपके साथ हैं, हम NCPCR हैं

**MW&CD**
**Govt. of India**

**POCSO**
**E-Box**
**Helplines**

**9868235077**
**1800115455**

# National Database on Sexual Offenders

- National Register of Sex Offenders since 2005.
- Tracking & monitoring.
- Data base of 4 lac convicts
- The offenders are classified as low danger, moderate danger & habitual offenders in the registry as per the gravity of their crimes.
- Accessible only to law enforcement agencies (Police Verification of staff) and not to the public.
- *National Crime Records Bureau (NCRB)* is the nodal agency to maintain the NDSO.

# POCSO Bare Act 2012- Amendment in 19

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—12 REGISTERED NO. DL—(N)04/0007/2003—12

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सं० 34] नई दिल्ली, बुधवार, जून 20, 2012/ ज्येष्ठ 30, 1934 (शक)
No. 34] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

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**MINISTRY OF LAW AND JUSTICE**
**(Legislative Department)**

*New Delhi, the* 20th *June*, 2012/*Jyaistha* 30, 1934 (*Saka*)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

## THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012
[No. 32 of 2012]

[19*th June*, 2012]

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

(*a*) the inducement or coercion of a child to engage in any unlawful sexual activity;



(*b*) the exploitative use of children in prostitution or other unlawful sexual practices;

(*c*) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

### CHAPTER I
PRELIMINARY

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

finitions.

**2.** (*1*) In this Act, unless the context otherwise requires, —

(*a*) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(*b*) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(*c*) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(*d*) "child" means any person below the age of eighteen years;

(*e*) "domestic relationship" shall have the same meaning as assigned to it in clause (*f*) of section 2 of the Protection of Women from Domestic Violence Act, 2005; 43 of 2005.

(*f*) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988; 41 of 1988.

(*i*) "sexual assault" has the same meaning as assigned to it in section 7;

(*j*) "sexual harassment" has the same meaning as assigned to it in section 11;

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(*l*) "Special Court" means a court designated as such under section 28;

(*m*) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(*2*) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts. 45 of 1860. 2 of 1974. 56 of 2000. 21 of 2000.

### CHAPTER II
SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Penetrative sexual assault.

**3.** A person is said to commit "penetrative sexual assault" if—

(*a*) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(*b*) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

#18

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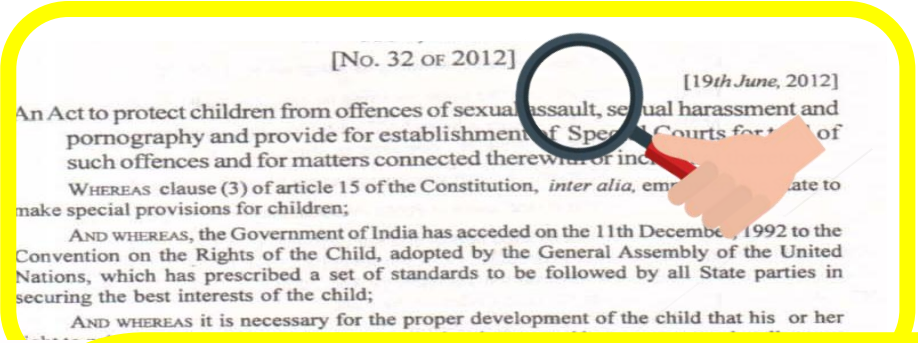

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# POCSO Bare Act

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(*b*) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

# POCSO Bare Act

**2.** (*1*) In this Act, unless the context otherwise requires, —

(*a*) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(*b*) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(*c*) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(*d*) "child" means any person below the age of eighteen years;

(*e*) "domestic relationship" shall have the same meaning as assigned to it in clause (*f*) of section 2 of the Protection of Women from Domestic Violence Act, 2005;

(*f*) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988;

(*i*) "sexual assault" has the same meaning as assigned to it in section 7;

(*j*) "sexual harassment" has the same meaning as assigned to it in section 11;

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(*l*) "Special Court" means a court designated as such under section 28;

(*m*) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(*2*) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts.



(*b*) the exploitative use of children in prostitution or other unlawful sexual practices;

(*c*) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** (*1*) In this Act, unless the context otherwise requires, —

(*a*) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(*b*) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(*c*) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(*d*) "child" means any person below the age of eighteen years;

(*e*) "domestic relationship" shall have the same meaning as assigned to it in clause (*f*) of section 2 of the Protection of Women from Domestic Violence Act, 2005; 43 of 2005.

(*f*) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988; 1 of 1988.

(*i*) "sexual assault" has the same meaning as assigned to it in section 7;

(*j*) "sexual harassment" has the same meaning as assigned to it in section 11;

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

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(*2*) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts. 45 of 1860. 2 of 1974. 56 of 2000. 21 of 2000.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Penetrative sexual assault.

**3.** A person is said to commit "penetrative sexual assault" if—

(*a*) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(*b*) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

# POCSO Bare Act

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(*l*) "Special Court" means a court designated as such under section 28;

(*m*) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

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# POCSO Bare Act

(*c*) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(*d*) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

**4.** Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for penetrative sexual assault.

# POCSO Bare Act

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. (*a*) Whoever, being a police officer, commits penetrative sexual assault on a child —

(*i*) within the limits of the police station or premises at which he is appointed; or

(*ii*) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where he is known as, or identified as, a police officer; or

(*b*) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

(*i*) within the limits of the area to which the person is deployed; or

(*ii*) in any areas under the command of the forces or armed forces; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where the said person is known or identified as a member of the security or armed forces; or

(*c*) whoever being a public servant commits penetrative sexual assault on a child; or

(*d*) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(*e*) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(*f*) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(*g*) whoever commits gang penetrative sexual assault on a child.

*Explanation.*—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

# POCSO Bare Act

THE SCHEDULE

[*See* section 2(*c*)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

(*a*) The Air Force Act, 1950 (45 of 1950);

(*b*) The Army Act, 1950 (46 of 1950);

(*c*) The Assam Rifles Act, 2006 (47 of 2006);

(*d*) The Bombay Home Guard Act, 1947 (3 of 1947);

(*e*) The Border Security Force Act, 1968 (47 of 1968);

(*f*) The Central Industrial Security Force Act, 1968 (50 of 1968);

(*g*) The Central Reserve Police Force Act, 1949 (66 of 1949);

(*h*) The Coast Guard Act, 1978 (30 of 1978);

(*i*) The Delhi Special Police Establishment Act, 1946 (25 of 1946);

(*j*) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);

(*k*) The Navy Act, 1957 (62 of 1957);

(*l*) The National Investigation Agency Act, 2008 (34 of 2008);

(*m*) The National Security Guard Act, 1986 (47 of 1986);

(*n*) The Railway Protection Force Act, 1957 (23 of 1957);

(*o*) The Sashastra Seema Bal Act, 2007 (53 of 2007);

(*p*) The Special Protection Group Act, 1988 (34 of 1988);

(*q*) The Territorial Army Act, 1948 (56 of 1948);

(*r*) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (*a*) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

Military Police/Court Martial System (Indian Army Rules 1954) Cannot deal with POCSO cases.

# Juvenile Justice (Care & Protection of Children) Act – JJ Act

**Child = Any person < 18yrs**

**Category A:** Children in Conflict with Law

**Category B:** Children in need of care & protection

**Children > 16 yrs** for *Heinous* & have mental + physical capacity as that of an adult

**Children < 16 yrs** for *Petty - Serious - Heinous* & **Children** 16-18 yrs for *Petty - Serious*

* Orphans
* Surrendered
* Abandoned

Child Welfare Committee

Children's Court

Juvenile Justice Board

**Jurisprudence:** Reform, Rehabilitation & Reintegration

# Children's Court

**Children** > 16 yrs for *Heinous* & have mental + physical capacity as that of an adult

**Jurisprudence:**
Reform, Rehabilitation & Reintegration

Life imprisonment without a possibility of release or the death penalty can be awarded

Example: 7 years of imprisonment awarded to a child who is 17 yrs

Detention in **Special home** till the child attains 18 yrs, i.e. 1 yr

After 18, stays at a **Place of Safety** till attains 18 yrs of age 21, i.e. 3 yrs – Total 3+1=4 yrs

After 21, stays at a **regular prison**, i.e., for 7 – 4 = 3 years

## Juvenile Justice Board

**Children** < 16 yrs for *Petty - Serious - Heinous* & **Children** 16-18 yrs for *Petty - Serious*

## Orders Passed by JJB

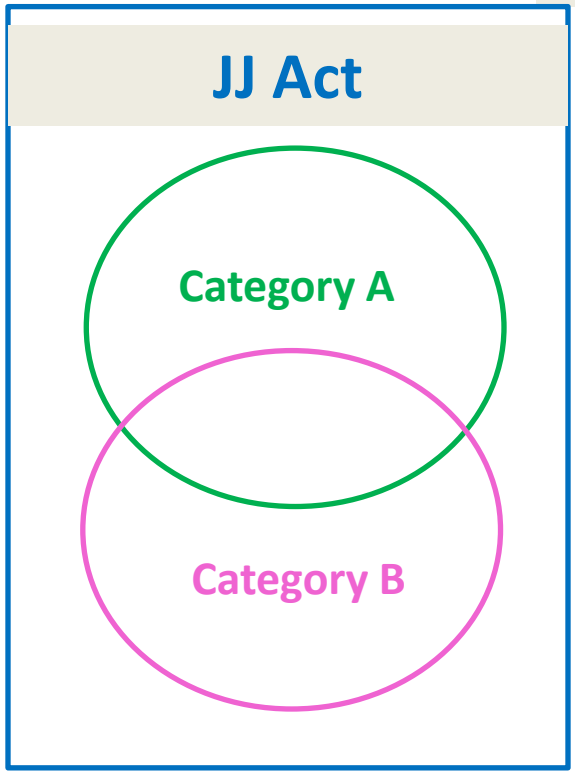
→ **Children < 7 yrs cannot be held liable for any crime, whatsoever**

- Advice/Warning/Counseling to child or his parents/ guardians.
- Community service
- Impose Fine on Child/ Parent / Guardian
- Detention in special homes < 3 years
- Release on probation.

❑ No additional charges for children who run away from child care institutions.

- ➢ No record of a child to be kept for any future disqualification. However, the same is not applicable for children found guilty by children's court.
- ➢ Disclosure of child's identity is an offence **Jail < 6 months and/or Fine < Rs 2 lac**

# JJ Act – Category B




**Child = Any person < 18yrs**

**Category B:**
Children in need
of care & protection

* Orphans
* Surrendered
* Abandoned

Child Welfare Committee

Image Source: www.orphanchildrenofindia.org

**Image Credit:** The Guardian

# JJ Act – Category B

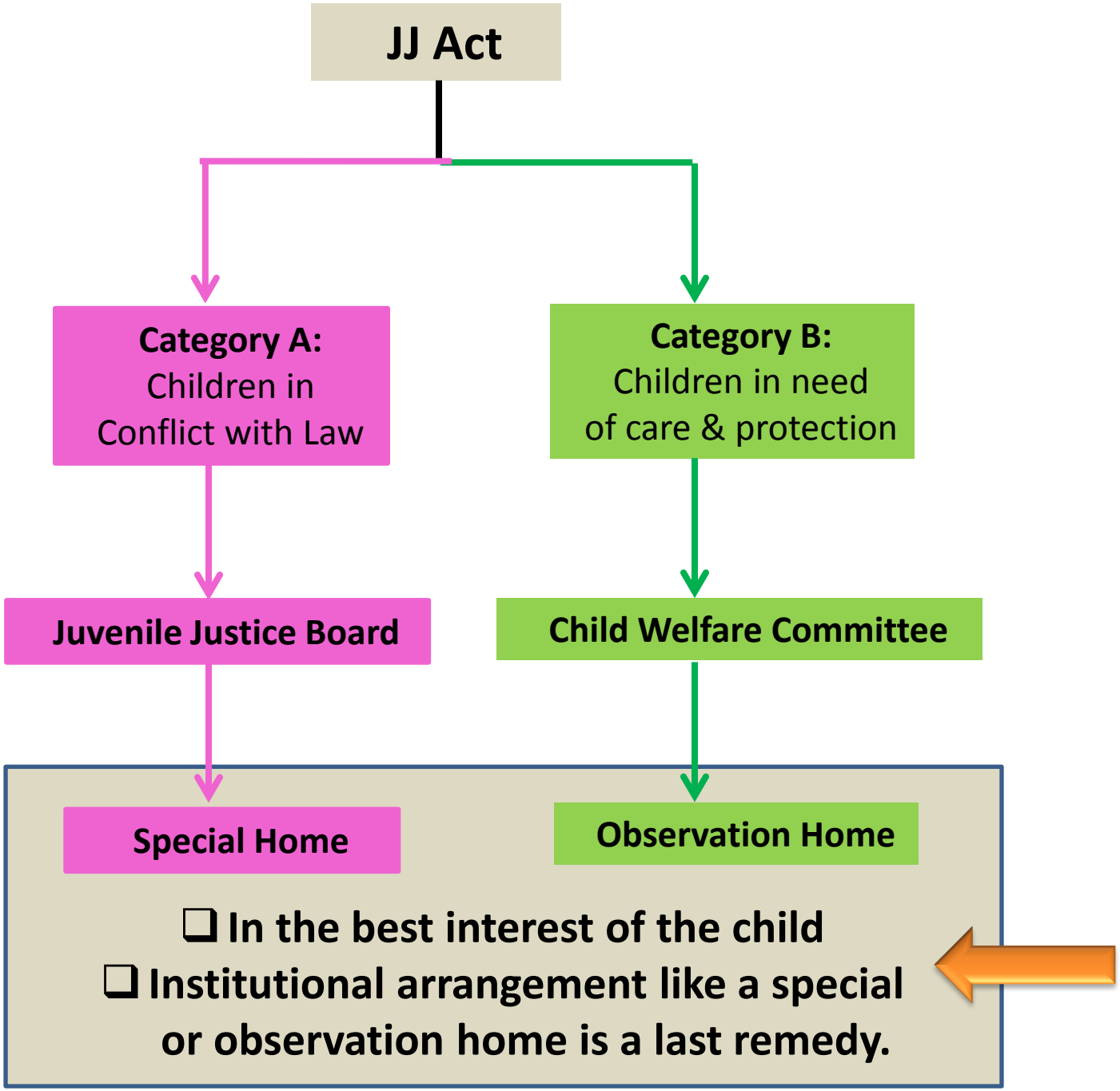
**Child = Any person < 18yrs**

**A Surrendered Child**

**An abandoned Child**

Image Source: www.orphanchildrenofindia.org

**Image Credit:** The Guardian


JJ Act
Category A:
Children in
Conflict with Law
Category B:
Children in need
of care & protection
Juvenile Justice Board
Child Welfare Committee
Special Home
Observation Home
❑ In the best interest of the child
❑ Institutional arrangement like a special
or observation home is a last remedy.

# Adoption

- Central Adoption Agency
  http://cara.nic.in/
- State Adoption Agencies

- Orphans
- Surrendered
- Abandoned

*Cilappatikāram*
(Suhag ke nupur)

Abhijñānaśākuntala
(The Sign of Shakuntala)

Heer Ranjha

Sohni Mahiwal

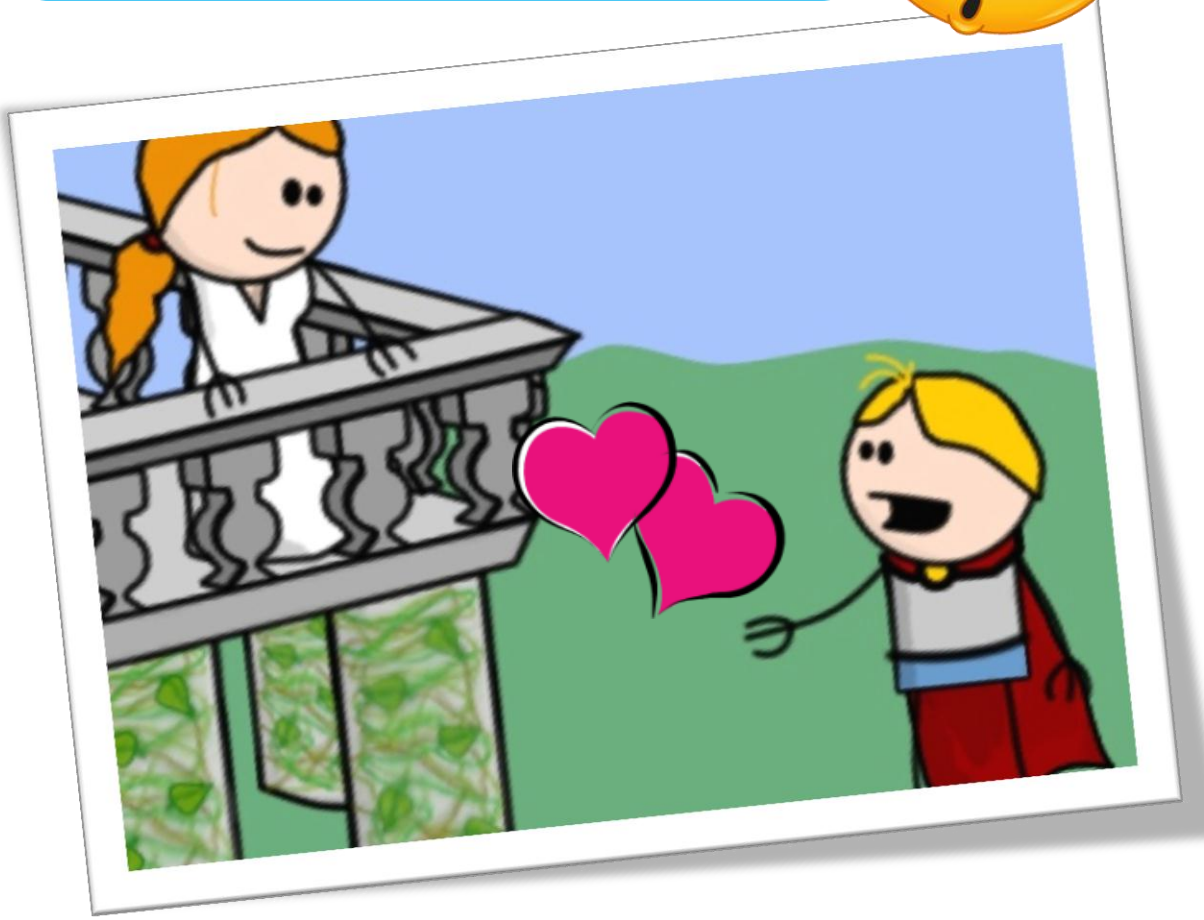
Mirza Sahiban

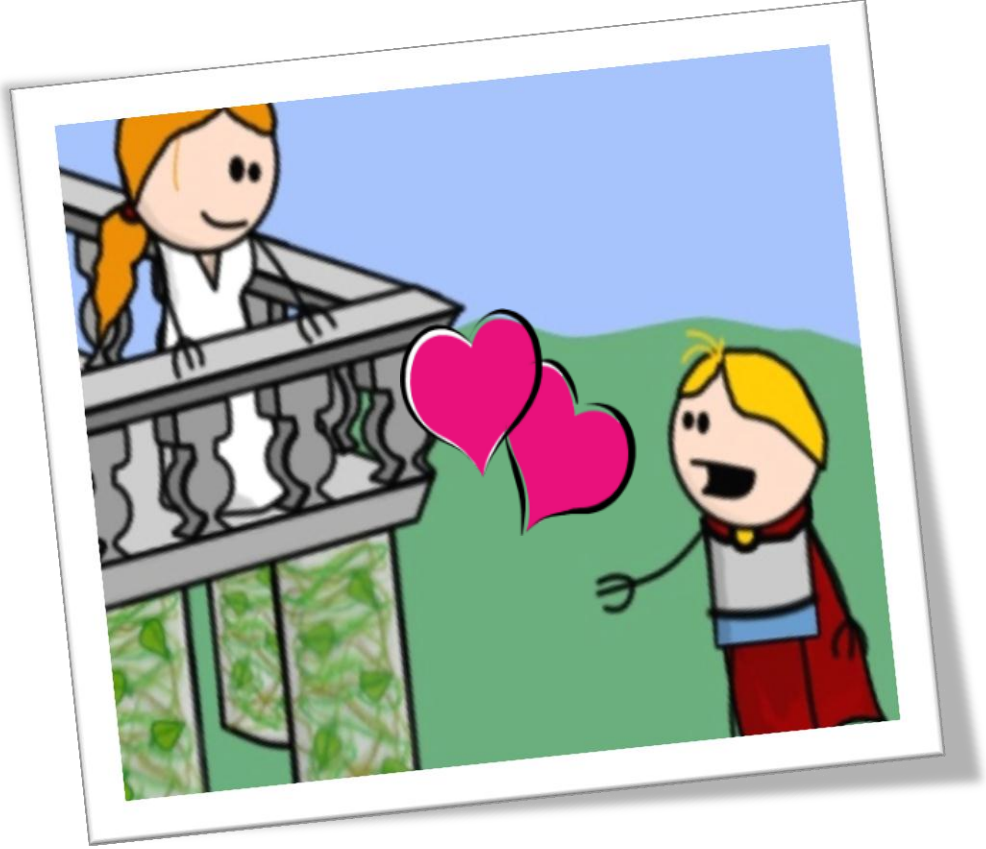
Sassi Punnhun

Laila Majnu

# POCSO and JJA Paradox

## Romeo and Juliet





# Romeo – Juliet

**A victim under POCSO Act**

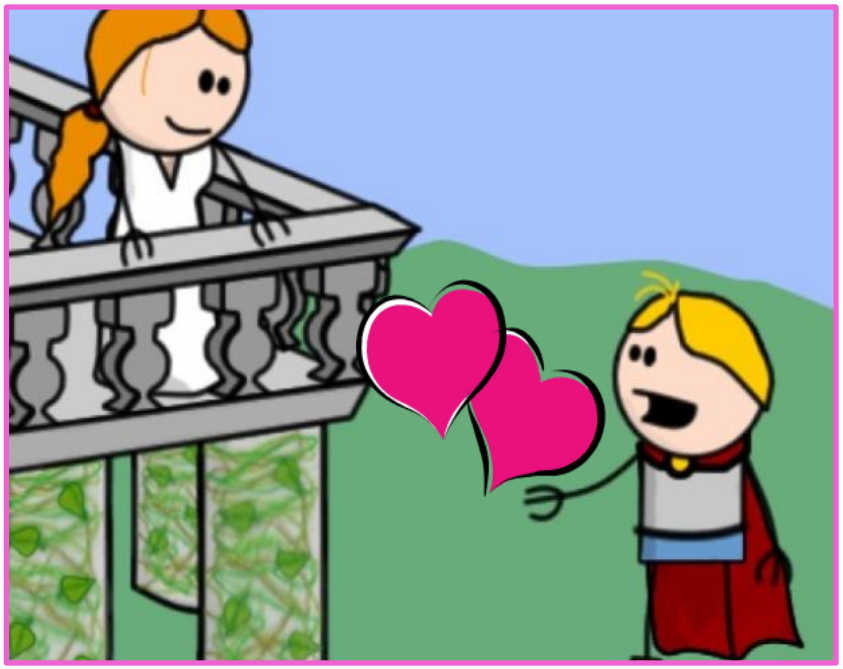
**as well as**

**a child in conflict with Law under JJ Act**

# Suggestions by Judiciary

## Chennai High Court

- Consent of children in age group 16 to 18 should be taken into account.
- The age difference between the victim and the accused should be a factor.



**Project CACA (since 2016):** A rights based & **institution (school) driven** Safety Programme for Children under the school's safety policy.
**Stake holders:** Children, Parents, Teachers & Support-Staff

# PROJECT CACA

Children Against Child Abuse

www.projectcaca.org

A Legal, Psychological & Academic approach towards **Child Safety**

## Axioms

- ✓ Schools Should not preserve the problems to which they are a solution.
- ✓ Prevention is better than cure.

## Partners & Supporters

IIT KANPUR

project umbrella
"Saving innocence, through awareness"

State Commissions For Protection Of Child Rights (SCPCR)

State Legal Services Authorities (SLSA)

Fortis

CSJ Counsel to Secure Justice

edusynergies

# Session 2

- Role and responsibilities of schools for children's safety and wellbeing.
- Key areas for schools to work upon for prevention of child sexual abuse.
- Project CACA, a safety programme for children under the safety policy of a school.

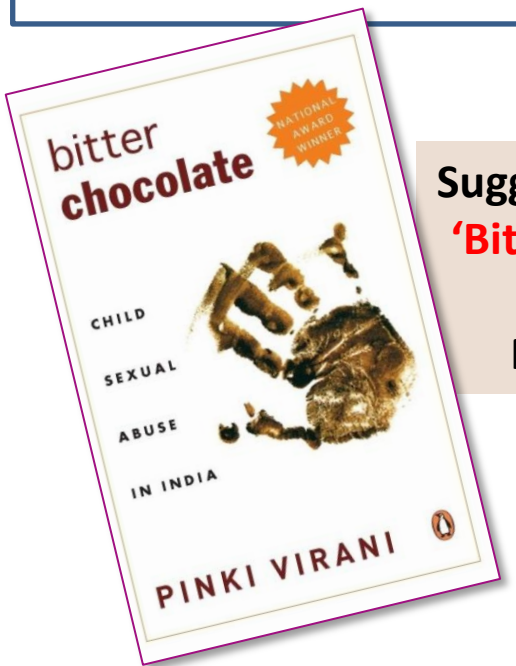
# Survey

## There is an elephant in the room

**MWCD – 2007**

**World Vision India - 2017**

- **50%** children face one or more forms of **sexual abuse**!
- **Boys** and **girls** are **equally vulnerable**
- **Perpetrator/ Paedophile** in most of the cases is **known to the child**




**Suggested Reading**
**'Bitter Chocolate'**
**By**
**Pinki Virani**

## Gender-wise percentage of children reporting sexual abuse

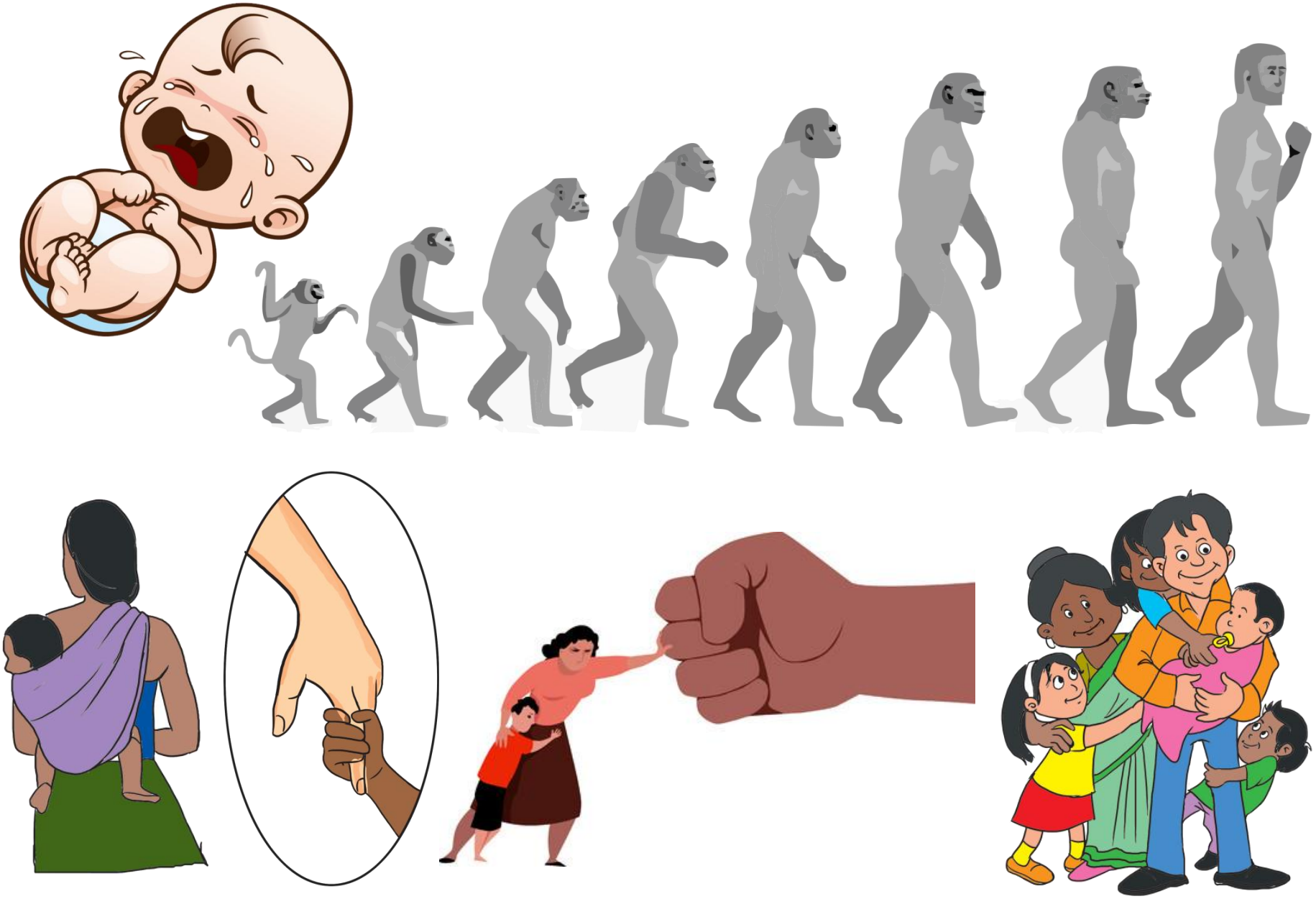
| States | % Boys | % Girls |
|---|---|---|
| Andhra Pradesh | 54.21 | 45.79 |
| Assam | 53.48 | 46.52 |
| Bihar | 52.96 | 47.04 |
| Delhi | 65.64 | 34.36 |
| Goa | 52.27 | 47.73 |
| Gujarat | 36.59 | 63.41 |
| Kerala | 55.04 | 44.96 |
| Madhya Pradesh | 42.54 | 57.46 |
| Maharashtra | 49.43 | 50.57 |
| Mizoram | 59.96 | 40.04 |
| Rajasthan | 52.50 | 47.50 |
| Uttar Pradesh | 55.73 | 44.27 |
| West Bengal | 43.71 | 56.29 |
| **Total** | **52.94** | **47.06** |

# The Conspicuous Silence

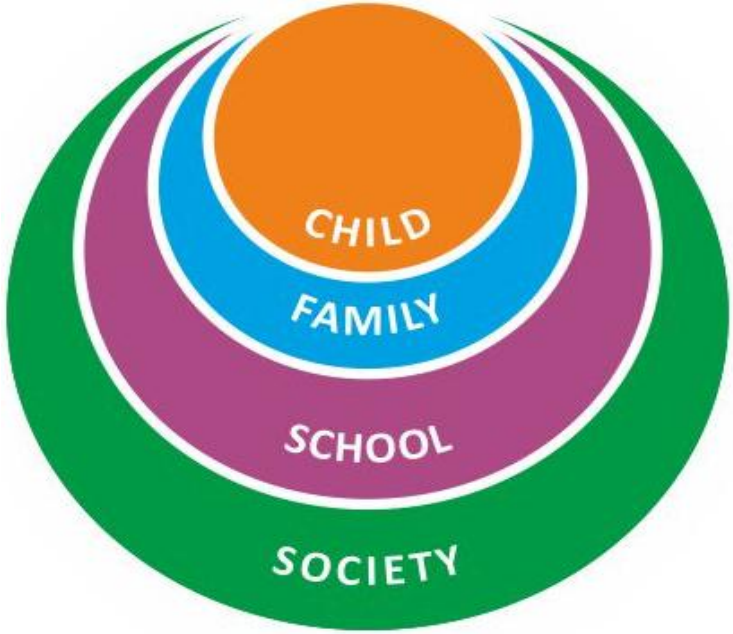
**72% children keep quite and never tell about the CSA to anyone**

| Reporting of sexual assault | Percent |
|---|---|
| Kept quiet | 72.1 |
| Shared it with brothers/ sisters | 6.7 |
| Told Parents | 11.8 |
| Reported it to the police | 3.4 |
| Any other | 6.0 |

# Evolutionary Perspective



**The way forward is to empower our children against abuse.**



भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-11032020-218601
CG-DL-E-11032020-218601

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 141] NEW DELHI, MONDAY, MARCH 9, 2020/PHALGUNA 19, 1941

महिला और बाल विकास मंत्रालय
अधिसूचना

**MWCD, Govt. of India - *Gazette Notification, 9 March 2020 - Rules for POCSO Act, 2012 (32 of 2012)***

- Age-appropriate Educational material and curriculum for children, informing them about various aspects of personal safety, including:

**(i)** measures to protect their physical, and virtual identity; and to safeguard their emotional and mental wellbeing;

**(ii)** prevention and protection from sexual offences;

**(iii)** reporting mechanisms, including Child helpline-1098 services;

**(iv)** inculcating gender sensitivity, gender equality and gender equity for effective prevention of offences under the Act.

# Circulars/ Notifications/ Guidelines/ Advisories on Child Abuse/CSA

## School Boards - Directorates - Commissions - Courts

Awareness on CSA | Corporal Punishment Ban | POCSO E-BOX & Child Line **1098** Awareness | Komal Film Exhibition | Police Verification of Staff *(National Registry Of Sex Offenders)* | Abuse Free World-Pledge

CCTV (Monitoring-Surveillance) | POCSO Committee Formation - Complaint Box | Good-Bad Touch | Psychometric test for staff | Self Defense Teaching, | Disaster Drills ETC.

# Child Welfare cum Safety Committees - Sources

## Circulars / Guidelines / Notifications

- School Boards
- NCPCR and SCPCRs
- Ministry of Education
- Supreme and High Courts
- Directorates of School Education
- Ministry of Women & Child Development
- ETC.

Education is in the concurrent list of the constitution

- JJ Act
- POCSO Act
- Mental Health Act
- National Disaster Management Act
- Food Safety & Standards Act – Eat Right School - FSSAI
- Etc.

**POSH Act**

↓

**POSH Committee**

## Committees for

- Disaster Safety
- Cyber Safety
- Bullying Safety
- POCSO/Abuse Safety
- Mental Health
- Nutrition

# The Child Safety cum Welfare Committee

- ✓ Principal, as the Chairperson
- ✓ Male and female members from Parent Teacher Association
- ✓ Male and female Teachers
- ✓ Male and female non-teaching staff
- ✓ Transport incharge, if any
- ✓ Security incharge, if any
- ✓ Hostel Warden, if any
- ✓ A subject matter expert like a **social worker**, **lawyer**, **psychologist**, **cyber expert**, etc.
- ✓ And last but not the least students, boys and girls, from senior most classes.

**Complaints & Redressal Mechanisms Not applicable for POCSO Committee as there is a legal obligation to report**

# Life Skills & Value Education

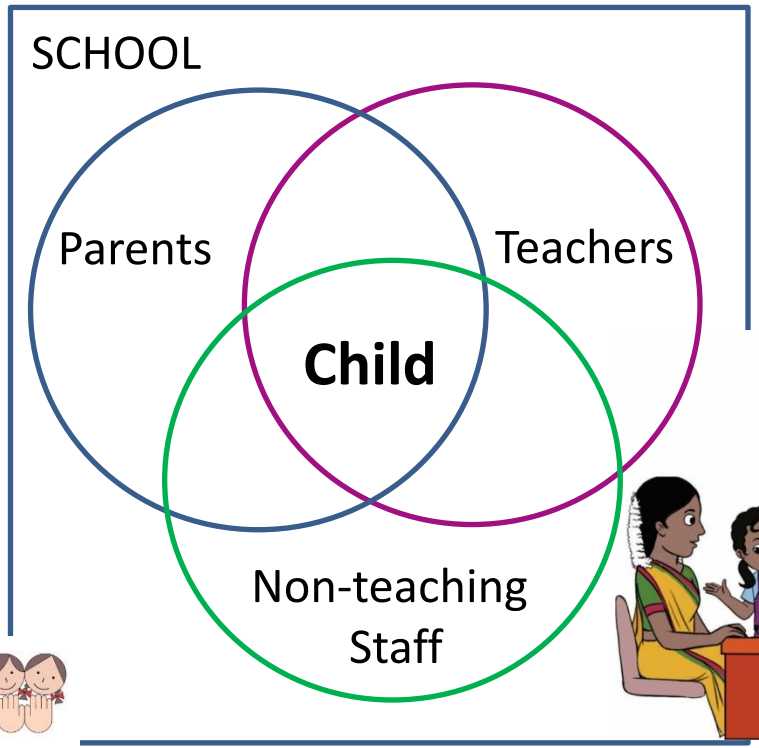
**Authority** → **Trust**

**Accountability** → **Responsibility**

**Competition** → **Collaboration**

## Children's Safety Workbook (UKG-class 9

**Teacher Manual Pink Book**



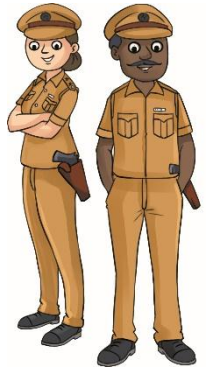
**Blue, Green & Red Booklets for parents/ teachers/ non-teaching staff in English/Hindi/Regional Languages**

# Institution – School Driven Behaviour Changes

- Do not change clothes in front of children.

- Corporal punishment is a doorway to abuse.

- Police are there to help us.



# 7 Core Principles & their derivatives

## 1 Mental Health/Well Being

Self Esteem | Body Ownership | Pvt. Parts | Feelings | Peer-Exam Pressure | GOAL Setting – SWOT | Abuse – CSA/ Bullying (real/cyber) | Not your fault | OK to be scared | Body Shaming | Math Phobia | Adolescence Issues | Friends – Special Friends | Sibling Rivalry

## 2 EI/EQ

Empathy | Listen to your feelings | Expressing Feelings | Anger Management

## 3 Safety

Personal | Environmental | Natural | Accidents | Safe Unsafe touches/ Behaviours | Complaint & redressal – Helplines | Cyber Safety

## 4 Gender Equality

Gender Stereotype | Gender & emotions | Gender & Skills | Gender & body movements | Gender spectrum

## 5 Child Rights

Rights as morals | Rights & laws | Rights & Responsibilities | Constitution

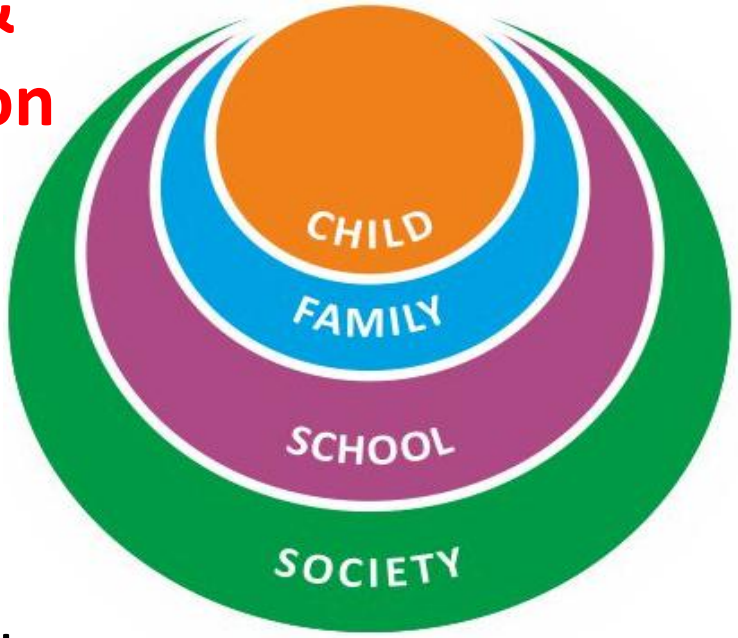
## 6 Health and hygiene

Nutrition | Eating Habits | Diseases & Medicine | Food Adulteration | Food Labels | Menstrual Hygiene | Sugar, the new tobacco

## 7 Morals/Values/Ethics

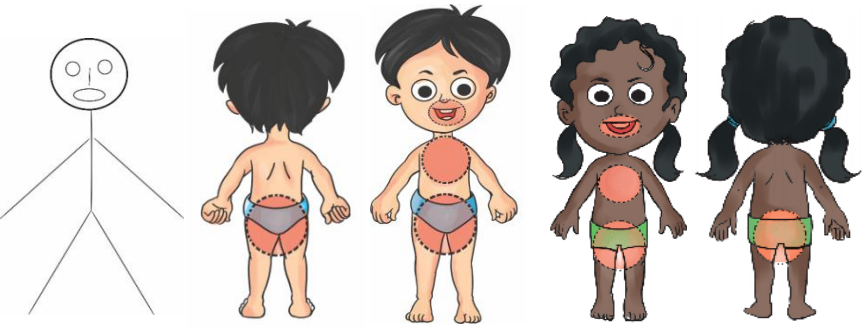
Justice-Equality-Equity | Love for nature | Dignity of labour | Dilemmas |

# CSA Prevention - Key Aspects & their learning Areas to work upon

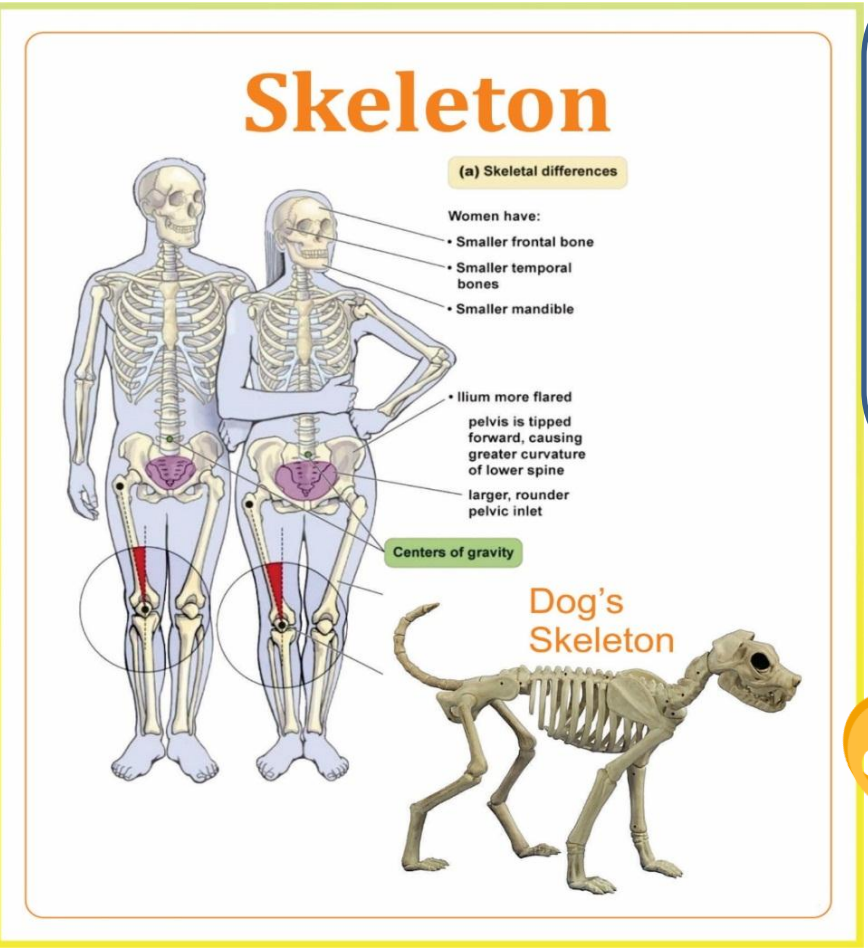



1. Vocabulary - Pvt. Parts
2. Feelings/ Emotions
3. It is Not your fault
4. Okay to be scared…
5. Being Assertive - Confident | Body language
6. Types of Touches | Permission to touch | Privacy
7. Self Esteem | Body Ownership | Personal Boundaries
8. Secrets | Gifts | Surprises
9. Strangers
10. Safety Circle of loved ones | Telling

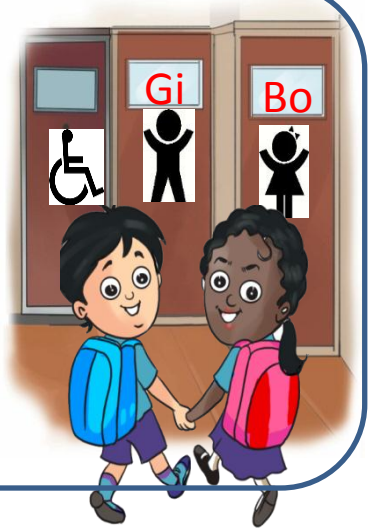
# Aspect 1 - Vocabulary - Pvt. Parts - CSA Prevention



**We are same yet different**



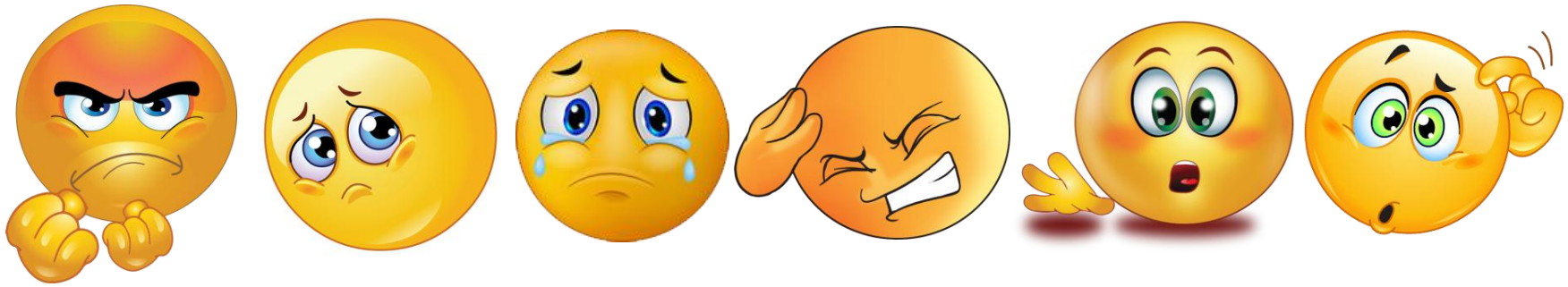

When Sana and Arpit are at home, they use the same **toilet** as used by their **family members.** But at school, Sana goes to the **Girls' toilet**, and Arpit goes to the **Boys' toilet**.




- *Private means it is only for us.*
- *Private parts are only for us.*

**Life Skill**
Self Awareness

# **Aspect 2 -** Feelings/ Emotions - **CSA Prevention - Expressing Feelings**



- Feelings are our friends, and we must listen to them.
- Our Feelings tell us about safe-unsafe touch/ look/ behaviour, whether real or virtual.

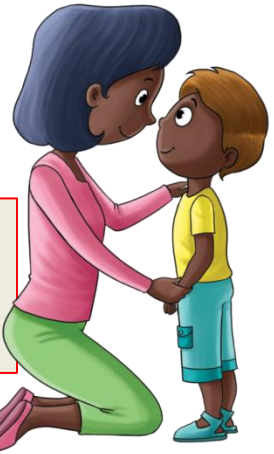
**Life Skills**

- Copying with emotions & stress
- Anger management

# Aspect 3 – It is not your fault - CSA Prevention

- Unsafe touch or behaviour is never a child's fault, and the child has to keep telling about it to their loved and trusted ones.

# **Aspect 4 –** It is okay to be scared - **CSA Prevention**



- It is okay to be afraid and brave to tell what and who you are afraid of.

# **Aspect 5 -** Being Assertive – Confident | Body language, **CSA Prevention**

- Say 'No' effectively without being disrespectful and violent - Be confident and have proper body language.

**Life Skills**

- Effective Communication

Also helps in handling peer pressure, bullying & substance abuse

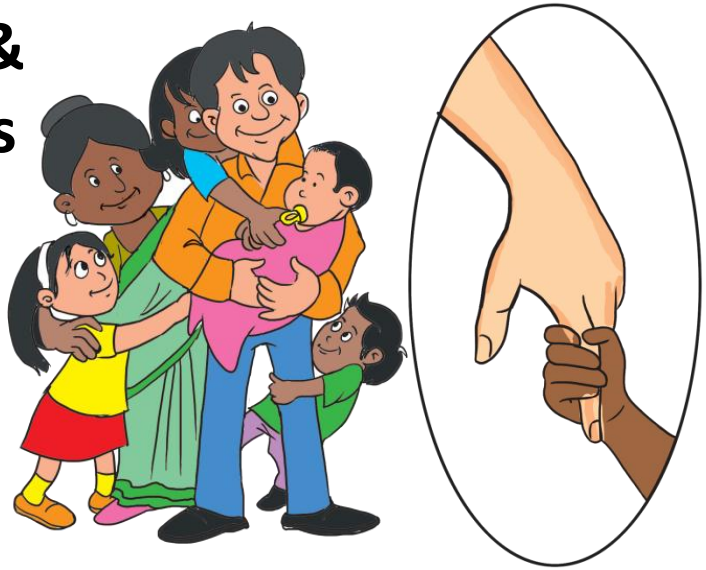
# **Aspect 6** - Types of Touches | Permission to touch | Privacy, CSA Prevention

**Accidental Touch**

**Fix it Touch**

**Forced Touch**

**Hugs & Kisses**



- Interpret touches, hugs and kisses in terms of feelings and communicate them to you loved and trusted ones.

# **Aspect 7 -** Self Esteem | Body Ownership - **CSA Prevention**

**Body Ownership**

**Self-Esteem**

**Life Skill of Self-Awareness**

**Health & Hygiene**

**Who do you think owns the body of a child?**

**Soaps, Napkins, Pads, and Undergarments are used for hygiene purposes by children, adults, males and females. There is nothing to be ashamed about them.**

# **Aspect 7 -** Self Esteem | Body Ownership - **CSA Prevention**

#51C

**Body Ownership**

↓

**Permission to touch**

↓

**Personal Boundaries**

↓

**Privacy**

↓

**Untouchability-Slavery**

↓

**Bonded/Child Labour**

↓

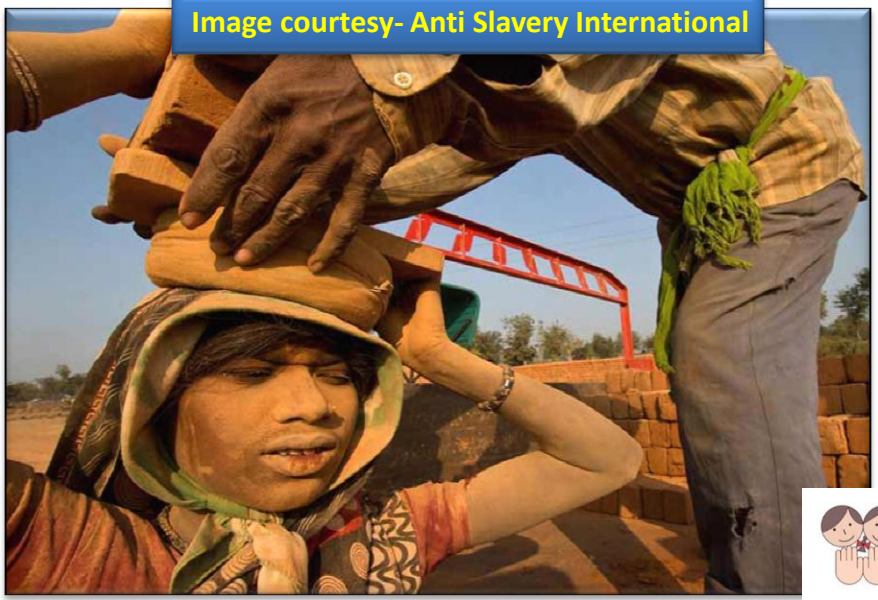
**Organ Transplant**

# **Aspect 7 -** Self Esteem | Body Ownership - **CSA Prevention**

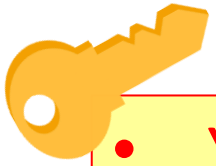
Image courtesy- The Telegraph

Rischgitz/Hulton Archive—Getty Images

Image courtesy- Anti Slavery International



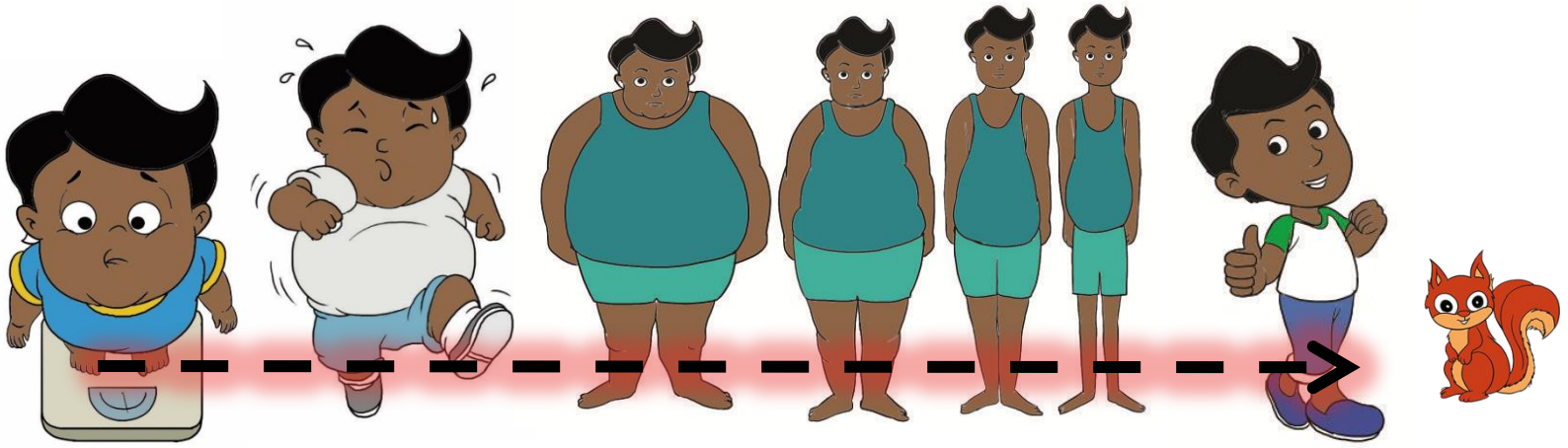
# **Aspect 7 -** Self Esteem | Body Ownership - **CSA Prevention**



- You are the boss of your body and its first caretaker.

Co-relates with Health & Hygiene

# **Aspect 7 -** Self Esteem | Body Ownership - **CSA Prevention**



- Being different does not mean being unequal.
- My skills and behaviour are more important than my looks, and I can always improve my skills with practice.
- You are braver than you believe, stronger than you seem, and smarter than you think.

**Life Skills**

- Critical Thinking

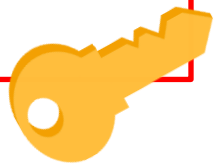
# Key Area 8 - Secrets | Gifts | Surprises

## CSA Prevention

- A secret that makes you sad, guilty or ashamed is an unsafe secret.

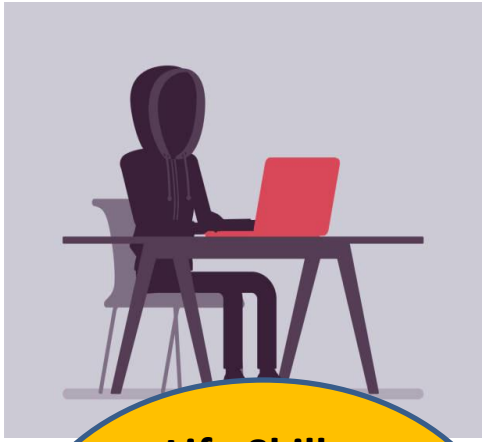
**Life Skills**
- Critical Thinking

- A secret about any touch is again an unsafe secret.



# **Key Area 9 -** Strangers - **CSA Prevention**

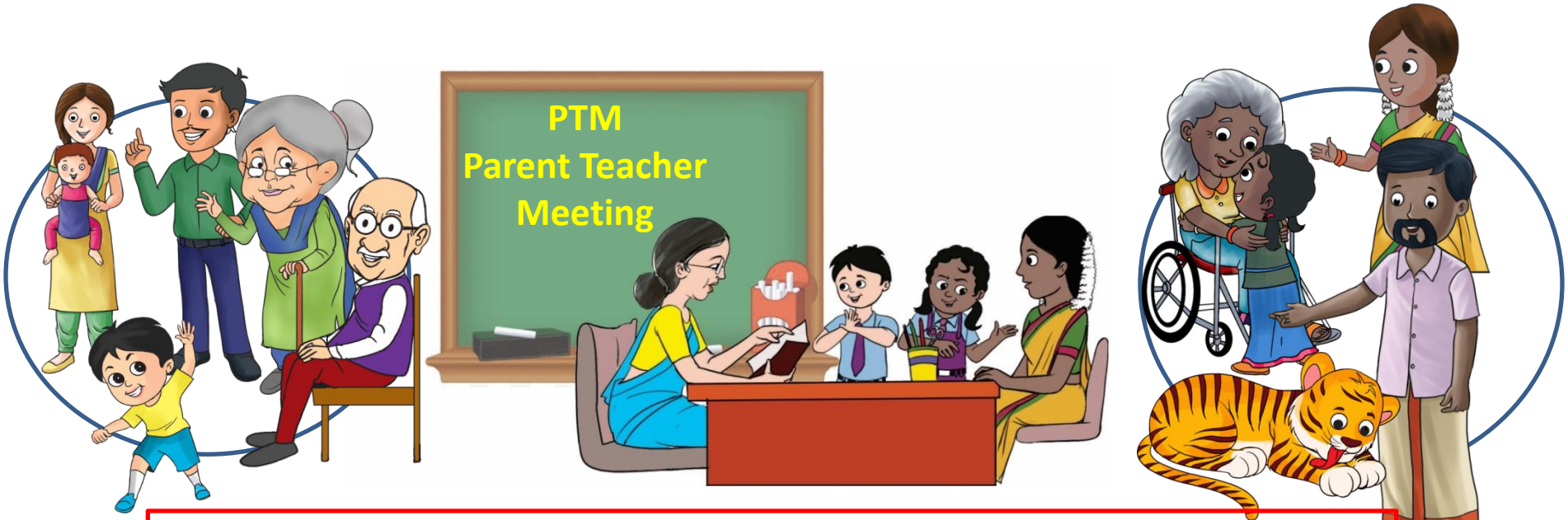
- Strangers exist in the real as well as virtual world.
- Most strangers are good and want to take care of children, but they should not hug or kiss you.
- Never share your personal information with strangers in the real or virtual world.
- Just like your toothbrush, change your password frequently.



**Life Skills**

- Critical Thinking
- Empathy
- Interpersonal Relationship

# **Key Area 10** Safety Circle of loved ones | Telling **CSA Prevention**




- At times, our loved ones may get angry with us. Nevertheless, they do their best to keep us happy, healthy & safe.
- No one can help you if you lie. When you lie, no one believes you and when no one believes you, how can anyone, be it your loved and trusted ones help you?

**Life Skills**

- Interpersonal Relationship

**Project CACA (since 2016):** A rights based & **institution (school) driven** Safety Programme for Children under the school's safety policy.
**Stake holders:** Children, Parents, Teachers & Support-Staff

# PROJECT CACA

Children Against Child Abuse

www.projectcaca.org

A Legal, Psychological & Academic approach towards **Child Safety**

## Axioms

- ✓ Schools Should not preserve the problems to which they are a solution.
- ✓ Prevention is better than cure.

## Partners & Supporters

IIT KANPUR

project umbrella
"Saving innocence, through awareness"

State Commissions For Protection Of Child Rights (SCPCR)

State Legal Services Authorities (SLSA)

Fortis

CSJ Counsel to Secure Justice

edusynergies

# Project CACA Instruments

As per POCSO Rules & Various Circulars

As per NEP 2020

❑ **Safety Workbooks**
The Core Instrument
Life Skills & Value Education
UKG to Class 9

❑ **Research/Surveys:** Current survey
*Gender stereotype breaking, illustration based*

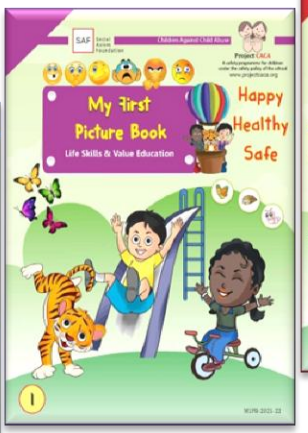
❑ **Litigation:** Legal and psychosocial support
to the EWS child survivors during Judicial proceedings of POCSO & JJ Acts for swift action and rightful convictions.

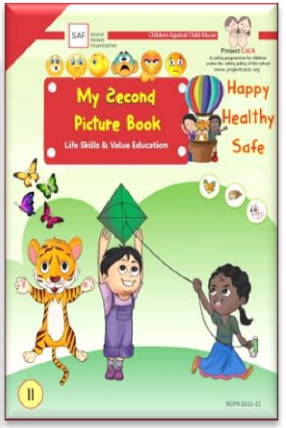
❑ **Workshops (Webinars):** Legal | Clinical – Psychological | Academic
*Teachers* / *Support Staff* / *Parents* on
Child rights & related laws | Gender Equality | Child Abuse | Bullying | Mental & Physical Health | Nutrition | ETC

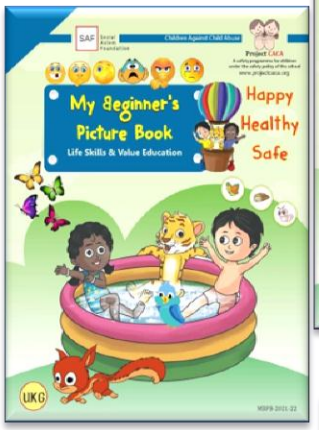
❑ **Assessments:** Challenges for teachers while teaching the workbooks.
Vocabulary | Conceptual | Age appropriateness | Image Explicitness | Evaluation | Others | Unintentional Outcome

# Project CACA, Free Resources

## 1. Children Picture Books (UKG to class 2)

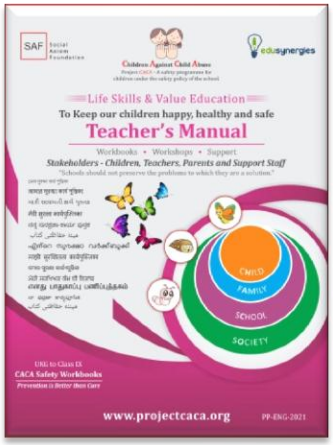


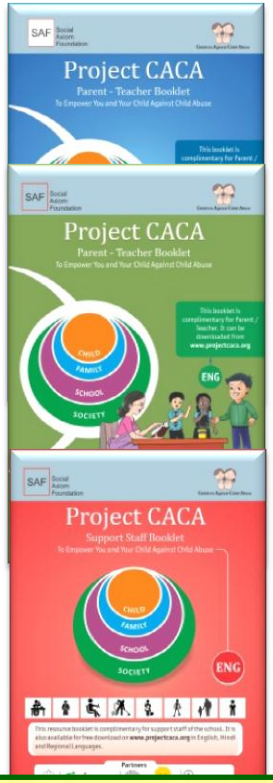

## 2. Teachers Manual

Pink Book

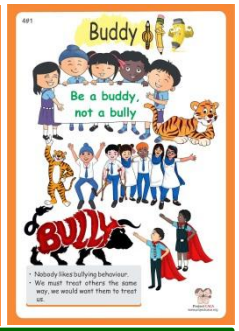



## 3. Blue, Green & Red

Booklets for parents, teachers & support staff in **English / Hindi & Regional Languages**




## 4. Posters & Videos




## OLYMPIAD

**5. Psych-Ed National Psychology Quiz for Schools**

***Resources are embedded as Web-links / QR codes in the workbooks***

***Also available at www.projectcaca.org***

***Upcoming Resources – Children's Worksheets***

## Democratic Processes

- **Surveys**
- **Focus Group Discussions** (IIT Delhi - 2016) Abuse Against Children & Ways to Combat the Issue
- **Convention** (IIT Delhi - 2016) Abuse Against Children & Ways to Combat the Issue
- **Consensus Building Discussions** (2016 onwards)
- **Pilot Programmes** (20 Schools - 2017-18)
- **Peer Reviews**
- **Assessments**

## Committee Members

- **Dr. Amit Sen** (Sr. Child and Adolescence Psychiatrist) – Mental Health
- **Dr. Dinesh Kumar** (HOD Science NCERT) - Academic
- **Dr. Kiran Aggrawal** (Pediatrician, Fr. President IAP – Delhi) - Child Health
- **Smt. Kala Anjan Dutta** (Fr. Director, The American Library, US Embassy, American Center) - Academic
- **Dr. Geeta Chopra** (Prof. DU and Child Rights Activists) - Child Rights
- **Advocate Michelle Mendonca** (Trainer at Judicial Academies) - Legal
- **Various School Counsellors and Special Educators** -

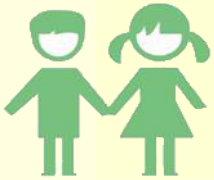
**Academic** - Life Skills + Values + Gender Equality

**Psychological** - Mental Health + Wellbeing

**Legal** - Child Rights + Laws – JJA/POCSO

The school strives towards an ***inclusive*** and ***child-sensitive learning environment***. Effective measures are taken to establish and strengthen prevention and response mechanisms, support services and strategic partnerships with concerned government and non-government organisations. The school continuously builds its capacity and compliance towards a zero-tolerance for *child abuse* and other *safety-related matters like infrastructure, health, hygiene, transportation, personal safety, social and emotional safety, cyber safety, emergency preparedness and disaster management.* Children safety and *child rights* are an inherent part of the school syllabus. All the stakeholders, i.e. children, parents, teachers and non-teaching/support staff, are regularly engaged, sensitised and trained on children safety and various related laws.

# Project CACA Outreach



**Children Empowered 500,000+**

**Families Sensitised 400,000+**

**Teachers/ Support-Staff trained 30,000+**

**School Covered 700+**

**Workshops Conducted 1,000+**

**States/ Districts Reached 25+/200+**

- **Schools Covered (English Medium):**
- **Ownership Type:** Govt./Aided/Pvt.
- **Board Type:** CBSE/ CISCE/ State Boards/ Foreign Boards
- **Religious Minority Type:** Christian/Muslim/Sikh/Jain
- **Group Type:** Samagra Shiksha Abhiyan (Meghalaya Govt.) | Army Public Schools | Air Force Schools | Assam Riffles Public Schools | Akal Academy Group of Institutions | Calorex Schools | MIT Group of Institutions | Pon Vidyashram Schools | Ryan Group of Institutions | SBIOA Schools |Vidya Pratishthan's Schools | Priyadarshani group of schools

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Project CACA
www.projectcaca.org

# PROJECT CACA Children Against Child Abuse

www.projectcaca.org

SAF Social Axiom Foundation

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न्याय सब के लिए
ACCESS TO JUSTICE FOR ALL

CSJ Counsel to Secure Justice

Fortis

edusynergies

# Join project CACA on

## Instagram | Facebook | Twitter

## THANKS


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9910705101
9205488404

implementation@projectcaca.org

# Keeping Children Safe Online

Donita Quadros

Criminologist and Social worker

# World at our Finger Tips

Our world now exists in two categories – the physical/offline world and the digital/online world.

Like we strive to keep children around us safe in a physical world by informing them, helping them, building their skills to deal with the challenges of the outside world, it has become extremely important to do the same to keep children safe in their online space.

This includes not only ensuring things we can do as child care workers, but also to help children and especially adolescents to build their skills of decision making, consent, boundaries etc.

The scariest part – ANYONE CAN BE ANYONE ON THE INTERNET

# Why is online safety of children an alarming concern?

# CRY Study – Feb 2021 – Key Findings

- A study by NCPCR published in July 2021 highlights that among 3400 children attending school, over 49% had social media accounts. Over 30% of the children of 10 years of age had a Facebook account and were active on social media.

10 percent of adolescents reported being victims of hacking of profile/misuse of account, but this decreased sharply with age.

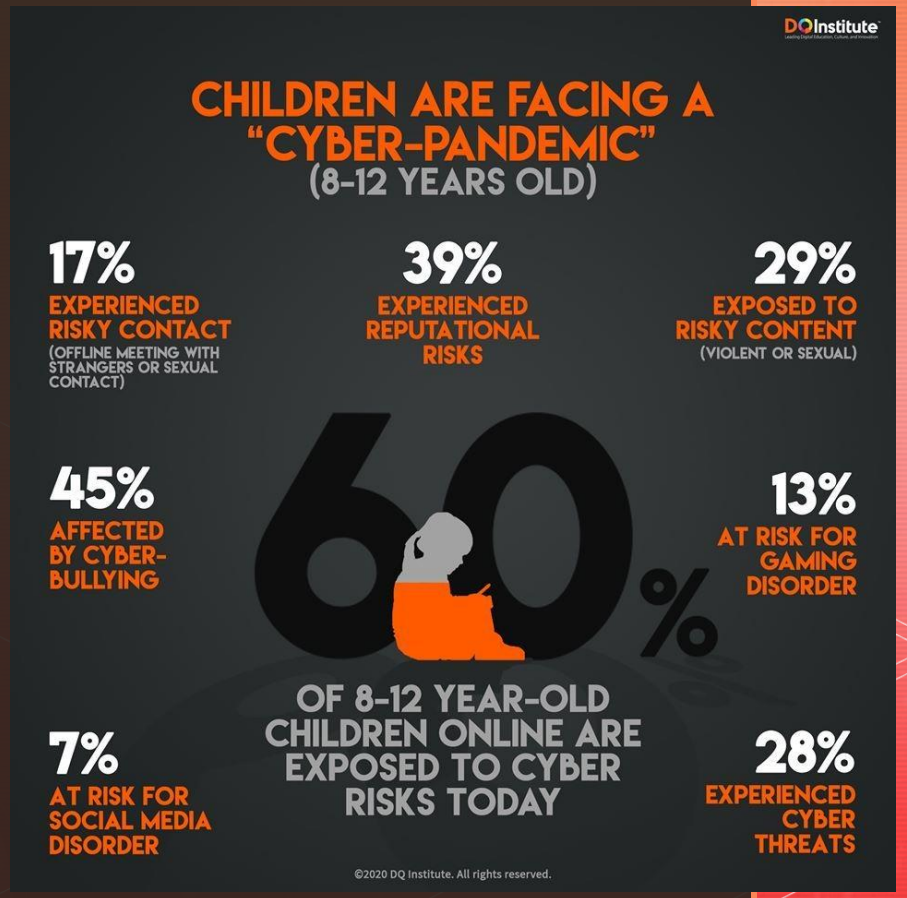
Around 10 percent of the respondents disclosed being subjected to cyber-bullying.

One in three adolescents reported going through negative experiences on the Internet. Around 10 percent of the respondents disclosed being subjected to cyber-bullying.

One in four adolescents also reported seeing a morphed image or video, and only 50 percent of them reported the incident.

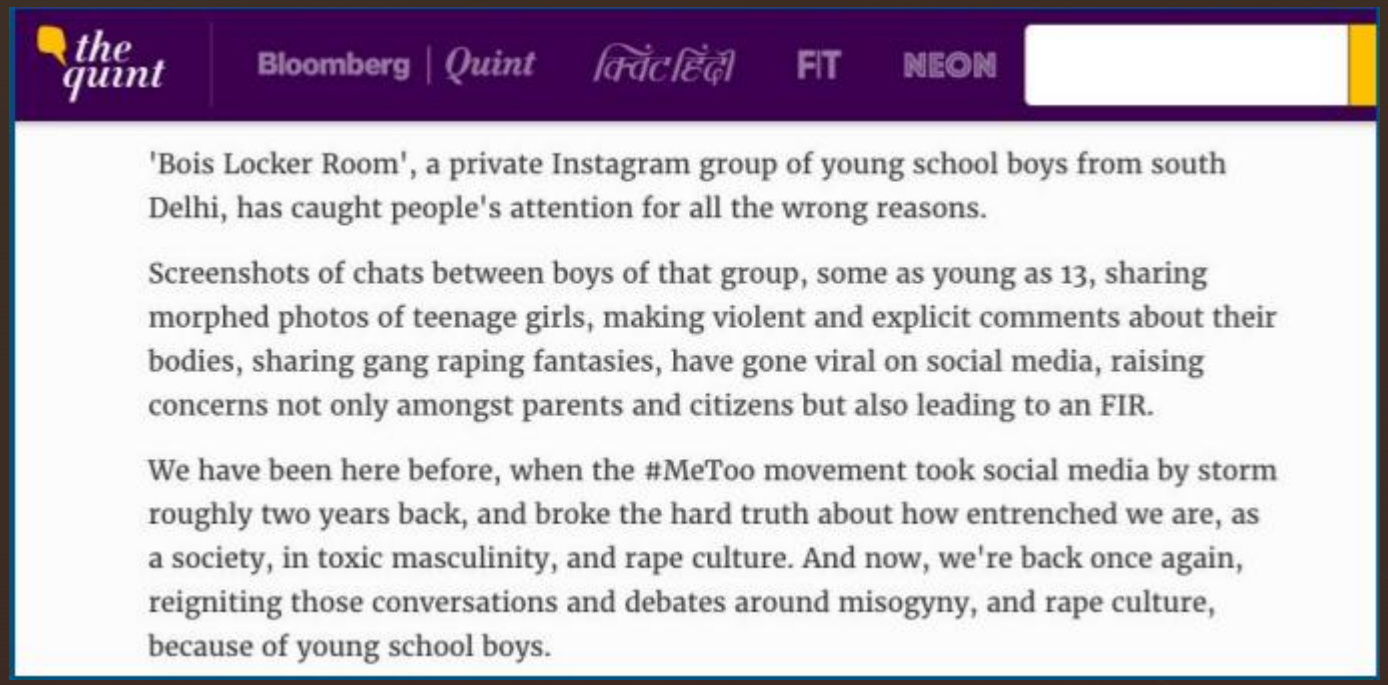
- COVID has increased children's accessibility to various domains of the online world – with very little communication, children have had to adapt to connecting with people online, playing games that may not necessarily be productive or apps for studies that eventually lead them to website that may display inappropriate age content – sexual, violent, abusive.

- Children are also facing a "Cyber Pandemic"



# Let’s rewind a bit to the year 2020…

- Remember the “Bois Locker Room” incident?



the quint | Bloomberg Quint | क्विंट हिंदी | FIT | NEON

'Bois Locker Room', a private Instagram group of young school boys from south Delhi, has caught people's attention for all the wrong reasons.

Screenshots of chats between boys of that group, some as young as 13, sharing morphed photos of teenage girls, making violent and explicit comments about their bodies, sharing gang raping fantasies, have gone viral on social media, raising concerns not only amongst parents and citizens but also leading to an FIR.

We have been here before, when the #MeToo movement took social media by storm roughly two years back, and broke the hard truth about how entrenched we are, as a society, in toxic masculinity, and rape culture. And now, we're back once again, reigniting those conversations and debates around misogyny, and rape culture, because of young school boys.

Why did it happen??

Whose fault was it?

# What are the potential offences that occurred?

IT Act 2000 –

66E- Violation of Privacy

67A- Transmitting sexually explicit material

67B -Transmitting Sexually explicit material depicting a child

JJ Act –
74 - Confidentiality of identities of minors (victims and/or accused) involved in the case

Indian Penal Code

354C – Voyeurism

345D – Stalking

POCSO Act 2012

14 - Using a child for pornography

15 - Possessing child pornography

# Why do such things happen? Let us look at the Adolescent Brain Theory

Child Development – Adolescence as a need to “fit-in”, feelings of love, attraction, Novelty seeking.

Therefore, not only were the victims of the offence the victims, but also led for adolescents coming in conflict with law…

Working with adolescents becomes even more imperative

Let us look at some potential cyber security risks for children…

Cyber Grooming/luring is a threat in which an individual attempts to develop an emotional connection with a child, through online platforms. The individuals practice this through various cyber means like social media, online gaming websites etc. They pretend to be someone the child can trust and the child can befriend to eventually commit an offence against the child.

## In the pandemic, more Indian children are falling victim to online grooming for sexual exploitation

Cyber police and NGOs say there has been a rise in cases of men befriending girls on the internet and sexually abusing them.

Karishma Mehrotra
Sep 18, 2021 · 11:30 am

August 2021

## Traffickers using social media to prey on schoolgirls

*With her school closed for over a year and little to do at home, 15-year-old Shahida started spending more time on social media.*

Published: 14th August 2021 08:33 PM | Last Updated: 14th August 2021 08:34 PM

## Minor Delhi girl lured on social networking app and sold as child bride in MP, accused arrested

*A 16-year-old girl from Delhi was lured by a man on a social networking app and sold as a child bride in Bhind in Madhya Pradesh. The girl has been rescued and the accused has been arrested.*

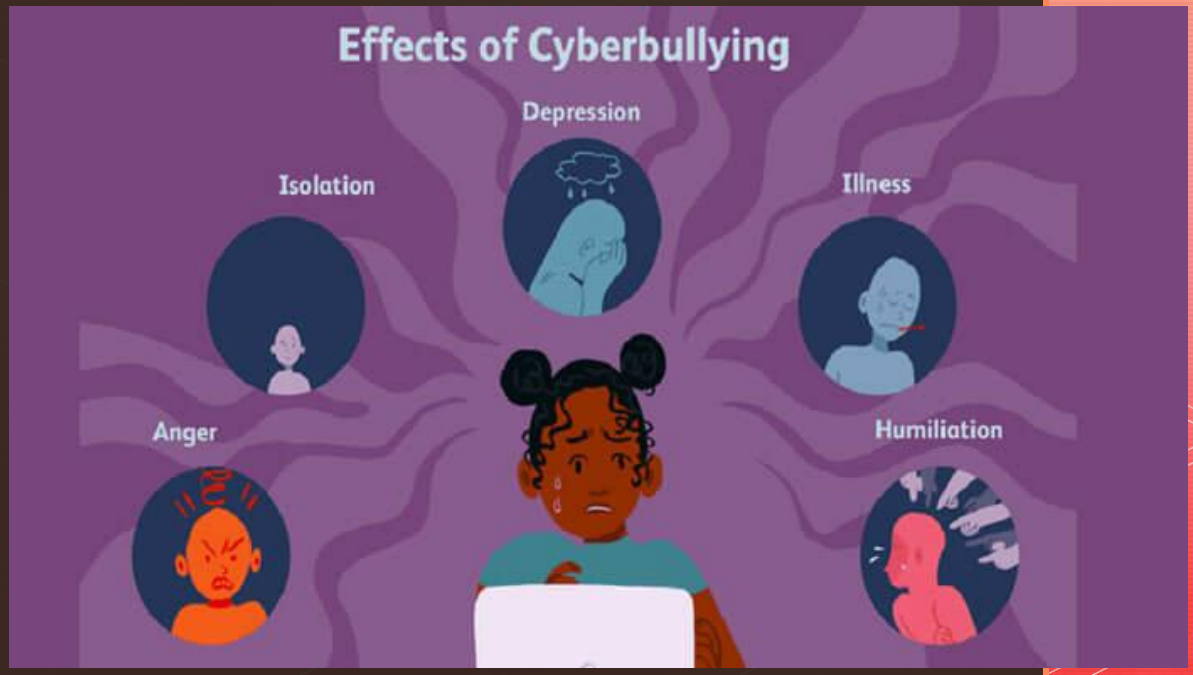
July 2021

Cyber Bullying is an act of any person to harass another child/children by the use of obscene, abusive language. This can be achieved by sending children hurtful content and lead to extreme mental health impacts. Hence, it needs to be identified at the earliest.
Eg: Feud between friends, bullying in the online world…

July 2014

KOLKATA: Cyber bullying has snuffed out yet another young life. A 17-year-old schoolgirl committed suicide on Tuesday night after one of her friends uploaded a morphed picture of her on a social networking site.

Children and young people under 25 who are victims of cyberbullying are more than twice as likely to self-harm and enact suicidal behavior, according to a new study.




What makes it even more difficult?

- The attacker is invisible
- Often called a joke and dismissed
- Starts in small groups, spreads in no time
- It is difficult to stop

Online gaming has become an integral concern and is not just restricted to playing games, it has due to technological advancements and accessibility, become a way for people across places to share their thoughts while playing.
Can lead to on;ine transaction frauds
Similarly, violent games and games that involve connecting to new persons can lead to higher security risks for children

**Lucknow: 8-year-old boy siphons off Rs 35,000 from father's account for online game**

**Class 10 boy runs away from home after threats over online game in TN**

*The boy had recorded a video in his phone asking his parents not to search for him and ran away on Saturday.*

Feb, 2021

**The "Blue Whale challenge" was reported to be an online "suicide game" aimed at teenagers which set 50 tasks over 50 days. The challenge was alleged to be linked to numerous deaths around the world. But little about the "game" was quite as it seemed.**

# Apart from POCSO and the IPC, the IT Act covers sections to protect children from Cyber offences

Section 66E: According to this section, publication or transmission of image of a private area of a person without consent of such person is made punishable, if such images are captured under circumstances violating privacy.

Section 66C: This section deals explicitly with identity theft cybercrimes. This section prescribes punishment for any individual who fraudulently or dishonestly uses personal information like password, e-sign of other people.

Section 66D: This provision imposes punishment on a person who commits cheating by impersonating another.

Section 43A: **CHLDREN'S PERSONAL AND SENSITIVE DATA – Though this provision imposes civil liability in form of 'compensation' it requires individuals and institutions handling personal data and sensitive information of people to take care of such information as against illegal use and exposure. This provision is wide enough to cover personal data and sensitive personal information of children.**

'Legal Toolkit: Child Victims of Cybercrime'. It is the first initiative taken by the NCPCR (a statutory body established under the Commissions for Protection of Child Rights (CPCR) Act, 2005) to address the existing knowledge gap on cybercrimes. The Toolkit demystifies our understanding of cybercrime. It provides simplified definitions of twelve criminal offences including cyber bullying, sexting and online child trafficking amongst others and analyses the applicable legislation.

# What can one do?

[I] FIR with local police or Cyber Crime Police Station: Under Section 154 of Criminal Procedure Code, 1973.

[II] Private Criminal Complaint with Judicial Magistrate: Under Section 200, Criminal Procedure Code, 1973.

[III] Online Cyber Crime Reporting Portal Launched by MEA: www.cybercrime.gov.in is the online reporting portal in which children and women can report cybercrimes against them. Also available commissionerate/city wise

Cyber-crimes related to Child pornography, Sexual abuse, Identity theft are to be reported here.

Note that even anonymous complaints can be filed on this portal.

# How to Ensure Safety?

Three Levels of Interventions

- Awareness, Training and Capacity Building of School Teachers and Counsellors

- Awareness and Workshops for Children in schools

- Education and Awareness for Parents

# Do’s and Don’ts for children

# GUIDELINES FOR CHILDREN: DO'S AND DON'TS

## DOs

Do ask before you click - do not click on any emails from any strangers, pop ups and other unfamiliar links and websites. Ask your parents or any trusted adult about it.

Do create strong passwords and don't share - Do not create weak passwords and periodically change your passwords.

- Ensure that you create strong passwords and don't share it with anyone except your parents.

Do Share Any Suspicious Activity With A Trusted Adult Whenever You See A Suspicious Or An Unusual Activity On The Internet, Let That Be Known To Your Parents Or Any Trusted Adult Before Engaging On It.

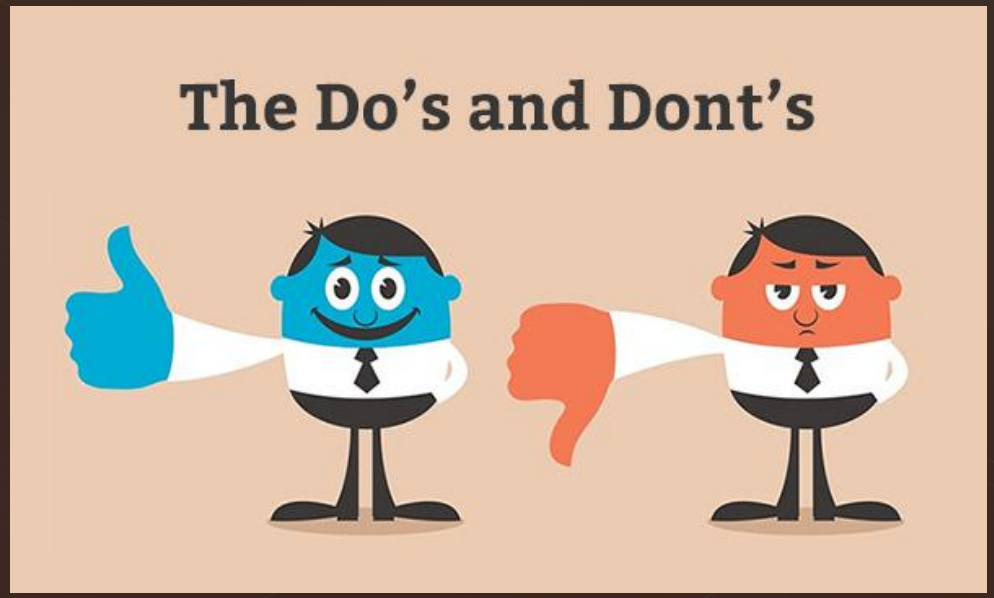
Do Report Instances Of Blackmail And Abuse Instances Of Blackmail, Abuses Occur Frequently On The Internet. It Is Essential To Inform Your Parents Or Any Trusted Adult About The Same. Hiding It And Dealing With It On Your Own Only Aggravates The Situation.

## DON'Ts

Do not share your personal information to any stranger or on any website or other internet links. This personal information can be any detail about you which includes your name, phone number, aadhaar card details, bank details, address, your parent's details, etc.

Do not share your photographs, videos and if any asks for it online, inform it to your parents or any trusted adult.

Do Not Meet Someone You Have Only Met Online Don't Do Get Together With Anyone You Have Only Met Online. Let Your Parents Know About Any Stranger Who Asks You To Meet.



# GUIDELINES FOR TEACHERS & SCHOOLS

(*Source: NLS handbook on e-safety, Bengaluru)*

SENSITIZATION & CAPACITY BUILDING: Sensitize and conduct training courses for teachers on issues relating to cyber safety of children

WORKSHOPS ON CYBER SECURITY FOR CHILDREN AND PARENTS: Schools have the responsibility to educate both children and parents on cyber safety, security. This can be ensured by having workshops for the same.

SUPERVISE AND MONITOR INTERNET ACTIVITIES WITHIN THE SCHOOLS PREMISES: Schools should monitor the internet activity of students in the light of educational objectives, to ensure that there is no prospective cyber threat to all the stakeholders.

INCORPORATE PROTECTION AND DETENTION MEASURES: Schools should ensure that there is an effective firewall and the passwords created are strong enough for protection. Moreover, antivirus and operating systems should be regularly updated.

ALLOW THE STUDENTS TO USE PREDECIDED WEBSITES NECESSARY FOR EDUCATIONAL PURPOSES: Schools should preselect websites that the students can use according to the educational needs. This will ensure that the threat to open dangerous/ inappropriate popups and other unwanted websites is reduced

HAVE AN EFFECTIVE AND ROBUST CYBER SAFETY POLICY: Schools should ensure that there is an effective policy made and followed in terms of cyber safety, security and privacy. Moreover, the policy should be clearly explained to all stakeholders in the school, which include the students, teachers, staff, etc.

# While doing this…

- Remember, Children must have the freedom to access information. It is our duty to ensure safe and responsible access to these materials.
- Therefore, restricting a child should not be an intervention. Rather, ensuring the growth and safety of the child to not only protect them in the space of the physical world but also the online world.

# Questions?

In case you have any more doubts, queries, you may also write to me at:

donita.quadros93@gmail.com