

Module 1: Introduction to Children's Rights and Protection Laws

Session 3.2: Who are children in need of care and protection

Duration: 8:37 min

Other child protection laws and their key features

- The Protection of Children from Sexual Offences Act, 2012
- Protection of Children from Sexual Offences Rules, 2020

Key Features

(1) The Central Government, or as the case may be, the State Government shall prepare 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.

(2) Suitable material and information may be disseminated by the respective Governments in all public places such as panchayat bhavans, community centers, schools and colleges, bus terminals,

railway stations, places of congregation, airports, taxi stands, cinema halls and such other prominent places and also be disseminated in suitable form in virtual spaces such as internet and social media.

(3) Any institution housing children or coming in regular contact with children including schools, creches, sports academies or any other facility for children must ensure a police verification and background check on periodic basis, of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of such Institution coming in contact with the child.

Such Institution shall also ensure that periodic training is organised for sensitising them on child safety and protection.

(5) The respective Governments shall formulate a child protection policy based on the principle of zero-tolerance to violence against children, which shall be adopted by all institutions, organizations, or any other agency working with, or coming in contact with children.

(6) The Government shall provide periodic trainings including orientation programmes, sensitization workshops and refresher courses to all persons coming in contact with the children, to sensitize them about child safety and protection and educate them regarding their responsibility under the Act.

(7) Orientation programme and intensive courses may also be organized for police personnel and forensic experts for building their capacities in their respective roles on a regular basis.

The POCSO rules 2020 also mandate certain entitlements to children who have suffered sexual abuse to receive information and services. These are listed as:

1. To receive a copy of the FIR.
2. To receive adequate security and protection by Police.
3. To receive immediate and free medical examination by civil hospital/PHC etc.
4. To receive Counseling and consultation for mental and psychological well being
5. For Recording of statement of child by woman police officer at child's home or any other place convenient to child
6. To be moved to a Child Care Institution where offence was at home or in a shared household, to the custody of a person whom child reposes faith.
7. For Immediate aid and assistance on the recommendation of CWC.
8. For being kept away from accused at all times, during trial and otherwise.
9. To have an interpreter or translator, where needed.
10. To have special educator for the child or other specialized person where child is disabled.
11. For Free Legal Aid.
12. For Support Person to be appointed by Child Welfare Committee.
13. To continue with education.
14. To privacy and confidentiality.
15. For list of Important Contact No.'s including that of the District Magistrate and the Superintendent of Police

(Note: The form may be converted in local and simple Child friendly language)

The POCSO Act 2012 defines the following offences against children

- Sexual offences against children
 - Penetrative sexual assault

- Aggravated penetrative sexual assault
- Sexual assault
- Aggravated sexual assault
- Sexual harassment
- Using child for pornographic purposes
- Abetment of and attempt to commit offence
- Failure to report or record a case
- False complaint or false information

Punishment

- Stringent punishment for perpetrators ranging from 3 years to life imprisonment including fines based on nature of offence
- Punishment harsher in case of sexual assault on children below 16

Rehabilitation

- Immediate arrangements to be made by SJPU/local police to give child, care and protection such as admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report
- SJPU or the local police are also required to report the matter to the Child Welfare Committee within 24 hours of recording the complaint, for immediate relief and long term rehabilitation
- Special Court to determine the amount of compensation to the abused child for medical treatment and rehabilitation

2. The Child and Adolescent Labour (Prohibition and Regulation Act, 1986, as amended in 2016 by **the Child Labour (Prohibition And Regulation) Amendment Act 2016** to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected with it. The Act was amended in 2016 According to this act,

a. No child under the age of fourteen years shall be employed or permitted to work in any occupation or process except where a child helps his family or family enterprise, which is other than any hazardous occupations or processes, after his school hours or during vacations or where a child works as an artist in an audio-visual entertainment industry

b. No adolescent (a person between 14-18 years) shall be employed or permitted to work in any of the hazardous occupations or processes

c. Whoever employs any child or any adolescent in contravention of the provisions of the Act shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both

d. Whoever, having been convicted of an offence under the Act commits a like offence afterwards, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.

3. The Prohibition of Child Marriage Act, 2006 – An Act to provide for the prohibition of solemnisation of child marriages. In this Act a child means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age.

4. The Immoral Traffic Prevention Act, 1956 - The Act intends to combat trafficking and sexual exploitation for commercial purposes.

5. The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE)– An Act to provide for free and compulsory education to all children of the age of 6 to 14 years.

6. The Commissions For Protection Of Child Rights, Act, 2005 - An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected with it.

Monitoring

NCPCR and SCPCRs are mandated to monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.