

DE JURE NEXUS LAW JOURNAL

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De Jure Nexus
CHILDREN'S RIGHTS – POCSO ACT

The Protection of Children from Sexual Offences (POCSO) Act, 2012. It was a lot in news after the controversial judgment of the Bombay High Court's Justice Pushpa Ganediwala in the child sexual abuse case in 2021.¹

In 2019, the POCSO Act accumulated its interest when the amendment was made to it when the minimum punishment for aggravated as well as penetrative sexual assault on children below

¹ The Bombay High Court had stated that – “holding a minor child's hand and the act of unzipping pants in front of the child will not come under ‘sexual assault’ as defined by the POCSO Act, 2012.”

The case was highly in news because Justice Pushpa Ganediwala was the same judge who had given the controversial judgment in a case involving sexual assault with a minor. In that case, Justice Pushpa had said that – “there must be a ‘skin-to-skin contact’ with a sexual intent and mere groping is not sufficient under Section 7 of the POCSO Act.” On 27th January, 2021 the Hon'ble Supreme Court amidst widespread public outcry over it.

Section 9 of the POCSO Act states that when sexual assault is committed against a minor younger than 12 year, then it becomes an ‘aggravated sexual assault’ and is punishable. The complainant was the mother of the young girl and based on the complaint the sessions court on 15th January, 2021 stated that the case was of ‘aggravated sexual assault’ and had held the accused convict under Section 354 (A) [Sexual harassment] and Section 448 [Punishment for house trespass] of the IPC and Section 8 [Punishment for sexual assault], Section 10 [Punishment for aggravated sexual assault] and Section 12 [Punishment for sexual harassment] of the POCSO Act. Also he had been sentenced with 5 years of rigorous imprisonment and fine of Rs. 25,000 with a default imprisonment for 6 months.

16 years was increased from 10 years to 20 years, which could also be extended to life imprisonment or death.

Importance of the POCSO Act:

The POCSO Act was enacted in 2012. It was introduced by the Ministry of Women and Child Development and is gender neutral, i.e., it recognizes that not only girls, but boys also can be the victims of sexual offences. The definition of child according to the POCSO Act is someone who is below the age of 18 years.

What makes POCSO Act different from the IPC² is that, that IPC does not recognizes that a boy can be a victim of sexual assault.

The POCSO Act has also increased the scope of reporting sexual crimes against children, under Section 19 of the Act, it is mandatory to report sexual crimes against children. It has expanded the definition for sexual assault to include non-penetrative sexual assault as well as aggravated penetrative sexual assault (Section 3 to 10) and has also included severe punishments for persons in positions of trust of authority like – public servants, staff of educational institutions, police, etc.

The POCSO Act recognizes sexual harassment of a child which involves touch and non-touch acts like – stalking, making a child expose themselves or exposing a child to them or exposing them to another child, etc. (Section 110 and 12). This Act has laid down harsh punishments for exposing children to or for using them to create CSAM³ (also known as child pornography) under Section 13, 14 and 15.

The most unique part about this act is that it puts the burden of proof on the accused, following the motto “guilty until proven innocent.”⁴

Before 2012 Legislation was passed:

² IPC - Indian Penal Code

³ CSAM - Child Sexual Abuse Material

⁴ IPC follows the motto “innocent until proven guilty”

Only the Goa Children's Act, 2003 was a specific piece of child abuse legislation before the 2012 Act was passed. The prosecution was under the following the sections of IPC:

- IPC Section 375 – Rape
- IPC Section 354 – Outraging the modesty of a woman
- IPC Section 377 – Unnatural offences

But these laws were not enough to protect the child due to the various loopholes in the law, like:

- IPC Section 375 protects only the girl victim and not the boy victim, who were abused in the sexual acts of penetration other than 'traditional' penile-vaginal intercourse.
- IPC Section 354 lacks the definition of 'modesty'. The penalty is very low and it is a compoundable offence and also it does not protects the modesty of the male child.
- Under IPC Section 377 the term unnatural offences is not defined, because it applies to victims penetrated by their attacker's sex act and is not designed to criminalize sexual abuse of children.

The POCSO Act:

1) Offences under the Act:

The forms of penetration other than penile-vaginal penetration is recognized and also criminalized acts of immodesty against children, the following offences are also included under the act:

- a) Penetrative Sexual Assault: Insertion of penis or any object or another body part in child's vagina or urethra or anus or mouth or asking the child to do so with them or with someone else.
- b) Sexual Assault: When a person touches a child or makes the child touch them or makes them touch someone else.
- c) Sexual Harassment: Passing sexually colored remark, sexual gesture or noise, repeatedly.
- d) Child pornography.
- e) Aggravated penetrative sexual assault or aggravated sexual assault.

This act is gender-neutral, because it does not recognize only girls as victims but it also recognizes boys as victims and it also does not distinguish between man and woman while punishing the accused. Watching or collecting pornographic content involving children is also criminalized under this Act.

2) Procedures are Child Friendly:

The POCSO Act is set-up with the procedures that make the judicial system child friendly and prevents the re-traumatization of the child, which includes things like – the way in which the statement of the child should be recorded, medical examination of the child, establishment of the child friendly courts, etc.

According to the provisions of the POCSO Act, a child is provided with the following:

- Getting the statement recorded at their residence or at a place of their choice; preferably with a woman official or an official not below the sub-inspector rank and that too in civilian clothes.
- It is the duty of the police official to ensure that during the investigation the child should not come in contact with the accused.
- The child is not allowed to be detained at the police station in night and his/her identity should be protected from public and media unless otherwise directed by the Court.
- If, a girl is the victim, then her medical examination should be done only by a woman doctor and in presence of a parent or in presence of someone whom the child trusts. If, neither of them is available then the medical examination should be done in presence of a woman who is nominated by the head of the medical institution.

The POCSO Act makes the procedure child friendly and for the same there are provisions like – allowing a family member, a guardian, a friend or a relative, whom the child trusts or has confidence, to be present in the court; frequently allowing breaks for the child during the trial; ensuring that the child does not have to face the accused while the cross examination and also during the collection of the evidence.

Based on the preference of the Special Court and comfort of the child, the proceedings of the trial can happen in-camera, i.e., no one except those people related to the case are to be in the court and in the presence of the child's parents or any adult whom the child trusts.

There are provisions under which if required in the case the court can take help from NGOs,⁵ social workers, experts like – psychologists, interpreters, etc. in the pre-trial and trial stages of the case; also there are guidelines for interviewing the survivor which includes special needs for the children and also children with disabilities.

3) Child Welfare Committee (CWC):

Under the Juvenile Justice (Care and Protection of Children) Act, 2015 a sexually abused child is considered as a child in need of care and protection. The CWC should be informed within 24 hours by the Police officers about the case after the crime is reported to them. Crimes can be reported through toll free number 1098. If the CWC feels the need then they can appoint a person for the child who would be responsible for the psycho-social condition of the child, would support the family of the child in dealing with the police and informing the child and child's family about the status of the case, etc.

4) Contention around implementation of POCSO Act:

- **Who is a child?**

According to the Act, a child is any person who is under the age of 18 years.

- **Reporting of the crime is compulsory**

Under this Act, reporting of every crime of child sexual abuse is mandatory. If any person who has any information about any abuse and fails to report, then they may face imprisonment up to 6 months or may be fined or even both.

- **Legal Aid**

A victim can access legal aid under Section 40 of this Act.

- **Consent**

According to the Indian law, every sexual act with child who is under the age of 18 years is considered as an offence. So, if teenagers are engaged in consensual sexual act, then they are also to be punished.

⁵ NGOs – Non-Governmental Organizations

When is the POCSO Act used?

After an assault is committed against a child the sections of the POCSO Act as well as the sections of the IPC are lodged in an FIR⁶.

For example, if a rape is committed against a child then the accused is charged with Section 375 of IPC for rape as well as the relevant sections of the POCSO Act.

It is also important to keep in mind that, POCSO is not just applicable for physical sexual crimes, but is also applicable for crimes that are committed over the internet, like – CSAM, using children for picturing CSAM, exposing children to pornography and in such cases the sections of POCSO are to be used along with the sections of IPC.

Salient features of the POCSO Act and its Amendment: ⁷

- 1) The Act is gender neutral.
- 2) Under this Act a child is anyone who is below the age of 18 years.
- 3) It defines different forms of sexual abuse, including penetrative and non-penetrative assaults, harassment and pornography.
- 4) It punishes the accused severely if the person is in a position of trust, i.e., a family member, police officer, teacher, doctor, etc.
- 5) The Act punishes the people who traffics children for sexual purposes with rigorous imprisonment for life and fine.
- 6) It is mandatory to report the cases of sexual offences and if any false complaint is made against a person to defame him/her, then the complainant shall be punishable.
- 7) Child Pornography is defined as any visual depiction of sexually explicit conduct.
- 8) A policeman is assigned with the role of child protector during the investigation process to avoid re-victimization of child by the hands of the judicial system.
- 9) The investigation process are child-friendly and the case is to be disposed within 1 year from the date of reporting of the offence.
- 10) Special Courts are established by the Act.

⁶ FIR – First Information Report

⁷ <https://vikaspedia.in/education/policies-and-schemes/protection-of-children-from-sexual-offences-act>

- 11) Section 45 of the Act gives the power to make rules that lies with the central government.
- 12) To monitor the implementation of the Act, 2 statutory bodies have been designated, namely the NCPCR⁸ and the SCPCRs.⁹
- 13) Section 42 (A) of the Act states that in case of inconsistency with the provisions of any other law, the POCSO Act shall override such provisions.
- 14) Online complaint management system (e-box) was launched in New Delhi by the Union Ministry of Women and Child Development for easy reporting of sexual offences.

Few Punishments for Offences under the Act:¹⁰

- 1) Penetrative Sexual Assault (Section 3) – Not less than 10 years which may extend to imprisonment for life and fine. Whoever commits penetrative sexual assault on a child below the age of 18 years shall be punished with imprisonment for life and also with fine. (Punishment under Section 4).
- 2) Aggravated Penetrative Sexual Assault (Section 5) – Not less than 20 years which may extend to imprisonment for life and fine. (Punishment under Section 6).
- 3) Sexual Assault (Section 7), i.e., sexual contact without penetrative - Not less than 3 years which may extend to 5 years and fine (Punishment under Section 8).
- 4) Aggravated Sexual Assault (Section 9) by a person in authority – Not less than 5 years which may extend to 7 years and fine (Punishment under Section 10).
- 5) Sexual Harassment (Section 11) – 3 years and fine (Punishment under Section 12).
- 6) Use of Child for Pornographic Purposes (Section 13) – Not less than 5 years and fine and in the event of subsequent conviction, 7 years and fine (Punishment under Section 14.)
- 7) Any person who stores or possesses pornographic material in any form involving a child:
 - a) But fails to delete or destroys or report the same to the respective authorities. It may be prescribed with an intention to share or transmit child pornography – Fine not less than Rs. 5,000 and in the 2nd subsequent offence fine not less than Rs. 10,000.

⁸ NCPCR - National Commission for the Protection of Child Rights

⁹ SCPCRs - State Commissions for the Protection of Child Rights

¹⁰ <https://www.latestlaws.com/bare-acts/central-acts-rules/children-laws/protection-children-sexual-offences-act2012/>

- b) For transmitting or propagating or displaying or distributing in any time except for the purpose of reporting, as may be prescribed or for used as evidence in court shall be punished with imprisonment for either description up to 3 years of imprisonment or with fine or with both.
- c) For commercial purpose shall be punished for not less than 3 years of imprisonment which may extend up to 5 years or with fine or with both. On 2nd subsequent offence the punishment should not be less than 5 years and up to 7 years and also with fine.

General Rights for the child by the POCSO Act:

These principles are to be followed by everyone, including the State Governments, the Child Welfare Committee. They are as follows:

- 1) Right to life and survival.
- 2) Best interests of the child – Harmonious development of the child must be the primary concern.
- 3) Right to be treated with dignity and compassion.
- 4) Right to be protected from discrimination.
- 5) Right to special preventive measures.
- 6) Right to be informed.
- 7) Right to be heard and to express views and concerns.
- 8) Right to effective assistance.
- 9) Right to privacy.
- 10) Right to be protected from hardship during the justice process.
- 11) Right to safety.
- 12) Right to compensation.

Landmark Cases:

- 1) **Ghanashyam Misra v/s The State, 1956:** ¹¹

¹¹ <https://indiankanoon.org/doc/747610/>

In 1956, the Orissa High Court, recognized that the offence committed by a person in a position of trust or authority of the child. Ghanshyam Misra, was a school teacher who raped a 10 year old girl in the school premises.

Court's Judgment:

“The circumstances are all of an aggravating nature. The victim was a 10 year old girl and the culprit was an adult of 39 years. He took the advantage of his position by inducing her to come inside the classroom and had committed such a heinous crime, the consequences of which might completely ruin the future life of the girl.” The court not only sentenced 7 years of imprisonment, but also ordered the accused to pay a compensation to the father and the child.

2) Gurcharan Singh v/s The State of Haryana, 1972: ¹²

A girl of less than the age of 16 years was taken forcibly by the accused to his fields, which was outside the village where he committed rape with her.

Court's Judgment:

“The court ruled out that the mere absence of marks of violence on the victim's body is immaterial because she was under the age of 16 years. The court also ruled out that the victim cannot be considered as an accomplice to the act.”

LAW JOURNAL

3) Mathura Rape Case (Tuka Ram & Anr. v/s The State of Maharashtra), 1978: ¹³

The Mathura rape case was an incident of custodial rape in India on 26th March, 1972. In Mathura, a minor tribal girl was allegedly raped by two policemen in the compound of Desai Ganj Police Station in a district of Maharashtra.

Court's Judgment:

“There was amendment in the Indian rape law via the Criminal Law (Second Amendment) Act, 1983 (No.46), because there was public outcry and protests after the Supreme Court had acquitted the accused.”

¹² <https://indiankanoon.org/doc/1880087/>

¹³ <https://indiankanoon.org/doc/1092711/>

4) Gorakh Daji Ghadge v/s The State of Maharashtra, 1980: ¹⁴

In this case, the father was accused of raping his 13 year old daughter at home.

Court's Judgment:

'It was prescribed that the seminal emission is not necessary to determine rape. It also prescribed that the punishment should be rigid because it was a relation of father and daughter.'

The judgment reads: "Crimes in which women are victims need to be severely dealt with and in extreme cases such as this where the accused, who is the father of the victim girl has thought it fit to deflower his own daughter of tender years to gratify his lust, then only a deterrent sentence can meet the ends of justice."

5) Harpal Singh & Anr. v/s The State of Himachal Pradesh, 1980: ¹⁵

"The Hon'ble Supreme Court disregarded the delay in filing the FIR. The court mentioned that it is common since the honor of the family is involved and family members need some time to decide whether the matter should be taken to the court or not. The court also highlighted that since it was proved that the girl was below the age of 16 years so her consent in sexual activity was completely irrelevant and hence the court ruled that delay in reporting of the case will not affect the case if a reasonable explanation can be given."

6) State v/s Freddy Peats and Ors., 1980-1991: ¹⁶

Freddy Peats ran an orphanage named 'Gurukul Orphanage', in Goa where 27 shelter boys were subject to various perverse sexual activities. Peats himself sometimes used to abuse them and sometimes also send the boys with other foreigners for sex. He would also inject their testicles with steroids and used to photograph them in obscene ways. This matter was finally highlighted in 1991 and the trial was conducted in camera for the sake of victim boy's anonymity and dignity. It was proved by the prosecution that Peats had kept the boys in wrongful confinement and had committed unnatural offences with them. The prosecution also received money in lieu of allowing others to abuse the boys.

¹⁴ <https://indiankanoon.org/doc/350767/>

¹⁵ <https://indiankanoon.org/doc/481711/>

¹⁶ <https://www.casemine.com/judgement/in/5b684a714a932645d86edcc9>

The Judgment was delivered by the additional Sessions judge in 1996 and the same was upheld by the Bombay Court, Goa Bench in 2000, which stated that:

“After having personally heard the victim boys in the court and after accessing the merits backing the testimony which was overwhelming on record with absolute corroboration almost verbatim inter se and almost illustrated in each one of those photographs coupled with various admissions.”

7) Bharwada Bhoginbhai Hirjibhai v/s The State of Gujarat, 1983:¹⁷

The accused was a middle age man, who had confined 2 of his daughter's friends who were around 10 years old. They had come to his house to meet their friend (the daughter) and the man had raped them.

Court's Judgment:

“The trial court convicted the man for raping, outraging the modesty and wrongful confinement. The High Court upheld the conviction by reducing the charge from rape to attempt to rape. The Supreme Court upheld the judgment of the trial court on the ground that the minor discrepancies in the evidence were not relevant and the court also stated that corroboration for conviction in rape cases is not necessary. This judgment was relied on in later judgments to secure conviction when there were no other eye-witnesses to support evidence given by the victim.”

8) Sheela Barse & Ors. v/s UOI & Ors., 1986:¹⁸

Ms. Sheela Barse was a social worker who took up the cases of children below the age of 16 years illegally detained in jails. The court declared “The Right to Speedy Trial is a Fundamental Right implicit under Article 21 of the Indian Constitution.”

9) Imratlal v/s The State of Madhya Pradesh, 1986:¹⁹

¹⁷ <https://indiankanoon.org/doc/207774/>

¹⁸ <https://indiankanoon.org/doc/595461/>

¹⁹ <https://indiankanoon.org/doc/627861/>

The High Court of Madhya Pradesh stated that:

“The conviction of the accused can be solely based on the evidence of the victim, if her evidence is worthy of acceptance. The judgment ordered that for proving the offence of rape, it is not necessary that the accused’s semen must be discharged inside the vagina of the victim. The rule corroboration is not the rule of law, but rather it is the rule of prudence. The judgment also states that when an offence of rape is proved based on the girl’s age, then the sentence of imprisonment should be more severe.”

10) State of Haryana v/s Prem Chand & Ors., 1989: ²⁰

For rape cases, the court ruled that “the character or reputation of the victim has no bearing or relevance either in the matter of adjudging the guilt of the accused or while imposing punishment.”

11) Delhi Domestic Working Women’s Forum v/s UOI & Ors., 1989: ²¹

6 young domestic workers were travelling via train from Ranchi to Delhi. They were brutally harassed, assaulted and raped by the army personnel. The victims faced many obstacles in seeking justice from the court. The judgment set forth several guidelines which were to be followed while dealing with the cases of sexual offences with children, which are as follows:

- a) Complaints of sexual assault cases should be provided with adequate legal representation.
- b) Legal assistance will have to be provided at the police station.
- c) The police should be under the duty to inform the victim of her ‘Right to representation before any questions were asked of her.’
- d) A list of Advocates willing to act in the case should be kept at the police station for victims.
- e) Advocate shall be appointed by the court, upon application by the police at the earliest convenience.
- f) In all rape trials the victim’s anonymity must be maintained, as far as necessary.
- g) Rape victims need to be given adequate and fair financial compensation.

²⁰ <https://indiankanoon.org/doc/476694/>

²¹ <https://indiankanoon.org/doc/1765970/>

- h) Compensation for victims shall be awarded by the court whether or not a conviction has taken place.

12) Mohini Jain and Unnikrishnan v/s State of Andhra Pradesh, 1993²²

This was one of the landmark cases in India for implementing the ‘Right of Children to Free and Compulsory Education, between the ages of 6 to 14 years under Article 21 (a) of the Indian Constitution.’

After this Act was implemented in August, 2010, India became one of the 135 countries²³ to make education a fundamental right of every child.

13) State of Punjab v/s Gurmit Singh & Ors., 1996²⁴

The Supreme Court in this case was highly critical of the acquittal of persons accused for gang-raping a 16 year old girl. The trial court had referred the young girl as a person of loose character who had created a story of rape to justify spending a night out at home. It had refused to rely on her statement, but the Supreme Court observed that the appreciation of evidence by the trial court was ‘not only unreasonably but perverse.’

Court’s Judgment:

“The testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, such cases amounts to adding insult to injury.”

²² <https://www.escri-net.org/caselaw/2006/unni-krishnan-jp-ors-v-state-andhra-pradesh-ors-cited-1993-air-217-1993-scr-1-594-1993#:~:text=The%20Court%20in%20Unni%20Krishnan,is%20guaranteed%20by%20the%20Constitution.>

²³ <http://righttoeducation.in/know-your-rte/about>

²⁴ <https://indiankanoon.org/doc/1046545/>

14) Sudesh Jhaku v/s K.C.J. & Ors, Delhi, 1996 ²⁵

This was a cheap thinking and a shocking case of a father who was a high ranking bureaucrat in the Ministry of Home Affairs. His 7 year old daughter was in a series of sexualized games and the father himself and other adults forced the justice system into a series of deliberations on various aspects of sexual abuse and assault. Hence, there was a need to elaborate and expand the meaning of 'rape,' 'penetration' and 'sentence a higher punishment to sexual offenders who hold a 'position of trust and authority.' The court also sentenced of several child friendly procedures like asking simple questions to the child and giving breaks in between the trial. It also highlighted how the presence of a screen cannot just retain silence of the child and make him/her uncomfortable.

15) State of Karnataka v/s Manjanna, 2000 ²⁶

Hosdurga Hospital refused the medical examination of a 15 year old victim girl, as she was not referred by the police. In the judgment, the Court had put disapproval of such conduct by the Government Hospitals particularly in rural areas where the hospital are few and far between citing the loss of evidence on account of the delay in conducting the medical examination. The judgment also stated that if there is a doubt in the age of the victim, then it should be considered in favor of the victim.

16) Sakshi v/s UOI, 2004 ²⁷

The Sakshi NGO had filed a writ petition in Public Interest to broaden the definition of rape where the child is abused by insertion of objects into the vagina or insertion of the male organ into the body parts of such as anus or mouth. The Supreme Court rejected the plea and dismissed the PIL ²⁸ (but it issued valuable guidelines for trial of rape and sexual abuse.) These are known as the Sakshi guidelines and they are as follows:

²⁵ <https://indiankanoon.org/doc/1525708/>

²⁶ <https://indiankanoon.org/doc/1214266/>

²⁷ <https://indiankanoon.org/doc/1103956/>

²⁸ PIL - Public Interest Litigation

- a) A screen or an arrangement where victim or witness do not see the body or face of the accused.
- b) Questions put in cross examination on behalf of the accused, if they relate directly to the incident, must be given in writing to the Presiding Officer of the court who may put them to the victim/witnessed in a language that is clear and not embarrassing.
- c) Victims of child abuse or rape should be allowed sufficient breaks as and when required during the testimony.

17) Anchorage Case (Allan John Waters v/s The State of Maharashtra, 2008 & Childline India Foundation & Anr. v/s Alan John Waters & Ors. 2011) ²⁹

In 2001, in Mumbai a case of child sexual abuse racket was exposed in which the British Nationals and former officers of the Navy, Allan Waters and Duncan Grant had started an orphanage by the name of 'Anchorage Home,' which was a center of sex tourism for many foreign nationals.

In March 2006, a Mumbai Sessions court sentenced Grant and Waters to 6 years of imprisonment on the charge of sodomy and sexually abusing 5 minor boys.

In 2011, the Supreme Court restored the conviction and the sentence, Grant and Waters had completed their sentence and had returned to the UK where they have been put on the Sex Offenders Register.

18) Bachpan Bachao Andolan v/s UOI, 2006 ³⁰

Bachpan Bachao Andolan was a NGO in India, who had submitted a petition in the Hon'ble Supreme Court of India for Children's rights to take actions against children involved in child labor, forced labor, human trafficking, sexual abuse, child performances in India's travelling circuses, etc.

As children were trafficked from their homes from Nepal and were exploited as child labor in circuses and were tortured mentally, physically and sexually.

²⁹ <https://indiankanoon.org/doc/1052165/>

³⁰ <https://indiankanoon.org/doc/1849142/>

This case was a landmark victory for child rights in India, because parents used to sell their children at a very young age for work.

Court's Judgment:

“The Supreme Court gave an order to prohibit the employment of children in circuses, raid circuses to free children and establish rehabilitation schemes for the victims to prohibit child labor and regulate child's right to education.”

Steps opted by different authorities to ensure safety of the Children:

- The staff and management authorities are made aware about the POCSO Act and also to protect the children from abuse.
- Sessions are conducted to induce gender-sensitization.
- Girls are trained in self-defense.
- Police verification and psychometric evaluation is done for the entire staff and also for the non-teaching staff like – bus drivers, conductors, sweepers, etc.
- CCTV camera are installed in the school campus.
- Not allowing outside visitors in the campus.

Conclusion:

In India, laws for Child Sexual Abuse have been enacted for the protection of the children. The Indian Parliament had passed the ‘Protection of Children against Sexual Offences Bill, 2011’ regarding child sexual abuse on 22nd May, 2012 as an Act.³¹

According to the data from 2011 Census, India has the biggest population of children in the world who are under the age of 18 years, which is near about 472 million.³²

According to Article 21 of the Indian Constitution Protection of Children by the state is guaranteed to its citizens. Also, the UN Convention on the Rights of the Child India's status is as a signatory for the Protection of Children.

³¹

https://en.wikipedia.org/wiki/Child_sexual_abuse_laws_in_India#:~:text=The%20Parliament%20of%20India%20passed,May%202012%20into%20an%20Act.

³² https://censusindia.gov.in/Census_And_You/age_structure_and_marital_status.aspx