



Offences relating to children with reference to Posco act 2012- A study

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Abstract

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a landmark legislation that aims to protect children from sexual abuse, harassment and exploitation in India. The Act defines various forms of sexual offences against children and provides for stringent punishments for the perpetrators. The Act also lays down the procedures for reporting, investigation, trial and rehabilitation of the victims. This paper examines the salient features of the POCSO Act, 2012 and its implementation in India. It also analyses the challenges and limitations of the Act and suggests some measures to improve its effectiveness and efficiency. The paper concludes that the POCSO Act, 2012 is a progressive and comprehensive law that needs to be enforced with more awareness, sensitivity and coordination among various stakeholders.

Keywords: POCSO act, 2012, child sexual abuse, sexual offences, legal framework, implementation challenges

Introduction

Child rights in India are the entitlements and freedoms that should be given to all persons below the age of 18, regardless of their race, color, gender, language, religion, opinions, origins, wealth, birth status or ability. Child rights are based on the Constitution of India, which guarantees the fundamental rights of all citizens, including children. The Constitution also provides for special provisions for the welfare and development of children under various articles. Moreover, India is a signatory to various international conventions and treaties on children's rights, such as the United Nations Convention on the Rights of the Child (UNCRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Worst Forms of Child Labour (C182), etc.

Child rights in India are also enshrined in four main laws that address the protection and justice for children: The Juvenile Justice (Care and Protection) Act (2000, amended in 2015); The Prohibition of Child Marriage Act (2006); The Protection of Children from Sexual Offences Act (2012), and The Child Labour (Prohibition and Regulation) Act (1986, amended in 2016). These laws define various types of offences against children and prescribe stringent punishments for the offenders. They also provide for the establishment of special courts, committees and authorities to deal with the cases under these laws in a speedy and child-friendly manner.

Child rights in India cover various aspects of children's lives, such as survival, development, education, health, nutrition, water, sanitation, hygiene, immunization, protection from violence, abuse and exploitation, participation and empowerment. These rights help children develop a unique, strong and beautiful identity and achieve their optimal potential. However, child rights in India are not fully realized for millions of children who face various forms of deprivation, discrimination and violation. Some of the challenges that hinder the realization of child rights in India are poverty, illiteracy, substance abuse, domestic violence, cultural norms, gender discrimination or mental illness. These factors create a conducive environment for the

perpetrators to exploit and abuse children with impunity. The victims of crimes against children often suffer from physical injuries, psychological trauma, stigma, shame, guilt, fear, isolation, loss of trust, etc. They also face difficulties in accessing justice and rehabilitation services due to various barriers such as lack of evidence, witnesses, legal aid, support systems, etc.

Therefore, there is an urgent need to address the issue of child rights in India from a holistic perspective. This requires the collective efforts of all stakeholders such as the government, civil society organizations, media professionals, parents, teachers, health workers and children themselves. It also requires raising awareness and sensitization of the public on the issue of child rights in India and their prevention and reporting mechanisms. It also requires strengthening the enforcement and implementation of the existing laws and policies on child rights in India by ensuring adequate resources, training, coordination and monitoring. It also requires improving the access and quality of services for children such as legal aid, counselling, medical care, education and vocational training. It also requires promoting the participation and empowerment of children in matters affecting them by creating child-friendly spaces, platforms and mechanisms where they can express their views and opinions.

It also requires fostering a culture of respect and protection for children's rights and dignity by challenging the negative attitudes and practices that perpetuate violations against children in India.

The offences where children are victims are particularly mentioned in the Indian Penal Code as well as the different protective, preventative, and municipal regulations. The definition of a child's age varies depending on the relevant Acts, however under the Juvenile Justice (Care and Protection of Children) Act, 2000 Amended, a child is considered to be anybody under the age of 18. All kids are thought to be at danger for being exploited, abused, violent, and neglected because of their age. But age is not the only factor that determines susceptibility. Although age is a factor, the child's capacity for self-defense is also used to determine vulnerability. The issue that emerges is whether

or not kids can defend themselves. Can youngsters meet their fundamental requirements, protect themselves from harm, or even foresee when a threat could arise? These issues necessitate a revision of the notion of self-defense. A youngster is vulnerable because of a variety of things that make it difficult for them to develop appropriately. Therefore, self-protection is more about a kid's capacity to live a healthy life while under the care of a child protection system; a child's capacity to defend themselves. But vulnerability of children is further compounded by the following factors:

1. The Integrated Child Protection Scheme (ICPS) like the Juvenile Justice Act, 2000 defines vulnerability in two categories: children in need of care and protection and children in conflict with law.
2. Children in need of care and protection is defined as a child who:

Children in conflict with law are juveniles who have allegedly committed a crime under the Indian Penal Code. The ICPS also recognises a third category of children; Child in contact with law. These children are victims of or witnesses to crimes. ICPS lastly outlines that vulnerable children groups also include but are not limited to the following: "children of potentially vulnerable families and families at risk, children of socially excluded groups like migrant families, families living in extreme poverty, scheduled castes, scheduled tribes and other backward classes, families subjected to or affected by discrimination, minorities, children infected and/or affected by HIV/AIDS, orphans, child drug abusers, children of substance abusers, child beggars, trafficked or sexually exploited children, children of prisoners, and street and working children."

Children who experience abuse, exploitation, or neglect are considered vulnerable children by UNICEF. Responding to the needs of children in vulnerable groups is what leads to child protection. The following groups are described as vulnerable by UNICEF: Children who experience violence, children who are involved in armed conflict, children who are connected to armed groups, children who are HIV-positive or AIDS-positive, children who don't have their births registered, children who work or get married, children who are in trouble with the law, children who don't have parental care, children who are used for commercial sexual exploitation, etc. Female children who have had their genitalia cut or mutilated, and children who have been trafficked.

Additionally, it is important to keep in mind that the offences examined in this chapter are not all of the infractions that are recorded in the nation. They are a part of the IPC/SLL instances that have previously been covered in other pertinent chapters. The incidents discussed in this chapter were selected from a variety of documented crimes that occurred across the nation and involved children as the victims.

The list of offences under the two broadly categorized offences under the IPC and the Special and Local Acts:

1. Crime against Children under Indian Penal Code
2. Crime against Children under Special and Local Laws
 - Prohibition of Child Marriage Act, 2006
 - Transplantation of Human Organs Act, 1994 (for persons below 18 years of age)
 - Child labour (Prohibition & Regulation) Act, 1986

- Immoral Traffic (Prevention) Act, 1956
- v) Juvenile Justice (Care & Protection of Children) Act, 2000
- Protection of Children from Sexual Offences Act, 2012

The IPC also has some offences that relate to children. According to sections 82 and 83 of the IPC, a child below seven years old is not liable for any crime they commit. A child between seven and twelve years old is also not liable if they do not have enough understanding of their actions and their consequences. Sections 315 and 316 deal with the offence of killing an unborn or a newborn child. If someone does something to stop a child from being born alive or to cause the death of a child after birth, they are committing this offence, unless they do it for the sake of the mother's health or life. If someone causes the death of an unborn child by doing something that amounts to culpable homicide, they will be charged with that offence. Section 305 says that it is a crime to help a child, i.e. someone who is under eighteen years old, to kill themselves. Section 317 says that it is a crime against children if their mother or father leave them in a place with the intention of abandoning them. This does not stop the law from taking further action if the abandonment leads to the death of the child. The parents would then be charged with culpable homicide or murder.

The IPC has several sections that deal with kidnapping and abduction. According to Section 360, kidnapping from India means taking a person out of the country without their consent. Section 361 says that kidnapping from lawful guardianship means taking away a male minor under 16 or a female minor under 18 from their legal guardians without their consent. Section 362 defines abduction as forcing, coercing or deceiving a person to go from one place to another. Section 363-A makes it a crime to kidnap or maim a minor for begging. If a person is found employing a minor for begging, and that person is not the child's legal guardian, it is presumed that the child was kidnapped for begging. Section 364 makes it a crime to kidnap a person for murder or for disposing of them in a way that leads to murder. Section 364-A defines ransom kidnapping as kidnapping a person and threatening to harm or kill them to make the government or any other entity do or not do something. Section 365 makes it a crime to kidnap a person to secretly or wrongfully confine them. Section 366 makes it a crime to force or induce a woman to leave a place for marriage or sexual exploitation by the kidnapper or another person. Section 366A specifically covers such a crime against a minor girl under 18. Section 367 makes it a crime to kidnap a person to cause them grievous harm, enslave them, or subject them to unnatural lust. Section 369 makes it a crime to kidnap a child under 10 for stealing from them.

The IPC also covers sexual offences against children. Section 372 makes it a crime to sell a child (under 18) for prostitution or sexual intercourse with anyone, or knowing that the child is likely to be sold for such purposes. Section 373 makes it a crime to buy a child for prostitution or sexual intercourse with anyone. Section 376 makes it a crime to rape someone. Under this section, a man who rapes his wife, who is not below 12, gets a lesser punishment. The section also covers special cases of rape such as rape by a public servant or policeman, rape of a pregnant woman, gang rape or rape of a child under 12.

Significance of the study

A right is a form of agreement or contract between the people who have a right (also called the “rights-holders”) and the people or institutions that are responsible for fulfilling that right (also called the “duty-bearers”). Child rights are specific human rights that belong to all human beings under the age of 18. The United Nations and the United Nations Convention on the Rights of the Child (UNCRC) define child rights universally. According to the UNCRC, child rights are the minimum standards and freedoms that every person under 18 should enjoy, no matter what their race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability are. The UN considers these rights to be interrelated and inseparable, meaning that one right cannot be achieved at the cost of another right.

The aim of the UNCRC is to describe the basic human rights that children should have. These rights are divided into four main categories. These categories include all the civil, political, social, economic and cultural rights of every child.

- **Right to survival:** A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity.
- **Right to protection:** A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere.
- **Right to participation:** A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child.
- **Right to development:** Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical development through recreation, play and nutrition.

What is child protection?

UNICEF considers child protection as the prevention of or responding to the incidence of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage. Protection also allows children to have access to their other rights of survival, development, growth and participation. UNICEF maintains that when child protection fails or is absent children have a higher risk of death, poor physical and mental health, HIV/AIDS infection, educational problems, displacement, homelessness, vagrancy and poor parenting skills later in life.

According to the Integrated Child Protection Scheme (ICPS) Child Protection is about keeping children safe from a risk or perceived risk to their lives or childhood. It is about recognizing that children are vulnerable and hence reducing their vulnerability by protecting them from harm and harmful situations. Child protection is about ensuring that

children have a security net to depend on, and if they happen to fall through the holes in the system, the system has the responsibility to provide the child with the necessary care and rehabilitation to bring them back into the safety net.

It is important to understand the difference between these two concepts. Child rights are a set of principles or ideals. They are entitlements and some of them are justifiable in a court of law, but they are not tangible. Protection is one of these rights. But Child Protection is more than a right. It is a framework or system by which the rights of a child can come to be. The framework consists of various duty bearers such as the departments of the government, police, school, civil society, who all have roles to play to ensure that a child's rights are met, and in the case that a child's rights are violated that the violator be brought to justice and care be provided to the child. Child protection is not only treatment, but should also be preventive. Risk management needs to take place to reduce the risk of violation of child rights in any given circumstance or space.

Child protection is hence the means through which all other rights of a child can be upheld. For example a child has a right to live a normal childhood in a family environment. The child protection framework need to first take steps to ensure families are able to survive by providing them when health, education, and food for free or at minimal cost. The next step is to address the needs of children who have fallen through the cracks such as destitute, abandoned, and orphan children. The framework includes the mechanisms to relocate these children into caring families either through adoption or foster care and provide these children with access to health and education services. Hence the framework is not a single ministry or single government body it is the interlinking functions of all ministries and sectors.

Scope of study

Defining what age a person is or ceases to be a child is a constant debate in the India. The Census of India considers children to be any person below the age of 14, as do most government programmes. Biologically childhood is the stage between infancy and adulthood.

According to the UNCRC 'a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier'. This definition of child allows for individual countries to determine according to the own discretion the age limits of a child in their own laws. But in India various laws related to children define children in different age limits.

The Indian Penal Code (IPC) 1860 finds that no child below the age of seven may be held criminally responsible for an action (Sec 82 IPC). In case of mental disability or inability to understand the consequences of one's actions the criminal responsibility age is raised to twelve years (Sec 83 IPC). A girl must be of at least sixteen years in order to give sexual consent, unless she is married, in which case the prescribed age is no less than fifteen. With regard to protection against kidnapping, abduction and related offenses the given age is sixteen for boys and eighteen for girls.

According to Article 21 (a) of the Indian Constitution all children between the ages of six to fourteen should be provided with free and compulsory education. Article 45 states that the state should provide early childhood care and education to all children below the age of six. Lastly Article

51(k) states the parents/guardians of the children between the ages of six and fourteen should provide them with opportunities for education.

Trafficking of women and children has been engaging the serious attention of governments all over the world and of the international community. In many ways, India has been a fore-runner in the battle against trafficking of women and children for commercial sexual exploitation. The criminalization of trafficking flows from Article 23(1) of the Constitution, the highest law of the land, which states that – “Traffic in human beings and ‘begar’ and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”.

Though we had necessary legislation in place, namely, The Immoral Traffic (Prevention) Act, 1956, and several provisions in the Indian Penal Code that form a composite legal code for the prosecution and punishment of traffickers, two landmark judgements of the Supreme Court of India Vishal Jeet Vs Union of India in 1990 and Gaurav Jain Vs. Union of India in 1997 brought the issue into sharper focus. These judgements directed the Government of India, inter alia, to prepare a National Plan to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. As a result of this, the National Plan was drafted in 1998, which provides a comprehensive strategy for the Central and State Governments to address the multifarious issues related to the subject, especially, prevention, rescue, rehabilitation and reintegration. One of the prescriptions of the National Plan to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998 was to prepare a special module for sensitisation, training and orientation of judicial officials towards the causes of commercial sexual exploitation and the situation of women and child victims.

The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person who has not completed fourteen years of age. The Factories Act, 1948 and Plantation Labour Act 1951 states that a child is one that has not completed fifteen years of age and an adolescent is one who has completed fifteen years of age but has not completed eighteen years of age. According to the Factories Act adolescents are allowed to work in factories as long as they are deemed medically fit but may not for more than four and half hours a day. The Motor Transport Workers Act 1961, and The Beedi And Cigar Workers (Conditions Of Employment) Act 1966, both define a child as a person who has not completed fourteen years of age. The Merchant Shipping Act 1958 and Apprentices Act 1961 don't define a child, but in provisions of the act state that a child below fourteen is not permitted to work in occupations of the act. The Mines Act, 1952 is the only labour related act that defines adult as person who has completed eighteen years of age (hence a child is a person who has not completed eighteen years of age).

The Prohibition of Child Marriage Act, 2006 states that a male has not reached majority until he is twenty-one years of age and a female has not reached majority until she is eighteen years of age. The Indian Majority Act, 1875 was enacted to create a blanket definition of a minor for such acts as the Guardians and Wards Act of 1890. Under the Indian Majority Act, 1875 a person has not attained majority until he or she is of eighteen years of age. This definition of a minor also stands for both the Hindu

Minority and Guardianship Act, 1956 and the Hindu Adoption and Maintenance Act, 1956. Muslim, Christian and Zoroastrian personal law also upholds eighteen as the age of majority. The first Juvenile Justice Act, 1986 defined a boy child as below sixteen years of age and a girl child as below eighteen years of age. The Juvenile Justice (Care and Protection of Children) Act, 2000 has changed the definition of child to any person who has not completed eighteen years of age.

Because of its umbrella clauses and because it is the latest law to be enacted regarding child rights and protection, many are of the opinion that the definition of child found in the Juvenile Justice Act, 2000 should be considered the legal definition for a child in all matters.

Vulnerability of children leads to and is further created by the socio-cultural, socio political and socio-religious situations they are in. A child who is forced or born into a situation or discriminated group is at risk for abuse, neglect and exploitation. The lack of a protection system either due to mis-implementation of national laws and programmes or the absence of protection policies and legislation also renders children vulnerable. Following is a discussion of various protection issues concerning children.

Table 1

☞ Abuse and Violence	☞ Child Sexual Abuse
☞ Street Children	☞ Children Living with AIDS
☞ Child in Armed Conflict	☞ Girl Child
☞ Child Marriage	☞ Children with Disabilities
☞ Children affected by Substance Abuse	☞ Birth Registration
☞ Missing Children	☞ Children in Conflict with Law
☞ Child Labour	☞ Child Trafficking
☞ Children without Parental care	☞ Child Health and Nutrition
☞ Early Childhood (Children below six)	☞ Children of Schedule Caste and Schedule Tribe Families
☞ Children in Poverty	

The NCPCR is committed to the principle that child rights are universal and non-negotiable and recognizes the need for urgency in all the child related policies of the country. The Commission gives equal importance to the protection of all children who are below 18 years old. Thus, policies prioritize actions for the most vulnerable children. This may include focusing on regions that are backward or on communities or children under certain circumstances, and so on. The NCPCR thinks that by addressing only some children, there is a risk of excluding many vulnerable children who may not fit into the defined or targeted categories. In its implementation, the task of reaching out to all children gets compromised and a societal tolerance of violation of child rights continues. This would also affect the program for the targeted population. Therefore, it believes that it is only by creating a larger environment in favour of protection of children’s rights, that children who are targeted become visible and gain confidence to access their entitlements. Similarly, for the Commission, every right the child has is seen as interrelated and interdependent. Therefore, the issue of ranking of rights does not arise. A child enjoying all her rights at her 18th year depends on the access to all her entitlements from the time she is born. Thus, policies interventions are important at all stages. For

the Commission, all the rights of children are of equal importance.

Discussions

According to the National Crime Records Bureau (NCRB), India registered a total of 1,49,404 cases of crime against children in 2021, which was a 16.2% increase from 2020 (1,28,531 cases) ^[1]. The crime rate per lakh children population also increased from 28.9 in 2020 to 33.6 in 2021 ^[2]. The NCRB data shows that the major types of crime against children in 2021 were ^[3]:

- **Kidnapping and abduction:** 45.0% of the total cases (67,236 cases)
- **Protection of Children from Sexual Offences Act, 2012 (POCSO):** 38.1% of the total cases (56,936 cases), including child rape (12,913 cases)
- **Murder:** 3.5% of the total cases (5,221 cases)
- **Abetment of suicide:** 2.3% of the total cases (3,398 cases)
- **Other IPC crimes:** 11.1% of the total cases (16,613 cases) ^[4]

The NCRB report also reveals that Madhya Pradesh had the highest number of crimes against children for the second consecutive year with 23,906 cases, followed by Maharashtra with 20,487 cases and Uttar Pradesh with 19,936 cases ^[5]. The lowest number of crimes against children were reported from Lakshadweep (4 cases), Sikkim (57 cases) and Mizoram (79 cases) ^[6].

Some other crimes against children

- **Child abuse:** This is a broad crime that covers any type of cruelty, harm, or neglect inflicted on a child by an adult or another child. Child abuse can be physical, emotional, sexual, or psychological. Child abuse can cause serious and lasting damage to the child's health, development, and well-being. Child abuse is prohibited by both state and federal laws.
- **Child abandonment:** This is a crime that occurs when a parent or guardian leaves a child without adequate care, supervision, support, or parental contact for an extended period of time. Child abandonment can result in physical and emotional harm to the child, as well as legal consequences for the parent or guardian. Child abandonment is different from safe-haven laws, which allow parents to surrender newborn infants to designated places without facing criminal charges.
- **Child pornography:** This is a crime that involves the production, possession, distribution, or sale of any material that depicts a minor child engaged in sexual activity or sexually explicit poses. Child pornography is a form of sexual exploitation of children and violates their dignity and rights. Child pornography is illegal under both state and federal laws.
- **Sexting:** This is a crime that involves sending or receiving sexually explicit messages, images, or videos through electronic devices, such as cell phones,

computers, or social media platforms. Sexting can involve minors or adults, but it is especially problematic when it involves children under the age of 18. Sexting can expose children to risks such as cyberbullying, blackmail, harassment, sexual predators, and legal consequences. Sexting is illegal in many states and can be prosecuted under child pornography laws.

- **Child trafficking:** This is a crime that involves the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation. Exploitation can include forced labor, slavery, servitude, prostitution, organ removal, or other illicit activities. Child trafficking is a grave violation of human rights and a form of modern-day slavery. Child trafficking is illegal under both national and international laws.
- **Kidnapping:** This is a crime that involves taking away a person by force, fraud, or deception and holding them captive against their will. Kidnapping can be committed by strangers or acquaintances, for various motives such as ransom, revenge, political gain, or sexual gratification. Kidnapping can have serious physical and psychological effects on the victim and their family. Kidnapping is illegal under both state and federal laws.
- **Other offences:** There are many other offences that can affect children's safety and well-being, such as domestic violence, sexual assault, homicide, online grooming, cyberstalking, child marriage, female genital mutilation (FGM), and harmful traditional practices. These offences are also prohibited by various laws and conventions that aim to protect the rights and interests of children.

Child rights in the indian constitution

The Indian Constitution is one of the few constitutions in the world that has extensive provisions for protecting children's rights. The Constitution, which came into force in 1950, covers most of the rights included in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy. The Fundamental Rights are the basic rights that every citizen, including children, has and can enforce through courts. The Directive Principles are the guidelines for the State to follow in making laws and policies for the welfare and development of children.

Some of the child rights in the Indian Constitution are:

- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21A)
- Right to be protected from any hazardous employment till the age of 14 years (Article 24)
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e))
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39(f))

- Right to early childhood care and education to all children until they complete the age of six years (Article 45)

Besides these, children also have rights as equal citizens of India, just as any other adult male or female:

- Right to equality (Article 14)
- Right against discrimination (Article 15)
- Right to personal liberty and due process of law (Article 21)
- Right to being protected from being trafficked and forced into bonded labour (Article 23)
- Right of minorities for protection of their interests (Article 29)
- Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)
- Right to nutrition and standard of living and improved public health (Article 47)

Landmark judgments related to child rights in India

1. **Sheela Barse & Anr. v. Union of India & Ors** ^[7]: This case was about the release of children who were detained in jails along with adult prisoners. The Supreme Court issued several directions to protect the rights of such children, such as separating them from adult prisoners, providing them legal aid, education and vocational training, and appointing special juvenile courts and welfare boards.
2. **M.C. Mehta v. State of Tamil Nadu** ^[8]: This case was about the issue of child labour in hazardous industries, such as match factories and fireworks. The Supreme Court banned the employment of children below 14 years in such industries and ordered the payment of compensation to the affected children. The Court also directed the government to provide alternative employment to the families of such children and ensure their education and health.
3. **Vishal Jeet v. Union of India** ^[9]: This case was about the issue of child prostitution and trafficking. The Supreme Court directed the government to take measures to eradicate this social evil, such as setting up advisory committees, rescue homes, juvenile courts, and rehabilitation programs for the victims. The Court also urged the public to cooperate with the authorities in this regard.
4. **Gaurav Jain v. Union of India** ^[10]: This case was about the issue of children born in brothels and their right to education and rehabilitation. The Supreme Court held that such children have a right to a dignified life and directed the government to provide them with adequate facilities for their care and protection. The Court also suggested that such children should be given a chance to be adopted by willing persons or institutions.
5. **Unni Krishnan v. State of Andhra Pradesh** ^[11]: This case was about the issue of right to education for all children up to 14 years of age. The Supreme Court held that this right is a fundamental right under Article 21 of the Constitution and directed the government to make

primary education free and compulsory for all children. The Court also laid down certain guidelines for regulating private educational institutions and ensuring quality education for all.

Conclusion

The POCSO Act 2012 is a landmark legislation that aims to protect children from sexual offences and ensure their best interests. The Act defines various forms of sexual abuse, harassment and exploitation of children and provides for stringent punishments for the offenders. The Act also establishes child-friendly procedures for reporting, recording, investigation and trial of such cases. The Act also mandates the establishment of special courts, special public prosecutors, special juvenile police units and child welfare committees to deal with the cases under the Act. The Act also empowers the National Commission for Protection of Child Rights and the State Commissions for Protection of Child Rights to monitor the implementation of the Act and make recommendations for its improvement.

The study on the offences relating to children with reference to POCSO Act 2012 has revealed that the Act has been a significant step towards ensuring the safety and dignity of children in India. The study has analysed the various provisions of the Act and its rules and compared them with the existing laws and international standards. The study has also examined the challenges and gaps in the implementation of the Act and suggested some measures to overcome them. The study has highlighted the need for awareness generation, capacity building, coordination, data collection and evaluation to ensure the effective enforcement of the Act. The study has also emphasized the role of various stakeholders such as parents, teachers, health professionals, media, civil society and children themselves in preventing and responding to child sexual abuse.

The study concludes that the POCSO Act 2012 is a comprehensive and progressive law that addresses the issue of child sexual abuse in a holistic manner. The study recommends that the Act should be implemented in letter and spirit by all concerned authorities and agencies. The study also urges that the rights and interests of children should be given paramount importance in all matters affecting them. The study hopes that the POCSO Act 2012 will serve as a model for other countries to adopt similar laws to protect their children from sexual offences.

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