



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalaivar Kamarajar"

Protection of Children from Sexual Offences (POCSO) Act

Published On: 02-10-2022

Why is news? The persecution of consent

The Protection of Children from Sexual Offences (POCSO) Act was enacted in 2012 especially to **protect children (aged less than 18) from sexual assault.**

Section 7 of the POCSO Act, inter alia, says that whoever with sexual intent touches the breast of the child is said to commit sexual assault.

Whereas Section 8 of the Act provides minimum imprisonment of three years for sexual assault

Section 354 of the Indian Penal Code (IPC) lays down a minimum of one year imprisonment for outraging the modesty of a woman.

The Act defines a child as any person **below eighteen years of age.**

It defines **different forms of sexual abuse**, including penetrative and non-penetrative assault, as well as sexual harassment and pornography.

It deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority like a family member, police officer, teacher, or doctor.

The Act casts the **police in the role of child protectors** during the investigative process.

POCSO (Amendment) Act, 2019: The act aims at making offences **against children gender-neutral.**

The definition of 'Sexual Assault' has been extended to incorporate administration of hormones or chemical substances to children to attain early sexual maturity for the purpose of penetrative sexual assault.

The Act seeks to enhance punishment for sexual offences against children, with a **provision of death penalty.**

What are the Related Initiatives? - Child Abuse Prevention and Investigation Unit, Beti Bachao, Beti Padhao, Juvenile Justice Act/Care and Protection Act, 2000, Child Marriage Prohibition Act (2006), Child Labour Prohibition and Regulation Act, 2016

What are the Related Constitutional Provisions? - The Constitution guarantees to every child the right to live with dignity (Article 21), the right to personal liberty (Article 21), the right to privacy (Article 21), the right to equality (Article 14) and/or the right against discrimination (Article 15), the right against exploitation (Article 23 & 24).

Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A)

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040
Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

The **Directive Principles of State Policy**, and in particular Article 39(f), cast an obligation on the State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.