

A Study on the Implications of the POCSO Act and Determinants of Child Abuse in Chennai

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Abstract: *Child sexual abuse is a worldwide miracle, and India isn't an exception. The magnitude of this grave crime is uncredited because of under-reporting. In 2021 only there were, 874 cases registered under Protection of Children from Sexual Offences Act of 2012. To enable the each-around protection of children, the Indian government conducted the "Protection of Children from Sexual Offences (POCSO)" Act of 2012. The act is a comprehensive piece of legislation designed to cover children from crimes including sexual assault, sexual importunity, and pornography. Then, we consider the counteraccusations of the POCSO Act (2012) in enhancing children's protection from sexual abuse and leg- point the part of quality of life together with other social, profitable, and demographic determinants in foreshortening POCSO frequentness. The empirical analysis of the paper is conducted grounded on secondary data collected from the National Crime Records Bureau. Our empirical results reveal that the POCSO Act has reduced the Growth rate of incidents of sexual offences against children in India. In addition, favourable coitus- rate, the increased gross registration rate at the abecedarian position, the enhancement in the bar and Public Safety Score of the state also enables the state to circumscribe the POCSO frequency. Based on our empirical result we recommend that unborn programs could include, for example, aiming to ameliorate the quality of life as well as the law and order conditions of the state, and adding the registration of the girl children in advanced education.*

Keywords: Child, sexual, abuse, intercourse, women, protection. Mariage, age restriction

I. INTRODUCTION

Child sexual abuse (CSA) is a broad term that refers to a kind of child abuse in which an adult or older adolescent exploits a child for sexual purposes. In several situations, such as the home, school, or public locations, it can be either touching or non-touching. The CSA is one of our society's biggest issue. It has a significant impact due to the regularity with which it occurs and the trauma that a child encounters. The WHO considers CSA as sexual activity between a child and an adult or another child, in which a child "does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society" (WHO, 2003). While the Indian Penal Code (IPC) does not classify child maltreatment as a sexual offence, it does punish a child sex offender under specific provisions. For example, rape (Section 375), outraging a woman's modesty (Section 354), 'unnatural offences' (Section 377), and procuring minor girls by enticement or force to seduce or have illicit intercourse (Section 378) are all crimes (Section 366-A). However, none of the above sections represents that CSA is constituted of what legal terms (Belur & Singh). A study on child abuse in India by the Ministry of Women and Child Development in 2007 founds that only 53.22% of children reported sexual abuse. There were 52.94% boys and 47.06% girls among them. The states with the greatest rates of sexual abuse and assault were Andhra Pradesh, Assam, Bihar, and Delhi. 21.90% of children who responded said they had experienced serious sexual abuse, 5.69% said they had been sexually assaulted, and 50.76% said they had experienced other types of sexual abuse. The Protection of Children from Sexual Offences Act was enacted to increase legal protections for children under the age of 18 against sexual exploitation and abuse. If a girl under the age of 18 seeks an abortion, the service provider is required by law to file a sexual assault complaint with the police. However, the identity of the person seeking an abortion is not



required to be disclosed under the Medical Termination of Pregnancy Act. As a result, providers are cautious to provide abortion services to girls under the age of 18. The United Nations Convention on the Rights of the Child (CRC) was an international convention that required countries to respect the rights of children. States are required under Articles 34 and 35 of the CRC to safeguard minors from all forms of sexual exploitation and abuse. The convention has been ratified by 196 nations as of 2015.

OBJECTIVES:

- To study about the implications of POCSO act
- To know about the reason for the occurrence of child abuse in society
- To study about the preventive measures for child abuse

II. REVIEW OF LITERATURE

Physical abuse is normal and conveys a critical grimness and mortality. All medical services experts, remembering those working for the criminal equity framework, have a significant part in perceiving suspected kid actual abuse and making a proper reference. These cases ought to be examined by clinical professionals who are either pediatricians with formal preparation in scientific medication or by legal doctors with broad involvement with pediatrics. This part depicts the idea of wounds that might be found in abused youngsters and gives a system to their appraisal. It likewise talks about harsh head injury and created or factitious diseases. (John gal)

Japan passed its Child Abuse Prevention Act on 20 November 2000. In these early years following the entry of this Act, it is particularly imperative to endeavor to characterize what youngsters misuse. (UmaSegal 1992). This examination analyzed the connection between self-revealed youth physical and sexual maltreatment, close connection quality, conceivable sex contrasts, and clinical ramifications. 338 ladies and 296 men who looked for administrations at a college psychological wellness facility in the upper east district of the United States finished a 30-minute self-report evaluation survey before their first treatment meeting. (Glickstein 1985). Mentalities towards contemporary techniques to forestall child abuse and disregard were overviewed among a comfort test of 191 medical care laborers and 38 others going to gatherings about child abuse. (Pieterse 1979). This paper tries to put the wonder of child maltreatment in the viewpoint of family advancement. While it is worried about the issue of disregard, it tends to child misuse most straightforwardly. The paper centers around important and adequate conditions and the research implication of an environmental perspective. The part of social support for the utilization of actual power against children, and the deficiency and insufficient utilization of family support frameworks are two elements recognized as vital conditions for child maltreatment. (Berliner and Conte 1993). This article inspects how child abuse and neglect are characterized and examines the contentions that encompass that definition, which stands out on the grounds that it legitimizes government intervention to stop activities by guardians or parental figures that truly hurt children. The article likewise presents measurements demonstrating how boundless maltreatment is, audits research on the attributes of families that are more inclined to abuse or neglect, and sums up information about the effect of maltreatment on children. (Lauderdale, Valiunas, and Anderson 1980). This exploration is significant and helpful to an assessment of domestic violence in two key manners. In the first place, seeing what exposure to different kinds of violence means for children and what best empowers them to adapt can highlight significant contemplations when attempting to help children adapt to exposure to domestic violence specifically. And second, numerous families encountering domestic violence are presented to different sorts of violence too. (Stevens 1985). Utilizing longitudinal information on 1,813 children and parents from a nationally agent child-government assistance test, National Survey of Child and Adolescent Well-Being (NSCAW), this examination researched actually harsh and neglectful parenting as interceding the impacts of parent depression on child mental health by developmental stage. (Ogwumike and Ozughalu 2018). Results show that the mishandled and ignored youngsters had lower scores on every one of the proportions of intellectual working when contrasted with the coordinated with correlation kids. The conduct perception information from the study halls, be that as it may, were more intricate. That is, contrasts among bunches relied upon the kind of conduct noticed. Disregarded kids occupied with the most un-number of associations with different kids, and the mishandled kids showed the most



animosity. (Starr 1978). This report presents the aftereffects of studies intended to outline the utilization of child abuse report information as friendly markers of the personal satisfaction for families. It tends to the input capacity of family-emotionally supportive networks and connections abuse to the general equilibrium of stresses and supports in the local setting of families. (Ikkos 1998). Predominance gauges for child sexual abuse range from 2% to 62 percent. Surveys of these predominance contemplates perceive that methodological contrasts among examinees influence their expressed prevalence yet differ regarding how they do as such. The motivation behind the current investigation was to play out our own meta analysis of all arbitrary pervasiveness studies utilising North American populaces. Our outcomes proposed that child sexual abuse is an issue of pandemic extents. (“Child Abuse and Delinquency: The Empirical and Theoretical Links” 1990). In examination with the shortages in school results borne by children getting social administrations, those related with maltreatment, however genuinely discernable, are meaningfully comparative. (Jenkins 1979) This paper builds up a definition and calculated model of brutality against children based on a progression of cross country epidemiologic investigations, popular assessment, and press reviews. Socially endorsed utilization of physical force in child raising, neediness and segregation, abnormality in bio-psycho-social working, and chance occasions are distinguished as causal elements of physical child abuse. (Creighton 1979). This study centers around the revealed occurrence of child abuse and neglect at 2 levels of neighborhood investigation inside a solitary metropolitan region 20 neighborhood regions and 93 census lots. Different relapse examination is utilized to create prescient conditions utilizing socioeconomic, demographic, and some attitudinal information as the free factors. For the 20 subareas, 81% of the difference and for the 93 census plots, 52% of the change is represented. Information on the wellspring of reports will in general limit the broadly stood firm on foothold that one-sided revealing records for the negative relationship between's socioeconomic status and child abuse. The outcomes are identified with an arising biological point of view on human turn of events.(Wilson-Oyelaran 1989). It is assessed that almost one-fourth of the United States populace have been victims of child sexual abuse. Because of expansions in the rates at which sexual abuse has been accounted for in the course of recent many years, specialists have invested significant amounts of energy at preventing child sexual abuse. Programmes are generally accessible and use an assortment of appraisal measures, methods of introduction, and moderators. (Korbin 1977). This paper puts the issue of child abuse in the point of view of wickedness. In this manner it raises doubt about the irreverent suspicions of sociology and human administrations. The current sociology worldview amazingly excuses shrewd as a genuine factor on the planet, notwithstanding its anxiety for unquestionably moral issues, for example, child abuse.(Almuneef 2019). 1,032 students were surveyed in a classified lab setting with respect to levels of actual abuse, psychological mistreatment, sexual abuse, neglect, and a wide scope of sexuality factors. The design was to inspect connections between explicit types of early abuse and later grown-up sexuality, and to evaluate likely sex and ethnic contrasts in these affiliations. Free of different types of abuse, sexual abuse in females was fundamentally decidedly identified with sexual drive and experience and probability of participating in unhindered sexual practices, and was adversely identified with virginity status. (National Research Council et al. 2014). Recent hypothetical structures that clarify the impacts of childhood sexual abuse have empowered the study of the relationship between specific qualities of damaging encounters and emotional well-being results. The evaluation of abuse qualities, notwithstanding, has made another arrangement of methodological issues for estimation and examination. This article presents discoveries on the relationship between attributes of abuse and emotional well-being results from a planned study of 136 ladies. (Cicchetti, Carlson, and Dante 1989). It is basic practice to suggest psychotherapy for children who have encountered sexual abuse. Notwithstanding, there is no settlement upon which to survey the requirements of these children or to determine the idea of the medicines to be advertised. Most existing research bearing on these issues comprises descriptive information, pre-and post analysis, and connection investigations of blended and nonstandardized medicines. This research proposes that the pace of unconstrained recovery following divulgence of sexual abuse is high, yet that both a need and an advantage exist for the arrangement of help during the intense change time frame for those children who are most in danger for long-term negative impacts.(Dalenberg and Jacobs 1994). Researchers contend there is a male restraining infrastructure in the execution of child sexual abuse, and that a male sexual interest in children is generally normal in the public eye. This examination investigates sex contrasts in a communicated sexual premium in children, a past filled with childhood sexual abuse, and the connection between these two elements. A self-direct survey was given



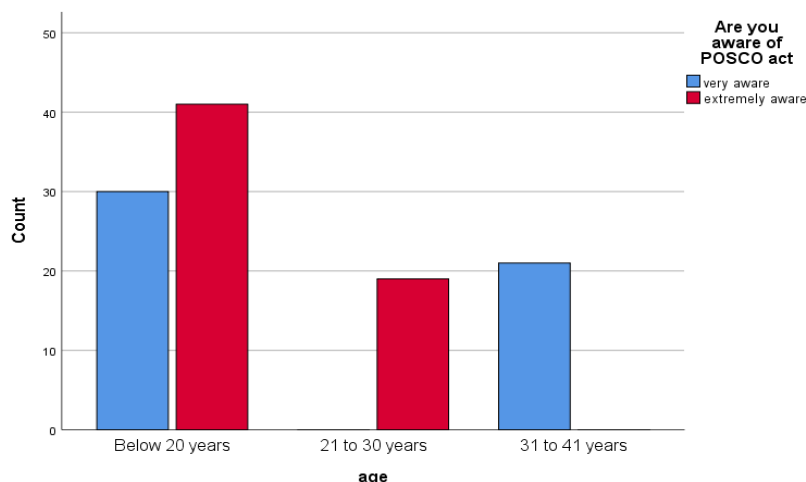
to an example of 92 female and 91 male public area child care laborers. Results showed a fundamentally higher level of males (15%) than females (4%) communicated a sexual interest in children. (Daro 1988)

III. METHODOLOGY

The type of research followed here is empirical research. A total of 205 I have collected through convenient sampling methods. The Sampling frame taken here is public areas in and around Chennai, Tamil Nadu and Through online questionnaire and the independent variables are age, gender, marital Status, educational qualification ,income,place of residence and occupation of the respondent and the dependent variables are major causes for the occurrence of child labour ,implications of POCSO act .The statistical tool used here is graphical representation (SPSS)

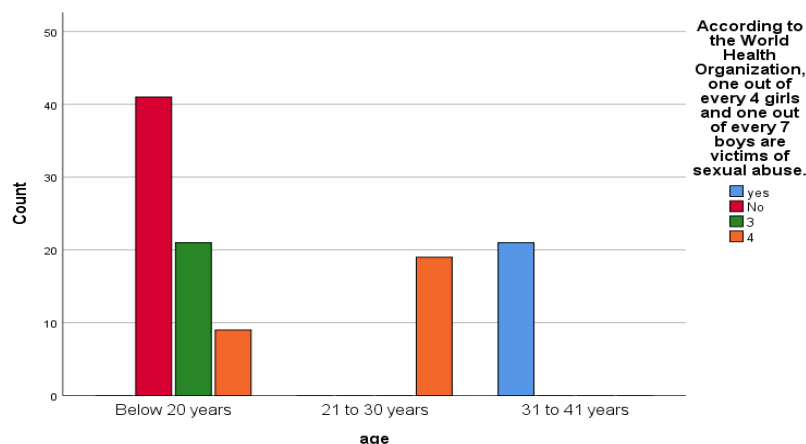
IV. ANALYSIS

FIGURE:1



LEGEND: The figure 1 represents the age of the respondent and their response to the POCSO act

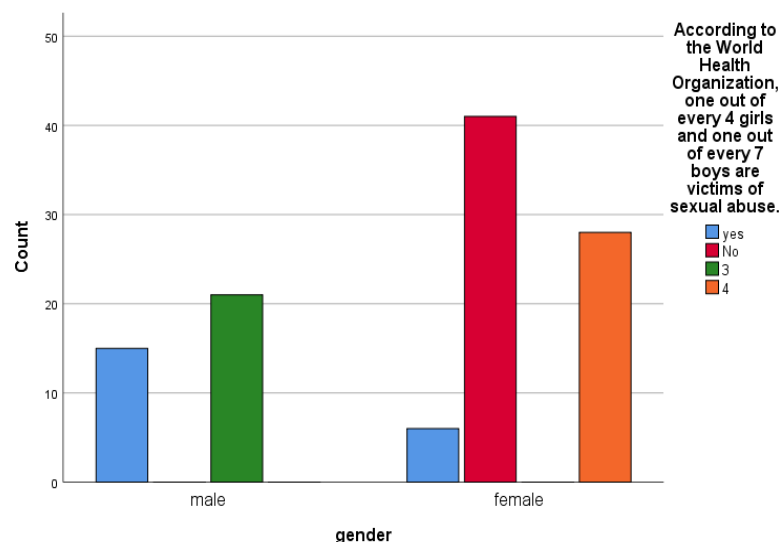
FIGURE:2



LEGEND: The figure 2 represents the age of the respondent and their response to the world health organization one out of every 4 girls and one out of every 7 boys are victims of sexual abuse.

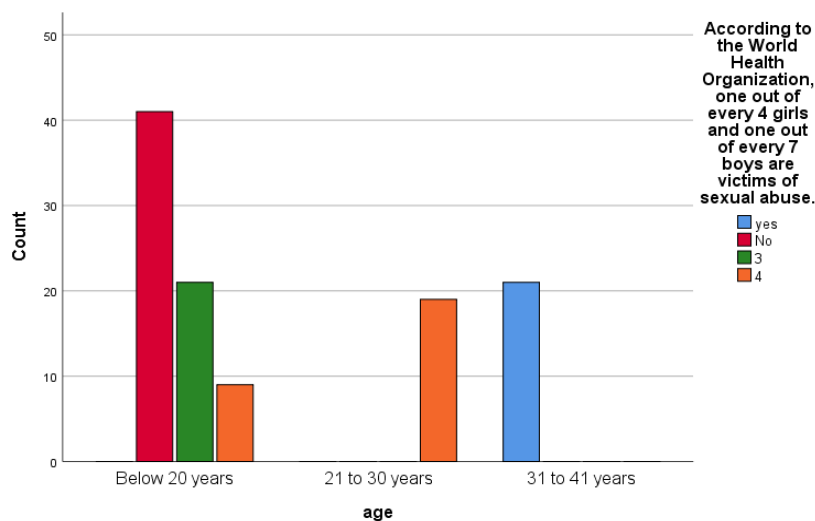


FIGURE:3



LEGEND: The figure 3 represents the gender of the respondent and their response to the world health organisation one out of every 4 girls and one out of every 7 boys are victims of sexual abuse

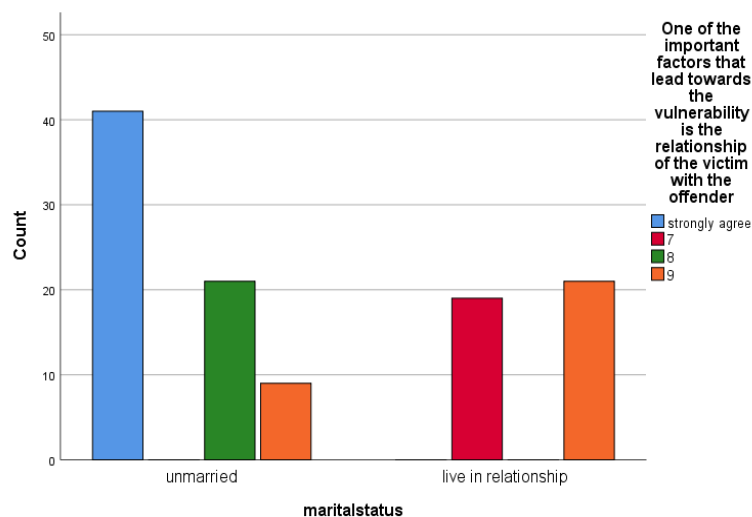
FIGURE:4



LEGEND: The figure 4 represents the age of the respondent and their response to the world health organization one out of every 4 girls and one of every 7 boys are victims of sexual abuse

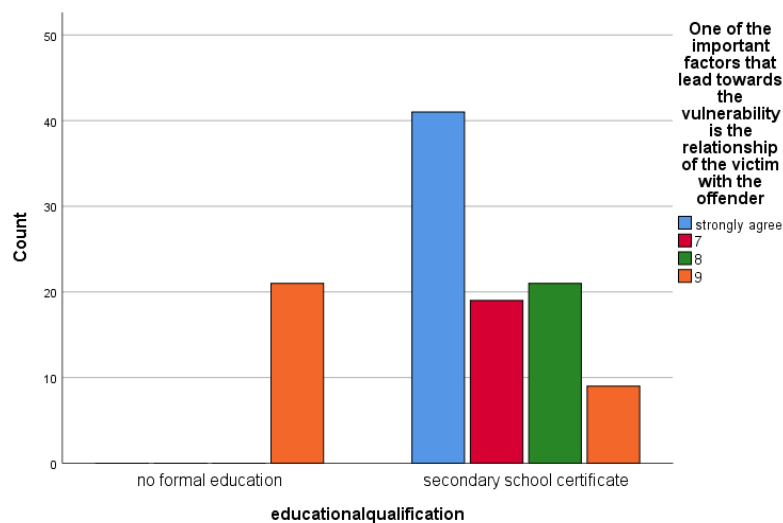


FIGURE:5



LEGEND: The figure 5 represents the marital status of the respondent and their response to one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender.

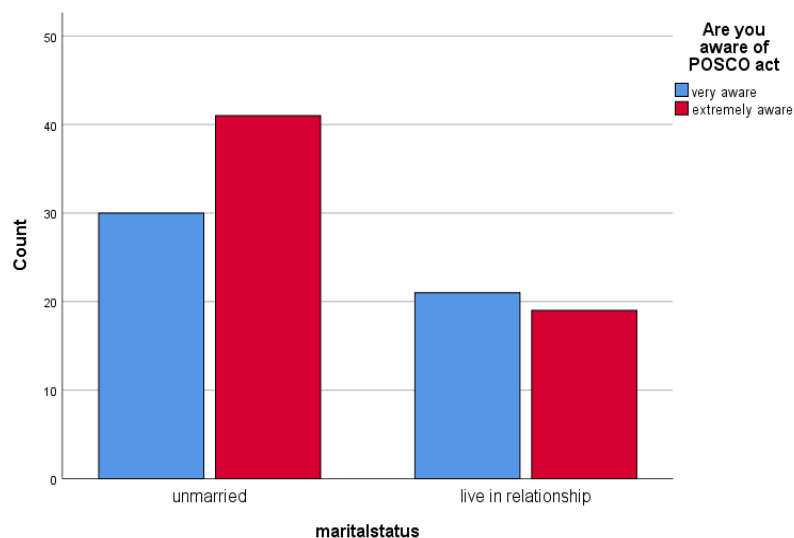
FIGURE:6



LEGEND: The figure 6 represents the educational qualification of the respondent and their response to the one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender .

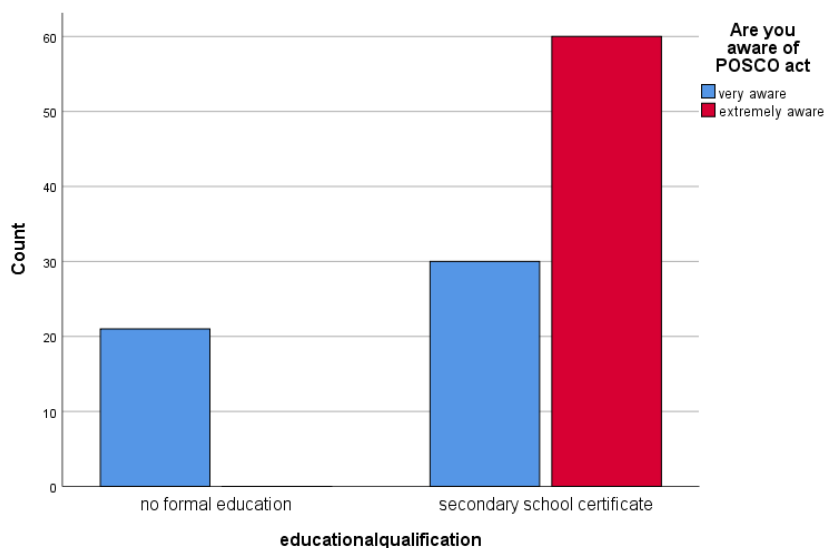


FIGURE:7



LEGEND: The figure 7 represents the marital status of the respondent and their response to their awareness about the POSCO act

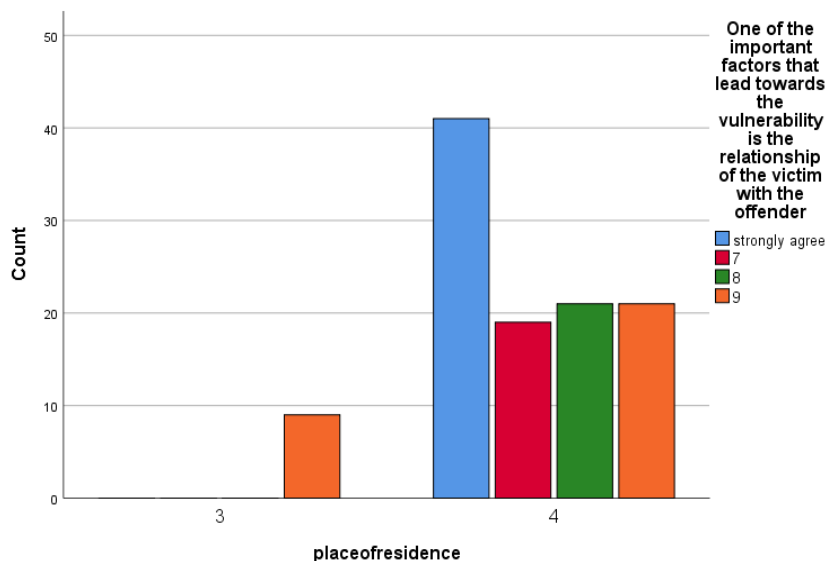
FIGURE:8



LEGEND: The figure 8 represents the educational qualification of the respondent and their response to the awareness about the POSCO act .

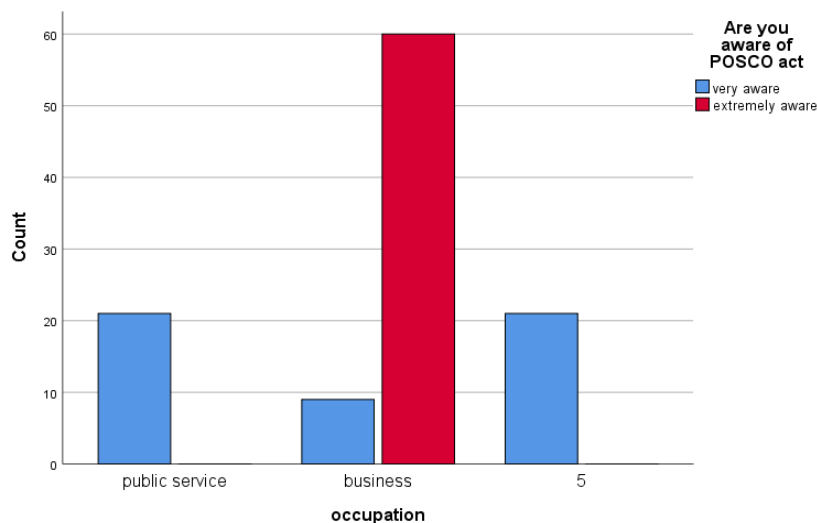


FIGURE: 9



LEGEND: The figure 9 represents the place of residence of the respondent and their one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender.

FIGURE:10



LEGEND: The figure 10 represents the occupation of the respondent and their response to the awareness of POSCO act

V. RESULTS

The **figure 1** represents the age of the respondent and their response to the POSCO act. The **figure 2** represents the age of the respondent and their response to the world health organization one out of every 4 girls and one out of every 7 boys are victims of sexual abuse. The **figure 3** represents the gender of the respondent and their response to the world health organization one out of every 4 girls and one out of every 7 boys are victims of sexual abuse. The **figure 4** represents the age of the respondent and their response to the world health organization one out of every 4 girls and one



of every 7 boys are victims of sexual abuse. The **figure 5** represents the marital status of the respondent and their response to one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender. The **figure 6** represents the educational qualification of the respondent and their response to one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender. The **figure 7** represents the marital status of the respondent and their response to their awareness about the POCSO act. The **figure 8** represents the educational qualification of the respondent and their response to the awareness about the POCSO act. The **figure 9** represents the place of residence of the respondent and their one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender. The **figure 10** represents the occupation of the respondent and their response to the awareness of POCSO act.

VI. DISCUSSION

The **figure 1** represents the age of the respondent and their response to the POCSO act in the above analysis it represents that most of the individuals belonging to the age group of below 20 years have responded that they are extremely aware about POCSO act. The **figure 2** represents the age of the respondent and their response to the world health organization one out of every 4 girls and one out of every 7 boys are victims of sexual abuse in the above graph the individuals belonging to the age group of below 20 years have responded that they do not support to the above given statement. The **figure 3** represents the gender of the respondent and their response to the world health organization one out of every 4 girls and one out of every 7 boys are victims of sexual abuse in the above figure most of the individuals belonging to the female category has responded no to the above given statement. **figure 4** represents the age of the respondent and their response to the world health organization one out of every 4 girls and one of every 7 boys are victims of sexual abuse in this analysis most of the people belonging to the age group of below 18 years has responded no. **figure 5** represents the marital status of the respondent and their response to one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender in this most of the people belonging to the unmarried category has responded that they strongly agree to the above analysis statement. The **figure 6** represents the educational qualification of the respondent and their response to one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender in this most of the secondary school certificate holding students have responded that they strongly agree. The **figure 7** represents the marital status of the respondent and their response to their awareness about the POCSO act. The **figure 8** represents the educational qualification of the respondent and their response to the awareness about the POCSO act. The **figure 9** represents the place of residence of the respondent and their one of the important factors that lead towards the vulnerability is the relationship of the victim with the offender. The **figure 10** represents the occupation of the respondent and their response to the awareness of POCSO act in this most of the people belonging to the business category has responded that they are extremely aware about the POCSO act respectively.

VII. LIMITATIONS

One of the major limitations is the sample frame. As it is limited to a small area it makes difficult to extrapolate it to a larger population. Another limitation is the sample size. Which is very small in this research work (205 responses) as we know that higher sample groups will try to eliminate the sample error because smaller sample size might fail to explain the characteristics of the whole population of the state/country, which might lead to sample error (inaccurate results).

VIII. CONCLUSION

Children are considered vulnerable and require guidance and protection from their parents or guardians. Various legislations enacted to protect children may have different provisions according to the theme of the legislation but their objective remains the same. The constitution of India guarantees the right to life and personal liberty (Art. 21) which means a boy in good faith entering a relationship with a girl is no offense but a minor girl is not considered competent enough to give her consent freely. In these situations, no one can be blamed absolutely and the decision of the court always depends upon the facts, circumstances, and evidence in that particular case. Adolescents though not real-time



experienced but are quite conscious of what they are doing. Psychological factors play an important role in the growth of an adolescent mind and the court should always take this into account. So, the Madras High Court has rightly observed that "Punishing an adolescent boy who enters into a relationship with a minor girl by treating him as an offender, was never the objective of the POCSO Act" in this case. There should be a formulation of a committee called "Sensitive Issues Committee" under the POCSO Act, 2012, which would study the Psychological causes behind the committal of the offenses similar as in the case of Vijayalakshmi and Another v. State Rep. by the Inspector of Police and Another 2021 SCC Online Mad 317. The committee would then prepare an unbiased report understanding both the parties and taking into account their mindset at that particular time and would submit it to the court, whenever required. In addition to the recent legislation providing an effective framework for dealing with child-related sexual offenses, there is an urgent need to implement specific preventive measures to ensure that the risks of sexual exploitation of children are kept to a minimum. Aside from that, better application and enforcement of existing rules are essential. Finally, children are our country's future, and the threat they face must be combated on all fronts and at all levels.

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