

## **AN EXAMINATION OF POCSO ACT: GROWTH & DEVELOPMENT, APPLICABILITY AND ITS DRAWBACK**

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### **ABSTRACT**

Herbert ward said “child abuse cast a shadow the length of a lifetime”. Sexual misuse on child are a major smear on society everywhere as it shook’s the human awareness of the general public and retard the typical development of the child. The injury related with sexual abuse can add to captured improvement, and in addition a large group of mental and enthusiastic issue, that a few kids and teenagers may never survive. At the point when sexual abuse goes unreported and youngsters are not given the defensive and restorative help they require, the little innocent children can only feel the pain of the mishappening leaving a scar over the soul and body forever. Also, in the last two decades, an increase in the prevalence of sexually transmitted diseases has been shown in children. Children who are victims of sexual abuse often know the perpetrator in some way but they are threatened and sometimes they are also unable to understand what havoc has been done to them. Recognizing the vulnerability of children and short of provision of law for the sexual crime against children and realizing the trauma, the implementation of the POCSO act came into existence for the rights of children to survival, dignity, and compassion. This article the author\* discusses the reasons and also the development of the implementation of POCSO act. Applicability of the act in different cases has also been outlined. And finally, at last the limitation of the act has also been highlighted.

## INTRODUCTION

Enacting sexual offences with respect to youngsters show various difficulties. The casualties are regularly damaged by the experience and are hesitant to approach. The incident may likewise cause a wide assortment of enthusiastic and conduct issues that make it hard to examine their exploitation, as a result of the injury, disgrace, and sadness socially connected with the wrongdoing. Incredulity, dissent and conceal to save family notoriety has made youngster sexual abuse an imperceptible wrongdoing in India. Truth be told, in India it is as old as the joint family framework and man controlled society.

Sexual offences are currently covered under different sections of Indian Penal Code. For the first time an extraordinary law has been passed to address the issue of sexual offenses against children. It has not only changed the definition of offences but also the way the law used to look at these offences. It has changed the law of presumption in relation to sexual offences committed against the children. The investigation and the trial have to proceed on the lines of these presumptions. This has reduced the burden from the shoulders of the child.

This law has developed a new jurisprudential vision identifying the rights of the children to survival, dignity and compassion, protection from discrimination, information, participation, to be heard and give expression, assistance, protection, reparation and implementation. This bundle of rights has been bestowed upon the child under this act. These rights given to the child under POCSO Act the manifestations of the rights originating under the international legal regime of '*the convention on the rights of the child*'.<sup>1</sup> and also the *United Nations guidelines on justice in matters involving child victims and witnesses of crime 2005*'.<sup>2</sup> India is a state party to this UN Convention and is under an obligation to incorporate those legal changes in its domestic laws. The legislation of this act is a step in that direction

### INDIA: BEFORE THE POCSO ACT

India has ratified the UNCRC<sup>3</sup> on 11<sup>th</sup> December, 1992. It is the UNCRC requires the state parties to it to undertake all appropriate national, bilateral and multilateral measures to prevent-

(a) The inducement or coercion of the child to engage in any unlawful sexual activity; (b) The

exploitative use of children in prostitution or other unlawful sexual activity; (C) The exploitative use of children in pornographic performances and materials;

Further India has article 15 in his constitution which confers on the state a power to make special provision for children. Further, article 39 of the constitution directs the state to make its policy towards securing that the tender age children are not abused, and also that their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity.

The data with the government available from the collection of National Crime Records Bureau showed that there was an increase in the cases of sexual offences against children. This was corroborated by the '*study on child abuse: India 2007*' conducted by the ministry of women and child development.<sup>4</sup> It was also felt by the government of India that the sexual offences against children were not adequately addressed by the then existing laws. The interests of the child both as a victim as well as witness needed to be protected. It was felt that the offences against children needed to be defined explicitly and countered through commensurate penalties as an effective deterrence.

It was, therefore proposed to enact a self- contained comprehensive legislation *inter alia* to provide for protection of children from the offences of sexual assault, sexual harassment and pornography with due regard for safeguarding the interest and well- being of the child at every stage of the judicial process, incorporating child friendly procedures for reporting, recording of evidence, investigation and trial of offences and provision of establishment of special trial court for speedy trial of such offence.

### **PRE-POCSO LAWS**

- Before the bill was passed, cases of child sexual abuse were dealt with under the following sections under IPC.
- Section 375 that defines rape
- Section 376 of the Indian penal code provides for the punishment of rape which shall not less than seven years but which may extend to ten years, unless the women raped is

his own wife and is not under twelve years of age in which case, he shall be punished with imprisonment for a term which may extend to two years or with fine or both. When the girl is under 12 years or where the rapist is a person in authority (in a hospital, children's home, a police station etc.), the punishment is greater

- The other IPC provisions that are invoked is relating to unnatural practices is section 377. This is generally invoked when boy children are sexually abused. Although forcible sex with a boy is an act of rape, the rape law of the country under IPC doesn't cover it.
- Outraging the modesty of a women or a girl is dealt with in section 354.
- For insulting the modesty of women is in section 509.
- Obscenity and pornography are dealt under the Young Persons (Harmful Publications) Act, 1956. A young person means a person under the age of 20yrs. It is an offence to sell, let, hire, distribute or publically exhibit harmful publications.
- Under section 67 of the information technology act, 2000, publication and transmission of pornography through the internet is an offence.

### **INADEQUACIES OF TRADITIONAL LAWS**

The earlier law required a sexual intercourse for completing the offence of rape. The law on the point of age also offered a grey area in its determination. Courts were helpless in holding accused guilty for a graver offence if the penetration was found to have been made by non-penile organs or objects.

In *Maya Tyagi case*, the Rai Commission appointed by the State Government after enquiry was of the view that no penile penetration had taken place and the non- penile penetration didn't constitute the offence of rape. Although the trial Court on ocular evidence convicted the six policemen for the offence of rape along with other offences charged against them.

In *Sudesh Jhaku's Case*,<sup>5</sup> the Court held that Section 375 of the Code uses the words which are clear and plain and unambiguously express the intention of the legislature. The definition of rape is based on the common law and in England, as well as in India the words "sexual intercourse" and "penetration" have all along been taken to mean the act of inserting the penis

into female organs of generation. It would not be permissible to strain the words and their fold certain acts which do not come within the reasonable interpretation of the provision. It is not the case where the main object and intention of the provision is not clear. It is also not a case of absolute intractability of the language used. The language used also poses no difficulty in resolving the question before the court or implementing the intention or spirit of the law. The duty to mould or creatively interpret the legislation doesn't thus arise. Subsequently, the view of the Delhi High Court was challenged before the Supreme Court and it was decided along with some other petitions in the famous case of Sakshi the NGO.

In *Sakshi v. Union of India*,<sup>6</sup> a writ petition under Article 32 of the constitution was filed by way of public interest litigation by Sakshi an NGO seeking a declaration to the effect that "sexual intercourse" as contained in section 375 to include all forms of penetration. And that such offences "sexual intercourse" be given numbers as offences under section 375,376, and 376A to 376D of the Indian Penal Code 1860. The Additional Solicitor- General, for the respondents, submitted that International Treaties ratified by India can be taken into account for framing guidelines in respect of enforcement of fundamental rights but only in absence of municipal laws as held in *Vishaka v. State of Rajasthan*,<sup>7</sup> and *Lakshmi Kant Pandey v. Union of India*.<sup>8</sup> When laws are already existing, subsequent ratification of international treaties would not render existing municipal laws *ultra vires* of Treaties in case of inconsistency. The Supreme Court rejected the plea and dismissed the PIL. But it issued valuable guidelines for trial of rape and sexual abuse which concern children.

### **PRE-POCSO COURT VIEWS**

Prior to the moment the POCSO Act was enacted by the Legislature and a sea –change was made both in substance and approach of the law related to the victims of sexual exploitation and abuses under a common name of sexual offences, the courts in India had shown a progressive view on the subject. On the basis of their exposure to the international developments in the field of child's rights and enshrined values of the Indian constitution.

In *Virender v. State of NCT of Delhi*,<sup>9</sup> the Delhi High Court formulated the entire law on the sexual offences committed on the child victims. It also considered the hardships faced by the

child victims and witness during the investigation and also the trial in a court. The Court also felt that as per law only the penile penetrations in the form of sexual intercourse was required to hold an accused guilty of the offences charged against them. The decision in this case has touched almost all the aspects of the trial process in case the offence was committed against a child victim.

In *Mahender Singh Chhabra v. State of N.C.T. of Delhi*,<sup>10</sup> it is ordered by the Delhi High Court that in all the complaints/FIRs for the commission of offences of murder under section 302, IPC, culpable homicide not amounting to murder under section 304, IPC, death of a woman under suspicious circumstances within seven years of marriage under section 304B, IPC, offence of rape under section 376, IPC and dacoity with murder punishable under section 396, IPC, certain guidelines has to be followed:

- a) Upon receipt of a complaint or registration of FIR for any of the aforesaid offences, immediate steps shall be taken to associate a scientist from Forensic Science Laboratory or some other Laboratory or department in the investigations. The investigating officer shall conduct investigations on the points suggested by him also his guidance and advise
- b) Whenever the SDM/Magistrate is requested to record a dying declaration, video recording also shall be done with a view to obviate subsequent objections to the genuineness of the dying declaration.
- c) The material prosecution witnesses cited in any of the aforesaid offences shall be ensured safety and protection by the SHO concerned, who shall personally attend to their complaints if any.
- d) Orientation be given to the doctors, who prepare MLCs or conduct postmortems to ensure that the MLCs as well as post-mortem reports are up to the mark and stand judicial scrutiny in courts.

### **POCSO ACT**

On 14<sup>th</sup> November, 2012 the protection of children from sexual offence act, 2012 came into force It was extended to the whole of India, except the state of Jammu and Kashmir. This act is a new law legislated by the legislature to meet the requirements of increased sexual offences

against children. It is significant to note that this law doesn't make use of the term '*rape*' as it was used in the traditional law. This Act has defined the sexual offences against children with a new terminology. It has defined three categories of main offences along with other minor offences in the new act. This act has defined *Penetrative sexual assault, sexual assault, and the last one is sexual harassment and pornographic offences*. For the first two classes of offences i.e. *Penetrative sexual and sexual assault* it has defined their aggravated form also. These aggravated forms are known as *Aggravated penetrative sexual assault and aggravated sexual assault* respectively. These aggravated forms of the offences are not different kind of offences but are the aggravated forms of the pre-defined offences. Aggravated form of these offences are not different in kind rather they are different in degrees to some extent and further their difference lies in the external circumstances in which they are committed.

Section 3 of the POCSO Act tells us about '*penetrative sexual assault*'. Basically this section says that anyone who subjects a minor child to a 'body penetration' is said to have committed a penetrative sexual assault. The new act has repudiated the old terminology and has defined the new offences against the children. For what is known in the traditional law as 'Rape' has been defined as Penetrative Sexual Assault. Not only this but the law has broadened the definition of the Penetrative Sexual Assault also. Earlier in the traditional law a sexual intercourse was essential to constitute the offence of rape and a sexual intercourse could be performed only through penile penetration by a man in the sexual organ of a woman. If it was not a penile penetration the offence of rape was not complete. In several old cases there were allegations that the penetration was made by shoving a lathi by the police in the female organs of a victim<sup>11</sup> or the penetration of child's private part was made with fingers<sup>12</sup> and bottles but every time the penetrative act was found short of constituting rape. In another case the matter was raised before the Supreme Court to rule that even non-penile penetrations be also considered as rape but the Supreme Court decided that it was not possible in the legal framework.

In this respect the POCSO Act is the first Act in working that has made a non-penile penetration equivalent to a penile penetration in a female sexual organ. It has given them both the same name i.e., the *Penetrative sexual assault* or *Aggravated Penetrative Sexual Assault* as the case may be depending on the details of the case. This law has prescribed the same punishment for

both. This Penetrative Sexual Assault envisages four kinds of acts on the part of the offender i.e., penetration, insertion, manipulation, and application on the person of the victim.

*Aggravated Penetrative Sexual Assault* is an aggravated form of sexual offence of *Penetrative Sexual Assault* committed on a child. In fact, this an offence of Penetrative sexual assault when it is committed in special aggravating circumstances as given in section 5 POCSO Act.

Section 4 POCSO Act provides punishment for the offence of *Penetrative Sexual Assault* and Section 6 provides punishment for the offences of *Aggravated Penetrative Sexual Assault*.

#### Section 4. **Punishment for penetrative sexual assault** –

Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

#### Section 6. **Punishment for aggravated penetrative sexual assault-**

Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall be liable to fine.

Section 7. of **POCSO Act tells us about Sexual Assault**. Basically a sexual assault is predominantly a touch by the offender. If the offender touches the victim (victim's body parts) with sexual intent, then the act of *Sexual Assault* is complete. The test here is a touch; a touch of victim's body and that touch must be coupled with a sexual intent. If there is not any touch (that too, short of a *Penetrative Sexual Assault*) then the offence of *Sexual Assault* is not there. This '*Touch with Sexual Assault*) has been used in this statute in a sense of *eiusdem generis*. It has to guide the reader in elucidating the meaning of '*Any other act with Sexual Intent*' appearing in the second part of the language of section 7, POCSO Act.

The necessary generality in the wordings of many statutes, and ineptness of drafting in others frequently compels the court, as best that they can do to fill in the gaps, an activity which no matter how one may label it, is in part legislative. Thus the courts in their way, as administrators, in their way perform the task of supplementing statutes. In the case of courts, we call it 'interpretation' or 'filling the gaps' in the case of administrators we call it 'delegation'



of authority to supply the details. Hence the meaning of ‘*Any other act with Sexual Intent*’ appearing in the language of section 7 of POCSO Act is to be understood in the light in the earlier phrase ‘*Touch with Sexual Intent*’.

The applicability of the rule *ejusdem generis* is classically expressed by the Supreme Court in *Siddeshwari Cotton Mills (P) Ltd. v. Union of India*,<sup>13</sup> in the following manner “The expression *ejusdem generis*- “of the same kind or nature”- signifies a principle of construction whereby words in a statute which are otherwise wide but are associated in the text with more limited words are, by implication, given a restricted operation and are limited to matters of the same class or genus as preceding them. If a list or string or family of genus –describing terms are followed by wider or residuary or sweeping –up words, then the verbal context and the linguistic implications of the preceding words limit the scope of such words”.

Justice G.P. Singh in *Principles of Statutory Interpretation*,<sup>14</sup> has observed that “.... A statute must be read as a whole as words are to be understood in their context. Extension of this rule of context permits reference to other statutes in *pari material* i.e., statutes dealing with the same subject- matter or forming part of the same system.”

Sexual harassment is explained in Section 11. Of the POCSO Act. This concept of Sexual *Harassment* is a new concept as defined by the POCSO Ac. Earlier in the traditional law the concept of sexual harassment involved those aspects of sexual conducts of the offenders which have been covered presently under the name of sexual assault in this act. The Supreme Act had earlier defined<sup>15</sup> sexual harassment to include – “for this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as: (a) Physical contact and advances; (b) A demand or request for sexual favors; (c) Sexually – colored remarks; (d) Showing pornography ;(e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

This consideration by the Supreme Court was to cover five aspects of a sexual conduct of an offender. Out of these sexual conducts, the first one i.e., the physical contact, unwelcome physical, verbal or non-verbal conduct of sexual nature have been taken by this Act within the ambit of sexual assault punishable under section 8 or 10 as per merits of the case. The next sexual conduct i.e., demand, requesting and sexually colored remarks are covered in the present offence of sexual harassment. Showing pornography is punishable sections 13,14 and 15 as the

merits of a case may be. It shows that the guidelines provided by the apex court of the country were quite exhaustive and wide ranging. The offence which has been defined by the present act as *Penetrative Sexual Assault* (or for that matter the *Aggravated Penetrative Sexual Assault*) it was dealt with in the traditional law under the law of rape. Secondly, on the strength of Article 141 of the Constitution of India<sup>16</sup> these guidelines have the effect of the law of the land. Therefore, these guidelines are also to be taken as part of the law in force.

But one more aspect is to be kept in view here, that the aim of POCSO Act was not to furnish a legislative law in compliance of the guidelines laid down by the Supreme Court in the aforesaid case, for that manner it was the 'Protection of Women from Sexual Harassment at Work Place Act', this Act was enacted for the excessive instances of sexual offences against the children.

### Section 12. Punishment for Sexual Harassment

Whoever, commits sexual harassment upon a child shall be punished shall be punished with imprisonment of either description for a term which may extend to three years and also be liable to fine.

This is one of those few penal provisions in the POCSO Act where a minimum punishment is not mandated by the law. The punishment for Sexual Harassment may be for any term extendable up to three years. And for this reason, the provision of The Probation of Offenders Act is not barred in relation to the punishment given under section 12 here.

**Child Pornography** is type of pornography that exploits children for stimulating sexual feelings in the readers, viewers or listener or a combination of such sensual experience. Child subjects are shown/ depicted through an abuse process directly addressing to the sensual gratification of the experience gatherer. Abuse of the child occurs during the sexual acts or lascivious exhibitions of genitals or public areas which are recorded in the production of child pornography.<sup>17</sup> Child pornography may use a variety of media, including writings, magazines, photos, sculpture, drawings, cartoons, paintings, animations, sound recording, film, video, and video games.<sup>18</sup>

The advent of the 'internet' and 'communicating methods' in India has significantly influenced generation, distribution and access of pornography. This spread of electronic means and internet and also their access by the individuals round the clock from anywhere have made monitoring a challenge before the authorities. Internet access in India has grown from 5 million in 2004 to 40 million in 2007 and continues to grow at the rate of 17% a year, according to web metrics firm<sup>19</sup>.

Now all this has made access to the porn or pornography very easy and within a few clicks. A few feminist scholars have attributed this easy access to pornography as a cause inducing rape crime in the society. There is a well-known feminist dictum: "Pornography is the theory -rape is the practice". This has raised serious concerns, especially among parents and policy makers.<sup>20</sup>

Section 13 of POCSO Act talks about use of child for pornographic purposes. For the purpose of this Section Pornography is the use of child in any media for sexual gratification. This definition will include representation of child's sexual organs, real or stimulated sexual acts of child and indecent or obscene representation of a child. This a new legislation and has introduced this provision of law for the first time. Before this Act the obscenity was regulated under the traditional law given in sections 292,293, and 294, IPC.

In the case of *Ajay Goswami v. Union of India*,<sup>21</sup> the Supreme Court held that the standards to be adopted for judging decency the test should be that of an ordinary man of common sense and prudence and not out of the ordinary and hyper sensitive man.

#### Section 14. **Punishment for using child for pornographic purposes:**

This provisions prohibits the use of child or more children for pornographic purpose. An imprisonment up to a term of five years has been prescribed with a fine also. But if some offender while using a child for pornographic purposes also commits *Penetrative Sexual Assault* upon that child then the act would be treated by the law at par with *Aggravated Penetrative Sexual Assault* and would be punished with an imprisonment which shall not be less than 10 years and which may extend to imprisonment for life. He shall be liable to fine.

But if during such pornographic use the child is subjected to the offence of *Aggravated Penetrative Sexual Assault* as defined in section 5 of the Act then the offence would be punished by with rigorous imprisonment for life with fine. Any offence of *Sexual Assault* is

committed during such pornographic use then that will be treated as an offence of *Aggravate Sexual Assault* with a minimum imprisonment of not less than six years but extendable to eight years with fine.

### CHALLENGES AND CONTROVERSIES

➤ Consent

On the off chance that the youngster/immature declines to experience restorative examination yet the relative or researching officer is demanding for the medicinal examination, the POCSO Act is quiet and does not give clear course. There is an earnest need to illuminate the issue of assent in such cases. In any case, it is reasonable to take educated assent from parent when the survivor is a youngster (beneath 12 yrs.) and assent from both parent and the casualty, if the survivor is a juvenile (age group from 12 - 18 yrs.). In any case, crisis treatment should be started without getting into this assent issues or lawfulness to ensure the life of the child.

➤ Medical treatment

The POCSO Act, Section 27(2) commands that if there should be an occurrence of a female tyke/juvenile casualty, the restorative examination ought to be finished by a female specialist. In any case, the law orders the accessible medical officer to give crisis medicinal care. Then again, the Criminal Law Amendment Act, Section 166A of Indian Penal Code commands the Government medical officer on obligation to inspect the assault casualty without fizzle. This clashing lawful position emerges when female specialist isn't accessible.

➤ Consented sexual intimacy

Sexual contact between two teenagers or between an immature and a grown-up are viewed as unlawful under the POCSO Act 2012, in light of the fact that no exemption has been allowed in the Act under which a demonstration of sexual experience with a man under 18 is an offense independent of assent or the sex or marriage or age of the casualty/the charged. In any case, it is suggested that any consensual sexual act that may constitute penetrative rape ought not be an offense when it is between two consenting teenagers, generally both the young people will be charged under the

POCSO Act, 2012. Then again, the most recent change of the Indian Penal Code concerning rape laws in 2013<sup>22</sup> plainly reports that the time of assent for sex has been settled to 18 yrs., thus, any individual who has consensual sex with a youngster below 18 yrs. can be accused of assault, which may build the quantity of assault cases. One more genuine repercussion is that obstetric and gynecologists need to report all the MTP (medical termination of pregnancy) cases performed on kids (below 18 yrs.).

➤ Child marriage

Child marriage and fulfillment of child marriage are viewed as illicit under the POCSO Act, 2012. In India despite the fact that youngster marriage is disallowed under common law, it appreciates endorse under certain Personal Law subsequently convoluting matters.<sup>23</sup> These issues should be tended to when the law is open for change.

➤ Training

There is a pressing need to prepare the medicinal, educators, legal, supporters and law implementing offices in the POCSO Act, 2012. Research, data, checking and sharpening people in general are the greatest difficulties. Preparing every one of the partners is one of the vital factors in giving complete care and equity. There is additionally a dire need to prepare all the therapeutic students and essential social insurance specialists in giving kid inviting meeting, organized evaluation, gathering proof, prophylaxis for sexually transmitted infections and HIV, family advising and general development.

➤ Report

It is outstanding that the instances of youngster sexual abuse are normally not announced. Further, knowing and announcing child sexual offense is exceptionally troublesome and exceedingly individual choice for some relatives and furthermore for survivors. The two survivors and relatives feel humiliated and embarrassed bearing the blame, outrage, dissatisfaction and passionate unrest of the demonstration. The dread of re-exploitation as a result of medicinal examination, criminal equity framework and ineffectively educated society individuals keeps them quiet and experience torment for long length.

A golden rule to all the medical experts working with youngsters is to report all sensible level of doubt in kid sexual abuse to the legitimate specialists. Subsequently, experts need to keep watch on sexual abuse, investigate and survey the kid altogether. In spite of the fact that the POCSO Act, 2012 is a superb bit of enactment and it perceives relatively every known type of sexual abuse against kids as culpable offense, a couple of difficulties stay to be replied. A multi-dimensional, multi-office group and multi-level approach including access to psychosocial bolster is to be made accessible to convey all-encompassing complete care under one rooftop for casualties of child sexual abuse.<sup>24</sup>

### CONCLUSION

Despite all offences, offenders, plights, violations and frustrations the courts have not lost the hope. They are still hopeful for a bright future. The barbarity of the offence of rape cannot be overemphasized, especially when we have witnessed the most gruesome and horrific instances of the same in the recent past. The indifference that was created towards feral men with the quotidian reporting of rape was followed by a furor bringing the heinousness and depravity of the offence once again into the forefront, awakening, the yet hitherto dormant attitude of the society. On flipping of the pages of the newspaper or the channels of the television, the only resonating sound is a new incident of rape. The argument being advanced is that the incidents of rape have increased manifold but in reality it is also due to the metamorphic change the society is undergoing, that of the new found willingness of the survivors to report the offence rather than being hapless victims like before. However, in the face of this positive development, we cannot turn a blind eye to the fact that the consequences of this monstrous act remain as devastating as ever, but may be the societal prism which shamed and blamed the survivor has changed angles. The women as a whole, cutting across status, class, culture, creed or sex are a vulnerable group but a minor child is most susceptible of the lot. The tender years of innocence where the children are taught to have faith in the goodness of humanity and nurturing relationship with trust fall apart when the same child becomes a prey in the hands of the lusty and unscrupulous men. It is also brought to light by the recent statistics that the rapists are strangers also but are more often than not people known to the family or in a position to trust with the survivor.

The Criminal Law Amendment Act, 2013 has given a new ray of hope to the women and teeth to the law and should act as a deterrent. The need for every person to know the legal ramifications of his vicious act is important, especially that of rape. The most potent tool is to educate the public of the new law and create awareness about the rights of the victims and at the same time the severity of the punishment of the offence committed. The men folk need to be gender sensitized from the very beginning from school to colleges to treat women not as a sex objects but as an equal human being. The emboldening of the law should act as a deterrent to the prevalence of flouting the law with impunity. This can only be done through mass awareness and the media has a big role to play in this movement of great change in society. The print and television media, both public and private participants have to be partisans of this change the government has to be the torchbearer to create the fear of law in the minds of the people that they have to think a million times before committing this immoral crime. The common man should be daunted by the law and it can only come by ingraining in them the repercussions of their acts. Much has been achieved by the showing of the clipping in theatres of the harmful effects of tobacco and we suggest the same should be done to apprise the people of the new law relating to sexual offences.

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