



POCSO Act

THINGS EDUCATORS AND
SCHOOL MUST KNOW



CONTENT CURATION

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What?

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a comprehensive legal framework designed to protect children from sexual abuse and exploitation.

Who is a Child ?



Any person below the age of 18 years is child

Objectives of POCSO

- To protect children from sexual offences and to safeguard their interests and well-being.
- To define different types of sexual offences against children and prescribe stringent punishments for such offences.
- To provide child-friendly procedures for the reporting, recording of evidence, investigation, and trial of offences.
- To protect the child during the judicial process by maintaining the child's privacy and dignity.
- To create awareness among the general public, parents, guardians, and teachers about the provisions of the Act.

Offences and Penalties under the POCSO Act

Types of Offences Covered:

- Sexual Assault: *Includes penetrative sexual assault and aggravated sexual assault.*
- Sexual Harassment: *Involves physical contact and advances, making sexually coloured remarks, showing pornography, etc.*
- Using Child for Pornographic Purposes: *Producing, distributing, broadcasting, or publishing child pornography.*
- Abetment and Attempt: *Includes aiding, abetting, or attempting to commit any of the above offences.*

Penalties and Punishments:

- Penetrative Sexual Assault (Section 4): *Minimum 7 years' imprisonment, extendable to life imprisonment.*
- Aggravated Sexual Assault (Section 6): *Minimum 10 years' imprisonment, extendable to life imprisonment.*
- Sexual Harassment (Section 11): *Minimum 3 years' imprisonment, extendable to 5 years, and fine.*
- Using Child for Pornographic Purposes (Section 13): *Minimum 5 years' imprisonment, extendable to 7 years, and fine.*
- Abetment and Attempt (Sections 9, 10, 12): *Punishments as provided for the main offence.*

Special Provisions:

- Special provisions for recording the statement of the child, including the use of audio-video technology.
- Child-friendly procedures for the trial and protection of the child during the judicial process.

Role and Responsibilities of Educators under the POCSO Act

Importance of Educators:

- Educators play a crucial role in preventing child sexual abuse by creating a safe and supportive environment for students.
- They are often the first to notice signs of abuse and can provide necessary support and intervention.

Duties and Responsibilities:

- Awareness and Education: Educators must educate themselves and students about the provisions of the POCSO Act and safe practices.
- Prevention: Implement preventive measures to ensure the safety and well-being of students, including appropriate behaviour guidelines.
- Reporting: Educators are mandated reporters and must promptly report suspected cases of child sexual abuse to authorities.

Reporting Procedures:

- Immediate Reporting: Report incidents promptly to designated Child Welfare Committee (CWC) or Police.
- Confidentiality: Maintain confidentiality during the reporting process to protect the child's privacy.
- Documentation: Document incidents, observations, and any actions taken regarding suspected abuse.

Mandatory Reporting Requirements:

- Educators must report any suspicion or knowledge of child sexual abuse, failing which they may be liable under the law.
- Failure to report can lead to penalties, including imprisonment, under Section 21 of the POCSO Act.

Child-Friendly Procedures

Child-Friendly Procedures for Recording Statements and Conducting Trials:

Use of child-friendly language and non-threatening environments during the statement recording.

Statements recorded in the presence of a child psychologist or counsellor to minimize trauma.

Importance of Sensitivity and Maintaining Confidentiality:

Sensitivity in handling cases of child sexual abuse to ensure the child's emotional well-being.

Maintain strict confidentiality to protect the child's privacy and prevent stigma.

Limiting access to information to authorized personnel only.

Preventive Measures

Strategies for Creating a Safe and Supportive Environment for Students:

- Implementing and enforcing a child protection policy within the school.
- Conduct regular safety audits and risk assessments of the school environment.
- Provide training to staff on recognizing signs of abuse and reporting procedures.

Awareness and Education Programs for Students, Parents, and Staff:

- Organizing workshops and seminars on child protection and safe behaviour.
- Involving parents in discussions on child safety and the POCSO Act.
- Conducting regular classroom sessions on safe touch, personal safety, and reporting abuse.

Guidelines for Educators

Dos and Don'ts for Teachers Regarding Physical Contact and Language:

- *Do use appropriate and non-invasive forms of physical contact when necessary.*
- *Don't use derogatory or sexually suggestive language or gestures towards students.*
- *Do maintain a professional and respectful demeanour at all times.*

Behavior Expected from Educators in the Classroom and School Environment:

- *Ensuring a supportive and non-threatening environment conducive to learning.*
- *Modelling respectful behaviour towards students and colleagues.*
- *Being vigilant and responsive to signs of abuse or distress in students.*

Reporting Mechanisms

Procedures for Reporting Suspected Cases of Child Sexual Abuse:

- Report suspected cases immediately to the designated Child Welfare Committee (CWC) or Police.
- Document observations, incidents, and actions taken regarding suspected abuse.
- Provide factual and accurate information during the reporting process.

Contact Information for Relevant Authorities and Helplines:

- List contact details of local CWC, Police, and Childline helpline numbers.
- Ensure all staff members have access to and are aware of these contact details.
- Encourage students and parents to contact these helplines in case of emergencies or concerns.



**"Children are the world's most valuable
resource and its best hope for the
future."**

– John F. Kennedy