

**Violation of Child Rights at School: A Study on Corporal Punishment and Sexual Abuses  
with Special Reference to Juvenile Girl Under Pocso Act**

**Monalisa Khanikar<sup>1</sup>**

Research Scholar (Department of Legal Studies), AUS, Namsai, Arunachal Pradesh  
monalisa.23khanikar@gmail.com

**Dr. Baloy Bhattacharjee<sup>2</sup>**

Assistant Professor and Research Supervisor, (Department of Legal Studies), AUS  
Namsai, Arunachal Pradesh

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**Abstract:** Corporal Punishment and Sexual Abuses are the two most significant risks faced by the children today at school or any institutions. These offences are the clear indication of violation of child rights. Both the offences create result in long term and short term harm including physical, social, psychological, mental effects which in later life it causes to depression, poor self-esteem, anxiety disorders, school dropout, suicide etc. Thus, the school is the one social institutions outside family where nearly all children have consistent, ongoing contact. The reports indicate that child sexual abuses and punishment are mostly done by people working in schools or teachers are highest in trend. However, the tragedy is not that the punishment and abuses took place under the hands of protection system but by the fact that schools often try to make silence over the matter. Therefore, there should be Children Protection Policy in school to safeguard children along with Child Welfare Committee to prevent and protect from harm. The sexual abuses mainly face by a girl child who is below 15-18 years of age. It is the girl who is victimized and requires special need and care. The researcher in this paper tries to understand the gaps in existing provisions of POCSO ACT 2012, JJACT 2015 AND RTE 2009 implementing to protect children from all forms of violence. Hence, the researcher carries out the work through descriptive study and also from secondary sources like internet.

**Keywords:** Corporal Punishment, Sexual Abuse, POCSO Act, Child Rights

**Introduction**

Child Abuse is the violation of basic human rights. Child abuse or any treatment of punishment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, or dignity in the context of a relationship of responsibility, trust or power (Source: A report of the consultation on child abuse prevention, WHO, Geneva, 29-31

March 1999, defines child abuse as).<sup>1</sup> According to a report conducted by Ministry of Women and Child Development in 2007, 53% of the children have tolerated sexual abuse. The data also reported that child abuse is one of the most serious topics in the society. The various independent reports stated that nowadays not only girl's but boys are also sexually abused in any institutions and in most of the instances, the abuser is known to the child. Therefore, after the Study on Child Abuse: India 2007 it was ardent necessary to bring a new law on Child Sexual Abuse and so the POCSO Act, 2012 came into limelight.

On the other, According to Human Rights Watch, 90% of the world's children at school experience corporal punishment and other physical violence which is still legal in some countries. However, this led the United Nation to launched a summit series of 2016 by The Global Partnership to End Violence Against Children with an initiative to End Corporal punishment through an Agenda 2030. In India protection was implied under Right to Education Act 2009 where a child should be inducted to live a life in a dignified way at school. Thereby, The Right of Children to free and Compulsory Education Rules 2010 includes various protection of mechanism for children regarding the violation of child rights. Thus, under Sec 31 of RTE the NCPCR AND SCPCR 2011 have entrusted upon the protection of child rights. Hence, the National Policy for Children 2013 also includes protection of child rights. According to New Education Policy Sec 17 prohibits any type of punishment towards children.

The following types of abuses which are prohibited as per this policy are:

- a) **Physical abuse:** The intentional use of physical force against a child that results in or has a high likelihood of resulting in harm to the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating.
- b) **Emotional abuse:** Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, so that the child can develop a stable and full range of emotional and social competencies commensurate with his or her personal potential and in the context of the society in which the child dwells. Acts include restriction of movement, patterns of belittling, and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.
- c) **Neglect and negligent treatment:** The negligent treatment would mean failure of our employee or volunteers to treat every child in the class equally irrespective of their caste, colour, gender, social background or any other factor.
- d) **Exploitation:** Commercial or other exploitation of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and

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<sup>1</sup> "Child abuse and neglect by parents and other caregivers", World Health Organization p.3

child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

**e) Sexual abuse:**

**i)** Sexual abuse is an act or behaviour which constitutes a sexual offence under the Protection of Children from Sexual Offences Act, 2012. Such sexual offences include penetrative sexual assault (including rape), non-penetrative sexual assault (including touching the private parts of a Child), sexual harassment (including stalking a Child, showing a Child pornography and making a Child exhibit his/her body) and using a Child for pornographic purposes (including storing of pornographic material involving a Child for commercial purposes).

**ii)** An abetment of and an attempt to commit a sexual offence under the Protection of Children from Sexual Offences Act, 2012 are also considered to be offences.

Certain offences under the Protection of Children from Sexual Offences Act, 2012 are considered to be aggravated offences and are subject to stringent punishments. For instance, sexual assault committed by persons in a position of trust or authority in relation to the Child (including relatives of the Child, persons managing or working in an educational institution, police officers or public servants) are considered to be aggravated offences. The fundamental aspects to be followed in case of sexual offence against a child are laid down in the preamble of POCSO Act, 2012. The State Government, the Child Welfare Committee, the Police, the Special Courts, all other Government and Non –Government Organisations and all other experts assisting the child.<sup>2</sup>

POCSO Act, 2012 is the short abbreviation for the Protection of Children from Sexual Offences Act, 2012. The main objective of the Act is to protect children from adult abusers. Some of the highlights of this Act are as follows:

1. It covers all children below the age of 18 years.
2. It is equal gender Act
3. It provides child friendly processes for reporting, recording and trial with keeping priority to the child
4. Burden lies on the accused in cases of penetrative sexual assault, aggravated penetrative sexual assault, sexual assault and aggravated sexual assault
5. Reporting of child sexual abuse cases are mandatory.

This imparts a legal duty upon a person who has knowledge that a child who has been sexually abused and fails to report such offence may be punished with 6 months imprisonment or fine.

## **Nature**

India is a developing country, which should focus more on the sensitive issue i.e. corporal punishment and child sexual abuse which are both crime in issue to be dealt with seriously.

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<sup>2</sup> POCSO (2012), Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012. Ministry of Women and Child Development

Children protection means to ensure that no child is subjected to violence, harassment, neglect and exploitation and that children who are victims of such a situation should receive adequate care, protection and assistance. Both in normal or in emergency situations – children should be protected in all circumstances. So, that they can enjoy their right to life, development and well of childhood without any fear.

The Child Protection Policy is guided by the National Policy for Children, 2013, of Government of India, to the realization of all rights to children. The National Policy for Children (2013) highlights, “safety and security of all children is integral to their well being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities”. It also points out that “mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality”.

Hence, a child centric rights-based approach, affirmed by India's commitments to the UN Convention on the Rights of the Child, is deeply implied as the guiding framework for all future actions taken regarding children. This approach enables all children to access, participate in and profit fully from learning opportunities in a space that inspires their confidence and holistic sense of well-being. Participation of children in the process is undeniable right to every child.

**Objectives:**

1. To guide and educate the juvenile girl under Child Protection Policy
2. To study about the legal provision and protection of children from this corporal punishment, cruelty and heinous crime under the various Acts such as JJA, POCSO and RTE

**Research Methodology:**

The main purpose of the research is to study the level of knowledge and awareness of children faced through corporal punishment and sexual abuse at school and to find out the problem faced by a juvenile girl and how in what extent she should be protected under the Juvenile Justice Act and POCSO Act along with other shortcomings Acts. Here, the researcher specifically depicts through descriptive study along with some secondary sources. If the people want to achieve the progress and development of our country, the children must be protected first as they are the future of nation. Therefore, Government has enacted special laws applicable to children and juvenile adolescents in our country along with the Child Protection Policy.

**Concept**

The Child Protection Policy for Schools is a comprehensive approach to ensure child safety and protection through inter-agency networking and inter-departmental convergence. This paper contains 3 parts. **Part A** Introduction while **Part B** sets out **Guidelines and Procedures** for

protection of children in school, and finally **Part C is the Child Safety Plan** – ensuring Safety Standards in Schools, and used for self-assessment by schools and authorities

Child protection is a broad term that encompasses policies, guidelines, standards and procedures to protect children from both intentional and unintentional harm and violence. In the context of schools, it applies particularly to the duty and responsibility of authorities, and other stakeholders associated with the schools towards children in the schools.

### **Child Protection Policy (Cpp) For Schools**

Child Protection Policy is a policy that states the school's commitment to safeguard children from harm and abuse. The child protection policy must reflect not only in the policies but also in every aspect of the school administration and management including in staff recruitment, training and teaching learning transactions that would impact interactions between teachers, students, the school environment and parents – rendering them more child centric. The policy will apply to all personnel and persons related to the school and who come in direct or indirect contact with children.<sup>3</sup>

- A. Direct Contact with Children:** Being with in the physical presence of a child or children as part of their professional or school related work, be it regular, occasional, temporary or long term.
- B. Indirect Contact with Children:** Does not need any physical presence of a child but encompasses access to personal details and information, data on children including photographs, case files etc.

### **Purpose of This Policy**

1. To promote a safe and positive environment in school, conducive for learning and development, in partnership with children
2. To provide the school's position on safety and protection of children and the measures taken for ensuring the same
3. To define roles and responsibilities and accountability of school authorities and other stakeholders
4. To enable staff and others recognize signs of abuse or situation when a child may require protection and help; and importantly enable them to report or bring to the notice of the concerned authority for immediate action
5. To set in place mechanisms for monitoring and review of the implementation of the child protection standards

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<sup>3</sup> Safety and Well Being First- Child Protection Policy For Schools in Karnataka (2014), Department of Women and Child Development Government of Karnataka October 1, 2014

**Governing Principles**

The Child Protection Policy is guided by the non-negotiable fundamental principles<sup>4</sup>for realization of the rights of all children and includes in particular -

1. **Principle of Best Interest of the Child:** The right of the child to have her or his best interest taken as primary consideration which is a substantive right, a fundamental interpretative legal principle and a rule of procedure<sup>5</sup>. It also implies that institutions, services and facilities responsible for care or protection of children will conform to standards established by competent authorities, particularly in the areas of safety, health and supervision; and reiterates the rights and duties of parents, guardians, other individuals legally responsible for them<sup>6</sup>.
2. **Principle of Safety:(No harm, no abuse, no neglect, no maltreatment)** All measures will be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care providers and education system
3. **Principle of Equality and Non-discrimination:** All children shall be treated equal and given equal opportunity and treatment. There shall be no discrimination against a child on any grounds including gender, religion, caste, class, place of birth, disability etc. Stigmatizing vocabulary or language will also not be used in class or in the school.
4. **Principle of Confidentiality:** Every child has a right to protection of her/his privacy and confidentiality, in matters that call for such. Confidentiality shall be maintained when there has been abuse, especially when there has been sexual abuse.
5. **Principle of Participation:** Every child has a right to be heard, listened to and to participate in all processes and decisions affecting her or his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child. It has been noted that the right of a child to be heard is not only a right in itself, but should be considered in the interpretation and implementation of all other rights.<sup>7</sup> The parent/guardian and family of the child also have a right to such participation unless decided otherwise by the Competent Authority<sup>8</sup>. It also enables a child to provide informed consent.<sup>9</sup>

<sup>4</sup> Principles laid down under the UNCRC as well as guiding principles under the Juvenile Justice Act 2000

<sup>5</sup> The UN Committee on the Rights of Child, General Comment No 14 (2013)

<sup>6</sup> Article 3 of the UNCRC

<sup>7</sup> General Comment No.12( 2009).The right of the child to be heard, COMMITTEE ON THE RIGHTS OF THE CHILD Fifty-first session, Geneva, 25 May - 12 June

<sup>8</sup> Competent Authority includes Special Court under the POCSO Act, CWC,JJB and SJPU under the JJA Act

<sup>9</sup> ibid

**Girl's measures to Prevent Child Abuse****1) On-Boarding:**

- a) All Staff and Volunteers have to self-declare previous cases of criminal offence and child maltreatment. It is the management who has the right to decide on the further engagement.
- b) All Staff and volunteers have to undergo child protection awareness training.
- c) Child safety guidelines that are required to be followed by the Staff and Volunteers on door to door activities, enrolment, life skill education (BAL sabha formation), advisory council, preparatory class, foundation class, my space centre, photo shoots, and others.
- d) To ensure that visitors to a school are accompanied by a Staff Member to ensure no child is harmed by the visitor in any way.

**2) Redressal Mechanisms:** These includes:

- a) **District Child Protection Officer (DCPO):** The DCPO is the District Operations in every district to ensure compliance to the CPP. DCPO will report any complaints of abuse or assault brought to his/her notice to the SCPC.
- b) **State Child Protection Committee (SCPC):** This is a committee in every State which will act on the complaints registered by the DCPO with redressal decisions. SCPS will also conduct reviews (once every 6 months) of the working of the CPP in the district and implement any additional measures to strengthen child protection measures.
- c) **National Child Protection Committee (NCPC):** This is a committee who oversees the policy at a national level. It will conduct reviews (annually) of the working of the CPP in the organisation and implement any additional measures to strengthen child protection measures.
- d) The constitution, roles and responsibilities of DCPO, SCPC and NCPC will be followed.

**3) Partnerships to Support Implementation:**

- a) Partnering with organizations to conduct training sessions with employees based on CPP.
- b) Partnering with organizations working in the area of child abuse and child rights, to support Staff and Volunteers in effective implementation of the CPP e.g. 1098 Child line.

**Guidelines for Complaint Redressal Mechanism**

1. Following redressal guidelines based on the Protection of Children from Sexual Offences act, 2012 (POCSO)
2. The Complainant shall send the Child abuse complaint to the DCPO within 48 hours, by email or in writing under CPP.

**Procedures regarding reporting of Child abuse:**

- The complainant will report the case to the DCPO
- The DCPO may take the following steps:

- Send the Child abuse complaint to the redressal body. In the absence of a redressal body, the DCPO will inform the headmaster/principal or the School Management Committee about the Incident. However, in case any of the School authorities mentioned above is the alleged offender, the Complainant, after ascertaining the level of risk to the alleged victim, use his/her discretion in providing information about the Incident to such School authority.
- Working directly with the Student or Staff / Volunteer to report the complaint directly to Child line or the relevant government/legal redressal committee
- DCPO will advise on steps to protect the alleged victim from further harm and provide medical or counselling as necessary and possible. These may include contacting CHILDLINE 1098, the police or the Child Welfare Committee.
- The DCPO may advise the Staff or volunteer to observe that the child can feel to stay safe to speak, without fear, about his/her situation.
- The DCPO may advise the Staff / Volunteer to inform the parents/guardians of the alleged victim about the Incident or ensure that the redressal body in the School, or the headmaster/principal or the SMC of the School . However, in case a parent/guardian of the alleged victim is the alleged offender, the DCPO, after ascertaining the level of risk to the alleged victim, use his/her discretion in providing information about the Incident to such parent/guardian.

**Steps to be taken by the DCPO after the receipt of the Child Sexual abuse complaint:**

The DCPO shall seek internal and external support, as may be necessary, to undertake the following tasks:

- The DCPO shall inform the SCPC & NCPC of the Child Sexual abuse complaint before the close of the day on which the complaint has been reported to the DCPO.
- Based on the discussion the course of action to be taken in cases involving complaint or knowledge of sexual abuse of a child NO DISCUSSION should be held internally and first response should be to immediately inform the relevant enforcement agency and statutory The DCPO shall hence inform the NCPC and report the incident to CHILDLINE 1098, the police, the Special Juvenile Police Unit or the Child Welfare Committee, as the case may be.
- If the alleged offender is an Organisation representative and is alleged to have committed sexual abuse shall be immediately suspended and removed from the programmes of EG. The DCPO shall terminate the services of or terminate the association with the offender, on immediate effect.
- The DCPO shall ensure confidentiality of the Incident (including the identity of the Complainant, the alleged victim and the alleged offender, the contents of the Child abuse complaint and the proceedings of the Child abuse complaint) and disclose the Incident only to persons who need to know about the Incident.



- The DCPO shall ensure proper documentation and recording of the Child abuse complaint.
- As per section 19 of the POCSO Act, every person who suspects or has knowledge of the commission of a sexual offence is required to report the offence to the local police or the Special Juvenile Police Unit. A failure to report the sexual offence, constitutes an offence punishable with imprisonment or fine or both in accordance with section 21 of the POCSO Act. Making false complaints or providing false information against any person in respect of a sexual offence under the POCSO Act is also punishable with imprisonment or fine or both under section 22 of the POCSO Act.
- The DCPO is responsible for ensuring that the Staff and volunteers are kept in the loop regularly in case of any policy changes or amendments etc.

**Immediate Steps – Child**

- Comfort the child at every step. It is a bad experience that the child has gone through and the child should not relieve the experience by recalling it.
- Do not give solutions to the child or their family without consulting the external partner.

**Immediate Steps – School**

- DCPO to go to school with the staff working in that school to talk to the HM. Inform the HM about the case.
- If the offender is someone from school then the HM will have to act on the case.
- Else, inform her/him about the case and what actions are being taken to address the issue.

**Legal Framework:**

To observe the Constitutional safeguards and the commitment to the UNRC, the Government of India has provided various legislative measures for the protection of children. Thus, for the protection or safeguards from some form of violence or abuse the key highlight of child legislation in the sense of protection of children are the following:

1. The Child Labour (Prohibition & Regulation) Act, 1986 (CLPRA)
2. The Juvenile Justice (Care & Protection) of Children Act 2000 and Amendment Act 2006, (JJA)
3. The Commission for the Protection of Child Rights Act 2005
4. The Right of Children to Free and Compulsory Education Act 2009 (RTE)
5. The Protection of Children from Sexual Offences Act 2012 (POCSO)
6. The Prohibition of Child Marriage Act, 2006
7. The Criminal Law Amendment Act, 2013

However, here the respondent basically tried to discuss about the JJA 2006, POCSO (2012) and RTE (2009)

**Offences Against Children:****The Juvenile Justice (Care and Protection of Children) Act, 2015 states about the child**

**protection:** Under this Act, the word Juvenile is not used for two division of children- children in need of care and protection and children in conflict with law.

**Table 1 states about the sixteen General Principles of the Act which is considered to be one of the strong foundations of the entire Juvenile Justice System which are as follows:**

1. Principle of presumption of innocence	All children presumed to be innocent and not having any criminal intent till the age of 18 years
2. Principle of dignity and worth	All children shall be treated with equal dignity and rights
3. Principle of participation	Every child shall have a right to be heard and to participate in all processes
4. Principle of best interest	All decisions regarding the child shall be based on best interest of the child
5. Principle of family responsibility	The primary responsibility of care, nurture and protection of the child shall be that of biological or adoptive or foster parents
6. Principle of safety	All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment
7. Positive measures	All resources are to be mobilized including those of family and community and to reduce vulnerabilities of children under this Act
8. Principle of non-stigmatising semantics	Adverse or negative words should not be used in the processes pertaining to a child
9. Principle of non-waiver of rights	
10. Principle of equality and non-discrimination	There shall be no discrimination against a child on any grounds including sex, place of birth, equality of access, opportunity and treatment shall be provided to every child
11. Principle of right to privacy and confidentiality	Every child shall have a right to protection of his/her privacy and confidentiality, by all means of judicial process
12. Principle of institutionalization as a measure of last resort	A child shall be placed in institutional care as a measure of last resort

13. Principle of Repatriation and Restoration	Every child in the juvenile justice system shall have right to be re-united with his family at the earliest and to be restored to the socio economic status
14. Principle of fresh start	All past records of any child under juvenile justice system should be wipe out except in special circumstances
15. Principle of diversion	Measures for dealing with children in conflict with law
16. Principle of natural justice	

Source: Internet

**Table 2 speaks about the Juvenile Justice (Care and Protection of Children) Act, 2015 clearly states the offences against children from (Section 74-85)**

Offence	Punishment
Prohibition on disclosure of identity section 74)	Imprisonment upto six months and fine upto Rs. two lakhs or both.
Cruelty to a child (Section 75)	Imprisonment upto five years and fine upto Rs. five lakhs, whereas if the child is physically incapacitated or becomes mentally ill then rigorous imprisonment of 3 years -10 years and fine upto five lakh.
Employment of child for begging (Section 76)	Imprisonment upto 10 years and fine upto Rs. five lakhs.
Giving drugs or intoxicating substances (Section 77)	Imprisonment upto seven years and fine upto Rs. seven lakhs.
Using a child for drug peddling (Section 78)	Imprisonment upto seven years and fine upto Rs. seven lakhs.
Illegally adopting a child or giving the child to adoption illegally (Section 80)	Imprisonment upto three years and fine upto Rs. one lakhs or both.
Sale or procurement of a child for any purpose (Section 81)	Imprisonment upto five years and fine upto Rs. one lakhs. And if such offence is done by a person who is actual charge of the child than imprisonment is not less than three years and can exceed upto seven years.
Corporal Punishment –Any person employed	First offence fine of Rs.10000 and repetition

or in charge of a Child Care Institute gives corporal punishment to a child with aim of disciplining him (Section 82)	of offence shall be liable to imprisonment of upto three months
Use of child by militant groups or adults (Section 83)	Imprisonment upto seven years and fine upto Rs.five lakhs.
Offence on disabled children (Section 85)	Double of actual Punishment.

Source: Internet

**Table 3 states Expected Conduct of child abuse prevention, WHO, Geneva, 29-31March 1999 and The Protection of Children from Sexual Offences Act 2012)**

<b>Expected Behavior and Actions</b>	<b>Prohibited Behavior and Actions</b>
<ul style="list-style-type: none"> <li>● Treat every Child with empathy and respect, regardless of his/her race, colour, gender, sexuality, language, religion, religious belief, heritage, political/other opinion, national/ethnic/social origin or property/disability/birth/other status.</li> <li>● Listen to Children and respect their views.</li> <li>● Ensure that physical contact, if any, with a Child is respectful, culturally appropriate and essential to the purpose of your interaction with the Child.</li> <li>● Establish an atmosphere that fosters the development of Children through your actions and words.</li> <li>● Always take permission from Children before taking their photos or videos.</li> <li>● Keep all personal information about Children or their parents/guardians confidential and secure and ensure that such information is dispensed to only those</li> </ul>	<ul style="list-style-type: none"> <li>● Do not use language or behavior towards Children that is inappropriate, harassing, abusive, sexually provocative, demeaning, intimidating, offensive, discriminatory or culturally insensitive.</li> <li>● Do not ignore the child or look down upon their ideas or suggestions.</li> <li>● Do not place a Child at risk of harm or abuse and do not harm or abuse any Child physically, emotionally or sexually.</li> <li>● Do not use any form of corporal punishment on Children.</li> <li>● Do not share with or show Children (electronically or in any other form) inappropriate content including pornographic material or material encouraging crime, violence, terrorism, racism, sexism, self-harm, suicide, cruelty and gambling.</li> <li>● Do not develop, induce or support physical</li> </ul>

<p>individuals who are legitimately entitled to it.</p> <ul style="list-style-type: none"> <li>● Attend all the applicable training sessions and workshops on the CPP and</li> <li>● Child-related laws conducted by the Organization. Ensure you implement the lessons learned from such sessions and workshops</li> </ul>	<p>or sexual relationships with Children, in any way.</p> <ul style="list-style-type: none"> <li>● Do not use or encourage the use of alcohol, drugs, cigarettes or other intoxicating substances while interacting with Children and from providing such intoxicating substances to Children.</li> <li>● Do not develop any form of relationship or arrangement (financial or otherwise) with Children which could in any way be deemed to be exploitative or abusive. Do not use Child labour in any form.</li> </ul>
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Source: Internet

**Table 4 speaks about the Protection of Children from Sexual Offences Act, 2012(POCSO)**

Section	Provision	Punishment
4	Punishment for penetrative assault: If any person inserts any private body part or any object in child's body.	10 years or imprisonment of life with fine. However, if penetration is done to a child below 16 years, punishment is 20 years with life imprisonment and fine
6	Punishment for aggravated penetrative sexual assault: by any police officer, teacher, hospital staff or any other person under whose care and protection the child is or under someone trusts	20 years imprisonment with life imprisonment or death penalty with addition fine. This fine will be used for medical and rehabilitation expenses of victim
8	If any person touches with sexual intent any private part of child's body or make the child touch his/her private part is called sexual assault	Imprisonment of minimum 3 years which may extend upto 5 years with fine
10	Punishment for aggravated	Imprisonment of minimum 5

	sexual assault	years which may extend upto 7years with fine
12	Punishment for sexual harassment	Imprisonment upto 3 years with fine
14	Punishment for using child in pornographic purposes	Imprisonment for 5 years with fine and in case of repeated offence, punishment will be not less than 7 years of imprisonment with fine
15	Punishment for storage of pornographic material involving a child	Any pornographic material involving a child and fails to report or destroy is punishable with fine of not less than 10,000 rupees.
17	Punishment for abetment	Shall be punished with imprisonment of any description provided for the offence
18	Punishment for attempt to commit an offence	Imprisonment for a term which may extend to one-half of the punishment or with fine or both
21	Any offence committed under the provisions of this act	Imprisonment upto 6 months or with fine or both
22	Any person who falsely make a complaint or gives any wrong information against a child	Imprisonment upto 1 year or with fine or both
23	Any person who makes report or present in front of media publishes child's identity	Imprisonment upto 6 months which may extend to a term of 1 year or with fine or both

Source: Internet

**Table 5 states and laid down about the responsibility and protection of children by the District Child Protection Officer (DCPO) and State Child Protection Committee**

<b>Divisional Category 1: Responsibility of DCPO and SCPC</b>	<b>Steps to be taken</b>
<p><b>Nature of Violation</b></p> <ol style="list-style-type: none"> <li>1. Corporal punishment of a Child: Smacking</li> <li>2. Do not use language or behavior towards Children that is inappropriate, harassing, abusive, demeaning, intimidating, offensive, discriminatory or culturally insensitive.</li> <li>3. Discrimination or other offences against a Child with disabilities</li> <li>4. Discrimination of any kind against a child (e.g.: race, gender, ethnicity, minority)</li> <li>5. Corporal punishment of a Child: Smacking</li> <li>6. Do not use language or behavior towards Children that is inappropriate, harassing, abusive, demeaning, intimidating, offensive, discriminatory or culturally insensitive.</li> </ol>	<ol style="list-style-type: none"> <li>1) The complaint is registered with the DCPO</li> <li>2) DCPO will inform the SCPC about the complaint as well as discuss the course of action ahead.</li> <li>3) The DCPO will take necessary steps to change the behavior as discussed with SCPC</li> <li>4) Consequences range from, but are not limited to, awareness-building, counseling under a formal support plan. If there is a violation of the support plan, a warning letter needs to be issued and it is the duty of the DCPO, SCPC or any other person discovering such actions to immediately report them to the concerned statutory authority without any delay. If the violation is repeated, this could result in termination. Employees/consultants/ Volunteers exiting for a CPP violation, cannot apply for any work position after their exit</li> <li>5) If the consequence suggested involves a formal support plan or a warning letter or termination, the NCPC needs to be informed who in turn will take Management’s approval to do so</li> <li>6) On closure of the case (change or stopping of behavior), the DCPO will close the case formally with the Staff/Volunteer/Consultant/Fellow via email copying his/her manager</li> </ol>

<p>7. Discrimination or other offences against a Child with disabilities</p> <p>8. Discrimination of any kind against a child (e.g.: race, gender, ethnicity, minority)</p> <p>9. Corporal punishment of a Child: Smacking</p> <p>10. Do not use language or behavior towards Children that is inappropriate, harassing, abusive, demeaning, intimidating, offensive, discriminatory or culturally insensitive.</p> <p>11. Discrimination or other offences against a Child with disabilities</p> <p>12. Discrimination of any kind against a child (e.g.: race, gender, ethnicity, minority)</p> <p>13.</p> <p>14. Punishment in the form of humiliation: Duckwalking, touching toes, removal of shirts, holding your ears in the corner or outside of class</p> <p>15. Ignoring a child in your class</p> <p>16. Sarcasm and disrespectful or abusive language with a child</p>	<p>7) If the DCPO or SCPC upon investigation find that the actions are severe in nature, it shall be reported to the concerned enforcement agency including child welfare committee and the police.</p>
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17. Humiliating in the form of comparison (eg.: taunting a child for struggling in class or publicly labeling him/her as a lower order child)	
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Source: Internet

**Conclusion:**

Children have the inalienable right for protection and safeguard from all forms of abuses, maltreatment and harm, and this applies to all children in all settings including educational environment. **Article 19** of the UNCRC, the state has an obligation towards it. The authorities, teachers and other adults engaged in the process of schooling and teaching are therefore duty bound to provide an environment that supports and promotes children's dignity, development and protection. Sense of safety and wellbeing is also inbuilt in students when action is taken against misconduct or abuse, such as corporal punishment, discriminatory practices, bullying and other forms of verbal, emotional or sexual abuse, by teachers, other personnel and other students. All children are susceptible to violence and exploitation, however the vulnerability of girl children and the third gender to gender-based violence and discrimination are critical areas of concern. These call for attitudinal and behavioural shift that would set in place practices that empowers children and the young, especially the girls. Providing opportunity and space for children to share their grievances, concerns, fears as much as their suggestions and views with regard to their own safety is imperative and will go a long way in creating the desired 'child sensitive' atmosphere. It is also reiterated that the Constitution of India also provides Art 15(3) provides special provision for women and children.

Thus, the respondent in this article vehemently states that it is the legal system which should ensure for the protection of corporal punishment under RTE 2009 and sexual assault or sexual harassment and obscenity and provides for the establishment of special courts for the trial of such offences and matters connected or related to it enacted under the POCSO Act 32 of 2012 which should be punished accordingly by setting an example. Hence, not only the girls but boys too should be protected, overall since the rate of offences against girls are extreme strict and fast judgement should be delivered.

**References:**

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- POCSO (2012), Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012.Ministry of Women and Child Development
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- Competent Authority includes Special Court under the POCSO Act, CWC, JJB and SJPU under the JJA Act