

Awareness About POCSO ACT 2012 among Schools Teachers of Western Rajasthan

Deeksha Upadhyay*

Abstract

This paper will focus on the awareness among the school teachers about crimes against children, and the provisions of the Protection of Children from Sexual Offences Act, 2012, that can facilitate the creation of a secure environment for children. This research paper provides information about strengthening a secure environment around children in school. This research paper also provides awareness about the laws dealing with the crime against children. This research paper will also provide deep knowledge about how to deal with the crimes against children.

Keywords: Child, Harassment, Assault, Crime, protection, POCSO Act

INTRODUCTION

In the Constitution of India, it is mentioned that all children have the right to education. Education is the best way to aware people of any situation. Knowledge makes things easy to understand and deal with it. A good teacher provides the education to their students which helps them to get the possibility for a better future. The school is the place in which children and teachers spend most of the time, of a day with each other. So the premises, environment and surroundings of the school must be safe and secure. Nowadays the sexual assault and child abuse cases are increasing day by day, and according to NCRB data in 2020, there are 47,221 cases of prevention of child from sexual offences Act were reported in 28 states and 8 union territories across the country [1]. So, it is important to be aware of this situation and how to deal with it, all teachers that can aid in making and strengthening secure surroundings around children. In The Protection of Children from Sexual Offences Act, 2012, it is mentioned how we can able be deal with sexual offences against children. As per the provisions of the Right to Education Act 2009, the National Commission for the Protection of Child Rights (NCPCR) has developed a comprehensive manual on the Safety and Security of Children in School. Physical punishment is also known as corporal punishment and it also includes mental harassment or discrimination [2]. In the Protection of Children from Sexual Offences Act, 2012, it is mentioned that physical punishment also comprises all forms of sexual offences. Physical punishment includes any type of pain, harm, and discomfort which might be caused by any type of action like harm caused with a hand or stick, making children assume a painful position for example standing on a bench, locking up in the classroom or any closed space in the school, holding ears through legs, etc. [3].

*Author for Correspondence

Deeksha Upadhyay
E-mail: dikshaupadhyay777@gmail.com

Student, Sardar Patel University of Police Security and Criminal Justice, Jodhpur, Rajasthan, India

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LITERATURE REVIEW

According to an article by ParinazMadan, titled “five things to know about the POCSO Act” the main issue of child abuse has developed since the COVID-19 pandemic, with new trends and technologies of cybercrime [4]. The most important characteristic of the POCSO Act is the obligatory reporting of a crime under Section 19 and it is mentioned in this Act that every person must report the crime, who has knowledge of and suspicion of the offence related to children to the

local police or the Special Juvenile Police Unit [5]. If any person in charge of an institution or head of an institution has not to report or inform about a sexual offence relating to his subordinate is punishable under this Act [6]. An article, titled “Do Educational Institutes Understand Their Duty under POCSO Act 2012?” contended that Schools and educational institutions have an important place in the life of children, school is the place where the children recognize their values and the school management must understand their responsibility regarding awareness of the basic knowledge of the Protection of Children from Sexual Offences (POCSO) Act, 2012 [7]. According to the handbook on Implementation of POCSO Act, 2012 for School Management and Staff, by the national institute of public cooperation and child development, knowledge of POCSO Act, 2012 and about the sexual offences in schools, their right to information and the complaint process to deal with prevention and redress of these crimes against children provided under the Act and Rules framed provide help to the school management and staff who come in early contact with the victim of the child and discharge a responsible duty towards the victim [8]. According to an article titled “Teacher’s role in Child Protection” As we know there is some abuse that can occur inside the school premises, while the majority of it is suffered by children at home and in a non-school environment so Children can be victims of abuse, violence, and exploitation anywhere [9]. A child in class may be a victim of violence, abuse, and exploitation that happens outside the school. It cannot be ignored. It is possible when people can recognize that there is a problem and spends their time understanding it and discovering possible solutions [10]. The “Guidelines on School Safety and Security” provided by the ministry of education department of school education & literacy mentioned that According to Section 21(1) of the POCSO Act, 2012 it is compulsory to report the offence of child sexual abuse to the law enforcement authorities, by any private person, in which parents, doctors, and school personnel also included and if the person fails to report a crime of child abuse is an offence under the Act and the offender may be prosecuted under POCSO Act, 2012 [11]. According to manual school safety security by safety and security of children in schools national commission for protection of child rights, mentioned that Right to Education Act 2009, corporal punishment may be included physical punishment, mental harassment, or discrimination and also include all forms of sexual offences according to the protection of Children from Sexual Offences Act, 2012 [12]. Physical punishment includes any type of pain, harm, and discomfort which might be caused by any type of action like harm caused with a hand or stick, making children assume a painful position for example standing on a bench, locking up in the classroom or any closed space in the school, holding ears through legs, etc. [13] A glance at the current situation of schools regarding the environment, surroundings and infrastructure highlights the need for a basic safety environment available in schools and the scale of the problem [14]. Child abuse includes bodily or emotional ill-treatment, sexual abuse, negligent treatment, and mistreatment these are the actual reason behind the potential harm to a child’s wellbeing, endurance and growth [15]. A special POCSO court gave life imprisonment and imposed a penalty of Rs fifty thousand on the accused teacher to a private school paedophile teacher who was accused of rape, abuse, and blackmailing more than 50 children. The court acquitted School owner Sarwar Alam, who was accused of not informing the police about it, and the judge also said that such type of cases cannot be dealt, with leniency [16] Family members of three minor school girls filed three separate FIRs of gang rape and accused 15 teachers, a case under the POCSO act has been lodged and the complaints mentioned that the teachers had been harassing their daughters for the last year. Both male and female teachers are among the accused members of the teaching staff [17].

RESEARCH OBJECTIVE

To spread awareness among the school teachers in western Rajasthan about the need or importance of the protection of children from sexual offences Act, 2012.

RESEARCH HYPOTHESIS

As we all know nowadays sexual assault and child abuse cases increasing day by day and according to NCRB data in 2020 there are 47,221 cases of prevention of child from sexual offences Act were reported in 28 states and 8 union territories across the country [18]. Teachers and children spend most

of the time a day in the school with the teachers, teachers must be aware of this situation related to crime against children and how to deal with it. All teachers can help in making and strengthening a secure environment around children.

RESEARCH QUESTIONS

- Are school teachers aware of crimes against children?
- How to deal with sexual offences against children under the Protection of Children from Sexual Offences Act, 2012?
- How it can be possible to create and strengthen a protective environment around children in school?

LIMITATIONS

In this research paper, the questionnaire method is used by the researcher for the collection of the primary data. The answers given by the school teachers may be biased because they do not want to provide any information, which may be against the school and school authority.

The sample in the research paper is school teachers in western Rajasthan, the questionnaire is sent to teachers of different schools in different places in western Rajasthan but some of the teachers are not willing to fill the questionnaire because they did not feel comfortable and also think that it might cause harm to them.

RESEARCH DESIGN AND METHODOLOGY

There are two basic approaches to research first one is qualitative and the second one is a quantitative approach.

In this paper, the researcher utilized a mixed approach:- It is a qualitative approach because the researcher interpreted action or meaning in his own words that are, and the researcher in quantitative approach utilized the inferential approach which is survey research in which as a sample of the school teachers of western Rajasthan are questioned and studied to find out that the population has the same characteristics.

The research method used in the study can be broadly categorized as analytical research and descriptive.

- The researcher has used the facts which were already available and analyzed them to make a critical assessment of the facts because of it, it is analytical.
- It is descriptive because the researcher wants to describe the current situation as it is at the time of the study.

The researcher collected the data by simple random sampling selected using specified sampling methods because the sample is randomly selected from the population. The sample is categorized based on school teachers in western Rajasthan.

- The researcher collected the primary data through a questionnaire and the questionnaire is mailed to respondents with the request to return after completion.
- The books, articles, journals, manuals, etc. are used by the researcher for the collection of secondary data.

RESULT AND FINDINGS

Question No. 1: Are school teachers aware of crimes against children?

To find out this question, we used the questionnaire method to analyze the data to answer this question which is considered quantitative data. Figures 1 and 2 shows that 64.1% respondents know about the juvenile justice care and protection Act, Child marriage prohibited Act, and The protection of children from sexual offences Act, all of these Acts related to deal with crime against children

17.9% respondents know about only child marriage prohibited Act, 12.8% respondents only know about the protection of children from sexual offences Act and 5.2% respondents only know about the juvenile justice care and protection Act, according to the (Figure 3) 97.4% respondents aware about sexual offences against children and 2.6% respondents are not aware about sexual offences against children and the Figures 4 and 5 shows that 94.9% respondents have knowledge about that it is mentioned in Protection of Children from Sexual Offences (POCSO) Act 2012 that how to deal with sexual offences against children and this Act is not unbiased related to gender and 5.1% respondents have not aware that it is mentioned in the Protection of Children from Sexual Offences (POCSO) Act 2012 that how to deal with sexual offences against children and this Act is not gender-biased.

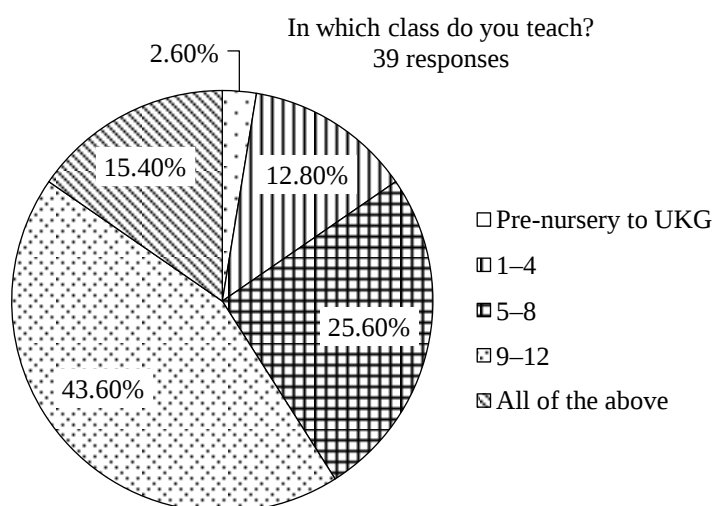


Figure 1. This diagram shows that the 43.6% of respondents teach in class 9-12, 25.6% of respondents teach in class 5-8 and 12.8% of respondents teach in class 1-4 and 15.4% of respondents teach in all the classes pre-nursery to 12 and 2.6% respondents teach in pre-nursery to UKG.

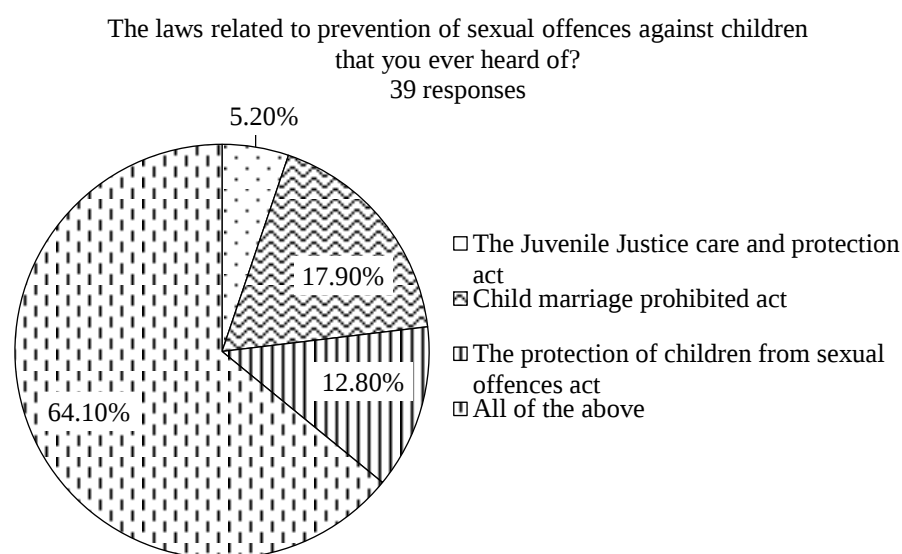


Figure 2. In the above figure it appears that 64.1% of respondents know about the juvenile justice care and protection Act, the Child marriage prohibited Act, and The protection of children from sexual offences Act, all of these Acts related to dealing with crime against children 17.9% respondents know about only child marriage prohibited Act, 12.8% respondents only know about the protection of children from sexual offences Act and 5.2% respondents only know the juvenile justice care and protection Act.

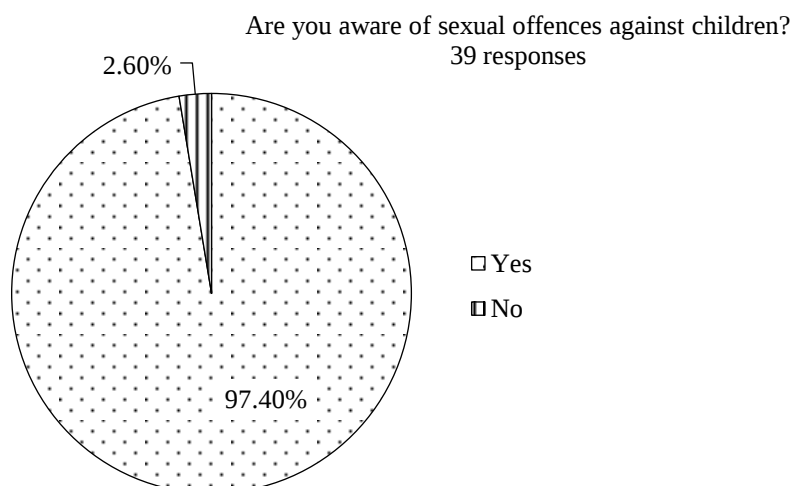


Figure 3. The above diagram shows that 97.4% of respondents are aware of sexual offences against children and 2.6% of respondents are not aware of sexual offences against children.

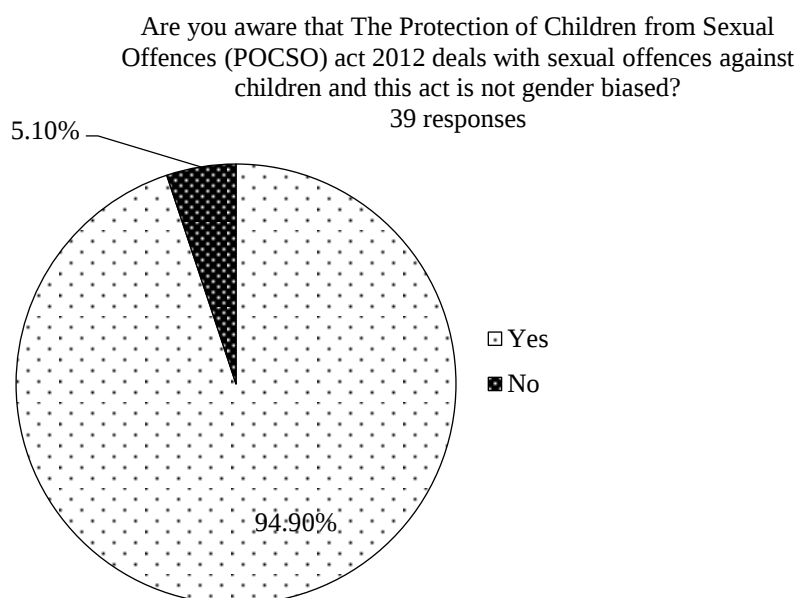


Figure 4. The above diagram shows that 94.9% of respondents know that it is mentioned in the Protection of Children from Sexual Offences (POCSO) Act 2012 that how to deal with sexual offences against children and this Act is not unbiased related to gender and 5.1% respondents have not aware that it is mentioned in the Protection of Children from Sexual Offences (POCSO) Act 2012 that how to deal with sexual offences against children and this Act is not gender-biased.

Question No 2: How to deal with sexual offences against children under the Protection of Children from Sexual Offences Act, 2012?

To find out this question, we used the literature review to analyze the data to answer this question. According to this Act, if a sexual offence is committed against a child, every person who has any type of suspicion and has knowledge must report the crime to the local police or the Special Juvenile Police Unit. If any person in charge of an institution and head of an institution has not reported an offence related to a subordinate is punishable under this Act [19]. Figure 2 appears that 48.7 % of respondents know that any person who has suspicion or knowledge of an instance of child abuse and has not reported the crime can be liable to be punished and 51.3% of respondents have not been aware of it. So as we can see according to the diagram it is needed to be aware the teachers about it. Figure 6

shows that 64.1 % of respondents are aware that POCSO Act cast a mandatory duty to report the crime of sexual abuse by any person who knows and also to any authority of an institution if the crime was committed by the person who is subordinate to that authority and 35.9% respondents do not know that this Act cast a mandatory duty to report the crime of sexual abuse by any person who knows and also to any authority of an institution if the crime was committed by the person who is subordinate to that authority.

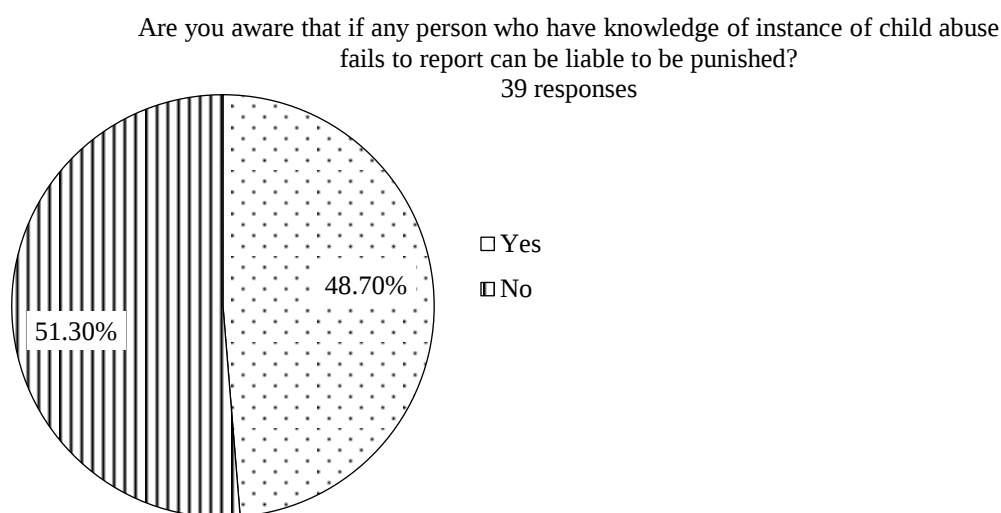


Figure 5. Of the above diagram shows that 48.7% of respondents have knowledge that any person who has knowledge and suspicion of an instance of child abuse and fails to report can be liable to be punished and 51.3% of respondents are not aware that if any person who knows of the instance of child abuse fails to report can be liable to be punished.

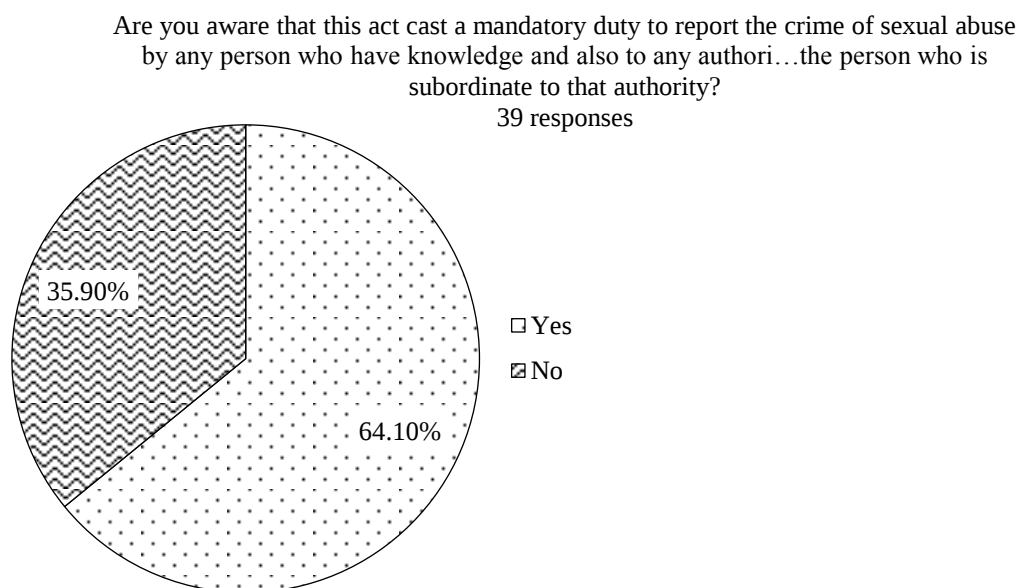


Figure 6. Of the above diagram shows that 64.1% of respondents are aware that POCSO Act cast a mandatory duty to report the crime of sexual abuse by any person who knows and also to any authority of an institution if the crime was committed by the person who is subordinate to that authority and 35.9% respondents do not know that this Act cast a mandatory duty to report the crime of sexual abuse by any person who knows and also to any authority of an institution if the crime was committed by the person who is subordinate to that authority.

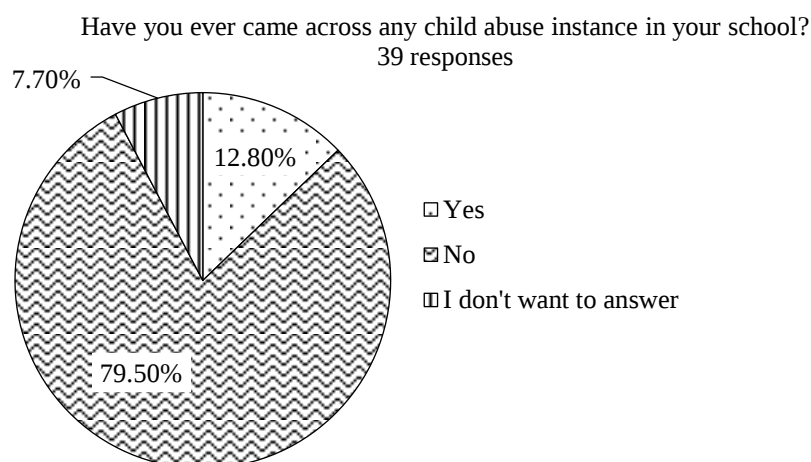


Figure 3. Of the above diagram shows that 79.5% of respondents never came across any child abuse instance in their school, 12.8% of respondents came across child abuse instance in their school and 7.7% of respondents do not want to answer.

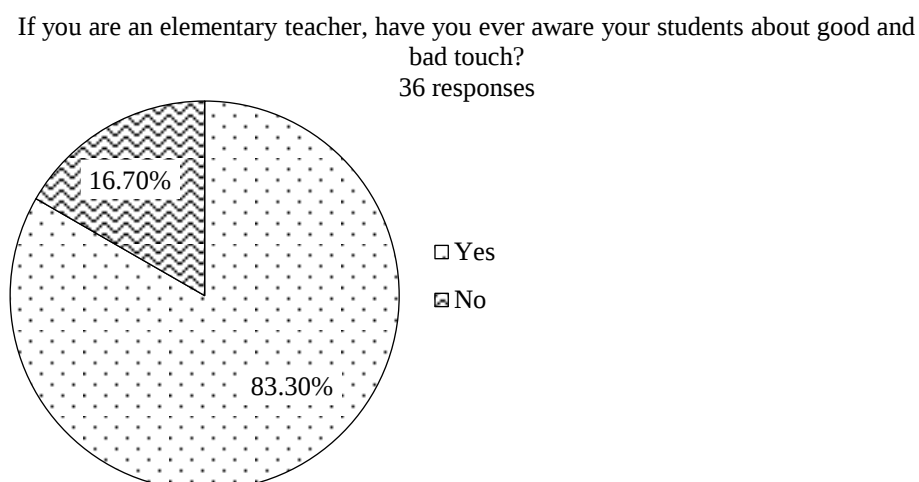


Figure 8. In the above Figure appears that 83.3% of respondents who are the elementary teachers are aware of their students about the good and bad touch and 16.7% of respondents did not provide knowledge to their students about the good and bad touch.

Question No. 3: How it can be possible to create and strengthen a protective environment around children in school?

To find out this question, we used the questionnaire method to analyze the data to answer, firstly by awareness about the good and bad touches on the students Figure 8 shows that 83.3% of respondents who are the elementary teachers are aware their students about the good and bad touch and 16.7% respondents did not provide knowledge to their students about the good and bad touch. Second, by signing the affidavit that they have not been accused of any offence against children, the Figure 9 shows that 59% respondents are not aware the affidavit that school must be obtained signed affidavit from all employees that they have not been accused of any offence against children and 41% respondents are not aware that an affidavit in which it is mentioned that the person who is going to be appointed by the authority has not been accused of any crime related to children, must be signed by all employees. The school must have a grievance committee to deal with the child abuse problems in the school, the Figure 10 shows that an affidavit was not signed by 74.4% of respondents in which it is mentioned that they have not been accused of any crime related to children and 25.6% of respondents have signed the affidavit that they have not been accused of any offence against children and Figure11shows that 41% of respondents' schools have a grievance committee, 43.6% of respondents'

schools do not have a grievance committee in their school and 15.4% of respondents do not know that their school have any grievance committee or not. Figure 12 shows that 69.2% of respondents are aware that there must be a grievance committee to deal with child abuse problems in the school and 30.8% of respondents do not know that there must be a grievance committee to deal with child abuse problems in the school. Figure 13 shows that 12.8% of respondents said that it is important to use corporal punishment for the improvement of the student, 59% of respondents said that it is not important to use corporal punishment for the improvement of the student and 28.2% respondents said sometimes it is important for the improvement of the student.

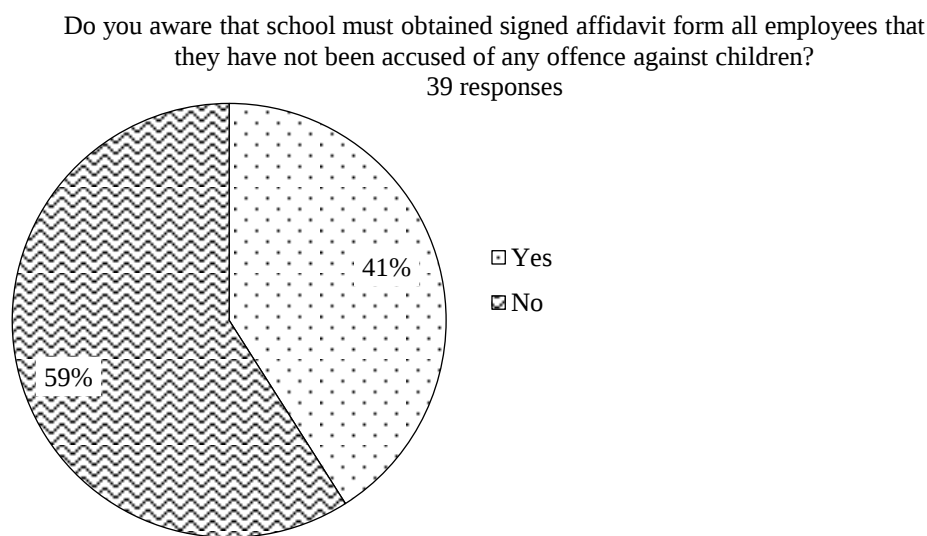


Figure 9. The above diagram shows that 59% of respondents are not aware of the affidavit that the school must be obtained signed affidavit from all employees that they have not been accused of any offence against children and 41% of respondents are not aware that school must be obtained signed affidavit from all employees that they have not been accused of any offence against children.

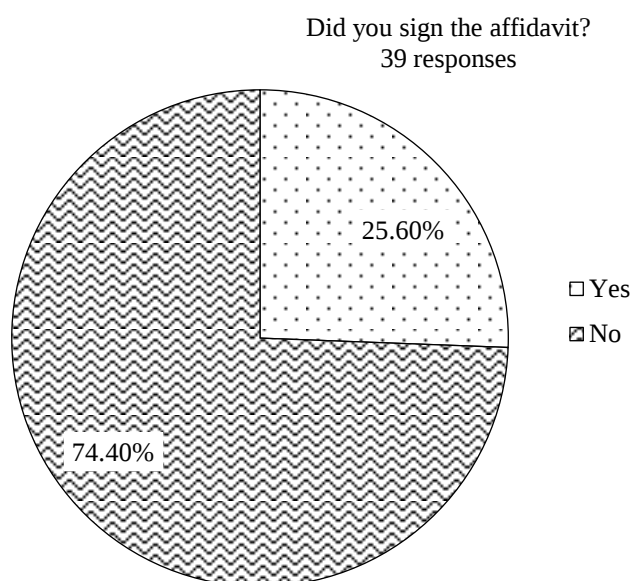


Figure 10. The above diagram shows that an affidavit was not signed by 74.4% of respondents in which it mentioned they have not been accused of any offence related to children and have signed an affidavit was signed by 25.6% of respondents in which it mentioned they have not been accused of any offence related to children.

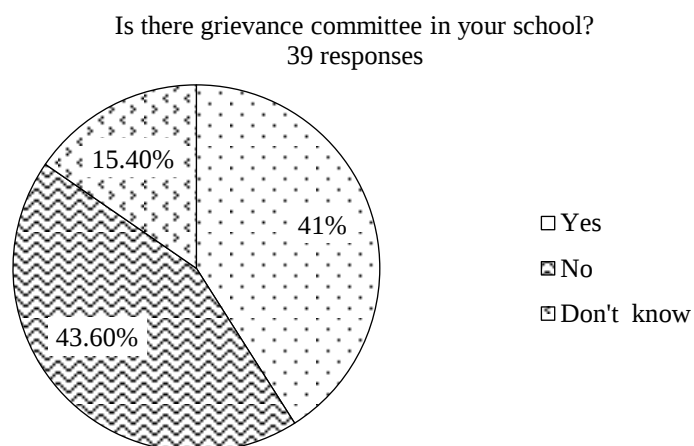


Figure 11. The above diagram shows that 41% of respondents' schools have a grievance committee, 43.6% of respondents' schools do not have a grievance committee in their school and 15.4% of respondents do not know that their school have any grievance committee or do not.

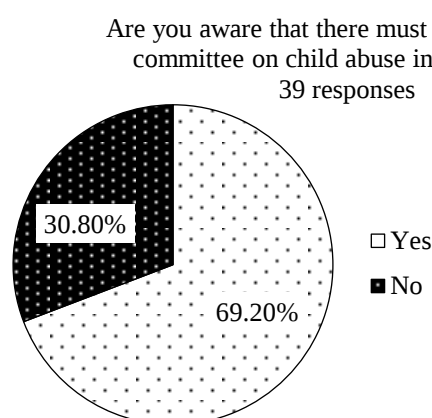


Figure 12. The above diagram shows that 69.2% of respondents are aware that there must be a grievance committee to deal with child abuse problems in the school and 30.8% of respondents do not know that there must be a grievance committee to deal with child abuse problems in the school.

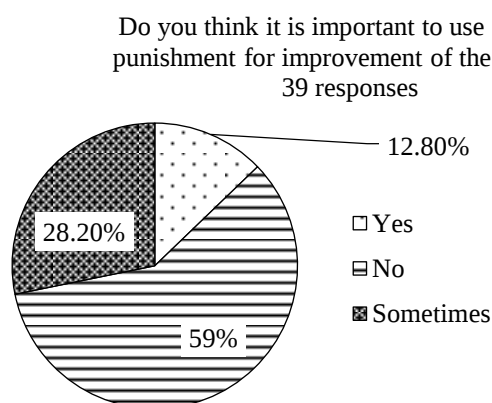


Figure 13. The above diagram shows that 12.8% of respondents said that it is important to use corporal punishment for the improvement of the student, and 59% of respondents said that it is not important to use corporal punishment the improvement the student and 28.2% respondents said sometimes it is important for the improvement of the student.

CONCLUSION

This research will help the school teachers to know more, about the basic provisions and laws related to crime against children. It will enhance the awareness among the school teachers and the other people who work in the school about the crime against children. The research paper aim spread awareness about the laws dealing with the crime against children and also about the responsibilities provided under the Protection of Children from Sexual Offences Act, 2012 to deal with the crime against children. The crimes against children have grown too fast since the COVID-19 pandemic. The Protection of Children from Sexual Offences Act, 2012, is mentioned in Section 19 that there is an obligatory reporting obligation. The Protection of Children from Sexual Offences Act, 2012 talks about the Special Juvenile Police Unit or the local police, where you can report the crime committed against a child if you have a suspicion or have information about the crime related to children.

SUGGESTIONS

The school Teachers must aware of the crime against children. The teachers must be aware their students of the crimes related to children. The school teachers must provide knowledge to their students about good touch and bad touch. There must be a grievance committee in school that deals with the sexual abuse of children and other crimes related to children. If any person has the knowledge and has any type of suspicion that any type of sexual offence is committed against a child must report the offence to the Special Juvenile Police Unit or the local police. An affidavit must be signed by the workers and school teachers at the time of appointment in which it is mentioned that they have not been accused of any offence against children.

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