

Dealing with Child Abuse Cases

What is the issue?

\n\n

\n

- India recently introduced death penalty for child rapists.
- The child abuse law as it stands has multiple problems, mostly stemming from its focus on the abuser.

\n

\n\n

What is the recent development?

\n\n

\n

- Amendments were proposed in the Criminal Law and the Protection of Children from Sexual Offences Act (POCSO), 2012.

\n

- It came in the aftermath of the Unnao and the Kathua child abuse cases.

\n

- Click [here](#) to know more

\n

\n\n

What are the key provisions?

\n\n

\n

- Rape of a minor girl (below 12 years) invites rigorous imprisonment of at least 20 years.

\n

- This shall be extendable to life imprisonment or death.

\n

- For rape of a girl below 16 years, the punishment is rigorous imprisonment of at least 20 years.

\n

- This is extendable to life imprisonment.

\n

- Both these are an increase in the punishment terms than the previous laws.

\n

\n\n

\n

- Additionally, the new reforms include time-bound investigations, and appeals.

\n

- It also includes a prior sanction from the courts for prosecution of government servants.

\n

- The main change is the introduction of death penalty for rape of a minor below the age of 12.

\n

\n\n

What are the implementation shortfalls?

\n\n

\n

- A major provision in the POCSO is that of setting up a Special Juvenile Police unit.

\n

- This will be in-charge of investigating cases of child abuse.

\n

- This was conceived of as a protection against the police intimidating children, either intentionally or unintentionally.

\n

- Yet, no mention of a special juvenile police unit can be found in many cases.

\n

- This also applies to various other provisions for the security and the care of the victim.

\n

- Under POCSO, the statement of a child should be taken at the residence of a child or a place where he/she is comfortable.

\n

- Also, it should be by a lady police officer.

\n

- However, there are many shortfalls in the enforcement of these provisions.

\n

- E.g. in the Kathua case, the name of the victim was highlighted and advertised on all the media channels.

\n

- This is strictly prohibited both under the POCSO Act as well as the IPC under

section 228 A.

\n

\n\n

What are the concerns with death penalty?

\n\n

\n

- In more than 96% of child sex abuse cases, the perpetrator is a close relative or a member of the family.

\n

- This is why children often find it difficult to confess.

\n

- Parents often try to resolve matters of abuse themselves.

\n

- This is due to the stigma that is associated with such crimes.

\n

- Thus, harsher punishments for the perpetrator can quickly become harsher threats for the victim.

\n

- This is because the accused may go to any extent to protect themselves.

\n

- Worried for their own safety, children may choose not to provide testimony.

\n

\n\n

What is the way forward?

\n\n

\n

- The POCSO Act should go beyond relying on the death penalty as a deterrent.

\n

- It should focus on stricter enforcement of protections for the abused children.

\n

- It should punish half-hearted investigations, and do away with intimidating procedures.

\n

- It should also improve the overall slow pace of the legal system.

\n

- Justice is more than a punitive, knee-jerk reaction to the perpetrator of injustice.

\n

- It's important to look at the systemic failures that allow child abuse to happen.

\n

\n\n

\n\n

Source: Indian Express

\n

