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# COMPARATIVE STUDY OF SEXUAL OFFENCE WITH CHILDREN

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## I. ABSTRACT

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a significant legislative milestone in India aimed at addressing the menace of child sexual abuse. This act provides a robust legal framework for the protection of children from offenses of sexual assault, sexual harassment, and pornography while safeguarding the interests of the child at every stage of the judicial process. Before the enactment of POCSO, India lacked a comprehensive law addressing child sexual abuse, relying instead on sections of the Indian Penal Code (IPC), which were insufficient and ambiguous in providing specific protection to children.<sup>2</sup>

Legislative discussions leading to the POCSO Act emphasised the necessity for a specialised law, acknowledging that children are highly vulnerable and need specific protection. Debates in the Indian Parliament highlighted disturbing statistics and cases of child sexual abuse, underscoring the urgent need for a law that not only penalizes the perpetrators but also ensures child-friendly procedures for reporting, recording evidence, investigation, and speedy trial.<sup>3</sup>

Since its inception, POCSO has undergone various amendments to enhance its effectiveness. Notably, in 2019, the act was amended to include more stringent punishments, including the death penalty for aggravated penetrative sexual assault<sup>4</sup>.

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<sup>3</sup> Parliamentary Debates, Lok Sabha, July 18, 2012.

<sup>4</sup> The Protection of Children from Sexual Offences (Amendment) Act, 2019.

These amendments reflect the evolving understanding and seriousness of child sexual offences in India.

Comparatively, the legal frameworks in Bangladesh and Pakistan for addressing child sexual abuse share similarities and differences with India's POCSO Act. Bangladesh, under the Women and Children Repression Prevention Act, 2000, and its amendments, provides stringent measures against child sexual abuse but lacks a dedicated, comprehensive framework like POCSO<sup>5</sup>. The laws in Bangladesh are often criticised for their implementation gaps and inadequate child-friendly procedures<sup>6</sup>.

Pakistan's legal approach includes the Zainab Alert, Response and Recovery Act, 2020, and sections of the Pakistan Penal Code, which provide for severe penalties against child sexual abuse.<sup>7</sup> However, similar to Bangladesh, Pakistan faces significant challenges in enforcement and procedural sensitivity towards child victims<sup>8</sup>.

While India's POCSO Act stands out for its comprehensive and detailed approach to child sexual abuse, including specific provisions for child-friendly procedures and stringent penalties, both Bangladesh and Pakistan have made legislative strides but continue to grapple with enforcement and procedural issues. Comparative analysis reveals that while the intent to protect children from sexual offences is evident across these nations, effective implementation remains a common challenge. It reflects the need for better implementation procedures and awareness regarding the law.

Further India and Bangladesh have specific laws to deal with sexual abuse of children while in Pakistan such matters are dealt by various criminal legislations. The statistics of child abuse cases in Pakistan show the need of dedicated laws to deal with these issues.

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<sup>5</sup> The Women and Children Repression Prevention Act, 2000, Bangladesh.

<sup>6</sup> UNICEF, Child Protection in Bangladesh.

<sup>7</sup> The Zainab Alert, Response and Recovery Act, 2020, Pakistan.

<sup>8</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2020*.

The evolution of POCSO Act in India serves as a critical case study for other countries aiming to strengthen their legal frameworks to protect children from sexual offences.

## II. INTRODUCTION OF POCSO ACT, 2012

The Protection of Children from Sexual Offences (POCSO) Act was enacted in the year 2012. It is a comprehensive piece of legislation enacted by the Government of India to effectively address sexual abuse and sexual exploitation of children. This law is a significant legal step towards safeguarding the interests of children and ensuring their right to a safe and secure environment. Before the enactment of the POCSO Act, India primarily relied on provisions of the Indian Penal Code (IPC) to deal with sexual offences against children, which were inadequate in addressing the specific needs and vulnerabilities of child victims.<sup>9</sup> The POCSO Act fills this legislative gap by providing explicit definitions of various forms of sexual abuse and by stipulating stringent punishments for offenders.

The act is designed to protect children from offenses such as sexual assault, sexual harassment, and pornography, and it includes child-friendly procedures for reporting, recording evidence, investigation, and trial of offenses.<sup>10</sup> A noteworthy feature of the POCSO Act is its gender-neutral stance, acknowledging that both boys and girls can be victims of sexual abuse.<sup>11</sup> The legislation also mandates the establishment of Special Courts for the speedy trial of such offences and provides for the appointment of support persons to assist the child during the judicial process.<sup>12</sup>

The enactment of the POCSO Act was driven by disturbing statistics and case reports indicating a high prevalence of child sexual abuse in India. Legislative debates highlighted the urgency of having a specialised law that not only penalises the perpetrators but also ensures that the legal process is sensitive to the needs of child

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<sup>9</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012.

<sup>10</sup> Ibid.

<sup>11</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(d).

<sup>12</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 28.

victims.<sup>13</sup> Since its implementation, the POCSO Act has undergone amendments to address emerging challenges and to further strengthen the legal framework protecting children. For instance, the 2019 amendment introduced harsher penalties, including the death penalty for aggravated penetrative sexual assault.<sup>14</sup>

### III. OBJECTIVES OF THE POCSO ACT, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012, delineates several key objectives aimed at safeguarding children from sexual abuse and exploitation in India:-

1. **Comprehensive Protection:-** The primary objective of the POCSO Act is to provide comprehensive legal protection to children from sexual offenses such as sexual assault, sexual harassment, and pornography.<sup>15</sup> The act explicitly defines various forms of sexual abuse and ensures stringent punishment for offenders.
2. **Child-Centric Approach:-** Another critical objective is to adopt a child-centric approach in handling cases of child sexual abuse.<sup>16</sup> This includes child-friendly procedures for reporting, recording evidence, investigation, and trial, ensuring minimal trauma and maximum support for child victims.
3. **Special Courts:-** The act mandates the establishment of Special Courts for the speedy trial of offences under the act.<sup>17</sup> These courts are designated to handle cases of child sexual abuse expeditiously, aiming to reduce the duration and trauma experienced by child victims during legal proceedings.
4. **Stringent Penal Provisions:-** The POCSO Act prescribes severe penalties for perpetrators of sexual offences against children, with provisions for enhanced punishment based on the gravity of the offence under the Protection of Children

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<sup>13</sup> Parliamentary Debates, Lok Sabha, July 18, 2012.

<sup>14</sup> The Protection of Children from Sexual Offences (Amendment) Act, 2019.

<sup>15</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012.

<sup>16</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(e).

<sup>17</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 28.

from Sexual Offences (Amendment) Act, 2019. Amendments to the act have introduced harsher penalties for some offences such as penetrative sexual assault on a child below sixteen years of age<sup>18</sup>, drug administration to the child for early sexual maturity of child<sup>19</sup>, use of child for pornographic purposes<sup>20</sup>, including the death penalty for aggravated penetrative sexual assault<sup>21</sup>, reflecting the seriousness with which such crimes are treated.

5. **Preventive Measures:-** The act emphasizes preventive measures, including awareness programs and education campaigns aimed at sensitizing communities about the issue of child sexual abuse and the legal provisions available for protection and redressal.<sup>22</sup> The POCSO Act, 2012 provides for two methods of awareness one is through media publicity at regular intervals and second through periodic training of Central and State Government officers and other concerned persons (including police officers) for better implementation of the provisions of the act.<sup>23</sup> These initiatives are designed to prevent offenses and empower communities to act against child sexual abuse.

#### IV. SCOPE OF THE POCSO ACT, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012, encompasses a wide range of provisions aimed at ensuring the safety and protection of children from sexual offences. The scope of the act includes the following key aspects:-

1. **Comprehensive Definitions:-** The POCSO Act provides detailed definitions of various forms of sexual offenses against children, including penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual

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<sup>18</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 4

<sup>19</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 9(v)

<sup>20</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, secs. 14,15

<sup>21</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 6

<sup>22</sup> Parliamentary Debates, Lok Sabha, July 18, 2012.

<sup>23</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 43

assault, and sexual harassment.<sup>24</sup> These definitions help in clearly identifying and categorising offences, ensuring comprehensive protection for children.

2. **Gender-Neutral Provisions:-** The act is gender-neutral, meaning it applies equally to both male and female children.<sup>25</sup> This inclusive approach ensures that all children, regardless of gender, receive protection under the law.
3. **Mandatory Reporting:-** The POCSO Act mandates the reporting of child sexual abuse cases.<sup>26</sup> Any person who fails to report the commission of an offence or apprehension of such an offence can be held liable under the act. This provision aims to ensure that incidents of child sexual abuse are promptly reported and addressed.
4. **Special Courts:-** The act provides for the establishment of Special Courts to ensure speedy trials of offences under its purview.<sup>27</sup> These courts are designed to handle cases exclusively related to child sexual abuse, facilitating quicker resolution and minimizing the trauma faced by child victims.
5. **Child-Friendly Procedures:-** The POCSO Act includes specific provisions to make the legal process child-friendly. This includes measures such as in-camera trials, child-friendly recording of evidence, and the presence of a trusted adult or support person during the judicial process.<sup>28</sup> These provisions aim to reduce the psychological impact on child victims and ensure their comfort and safety throughout the legal proceedings.
6. **Stringent Punishments:-** The act prescribes severe punishments for offenders, including imprisonment and fines.<sup>29</sup> The severity of the punishment is based on

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<sup>24</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 3-11.

<sup>25</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(d).

<sup>26</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 19.

<sup>27</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 28.

<sup>28</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 36.

<sup>29</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 4-8.

the gravity of the offence, with enhanced penalties for aggravated offences. This serves as a deterrent and ensures that perpetrators of child sexual abuse are held accountable.

7. **Preventive and Rehabilitative Measures:-** The act also emphasizes preventive measures such as awareness programs and education campaigns to sensitize communities about child sexual abuse. Additionally, it provides for the rehabilitation of child victims, ensuring their physical and psychological well-being.<sup>30</sup>

## V. SOME KEY DEFINITIONS UNDER THE POCSO ACT, 2012:-

The Protection of Children from Sexual Offences (POCSO) Act, 2012, contains several critical definitions to ensure the comprehensive protection of children from sexual offences. Some of the key definitions are as follows:-

### 1. Child:-

A "child" is defined as any person below the age of 18 years.<sup>31</sup>

### 2. Penetrative Sexual Assault:-

Penetrative sexual assault occurs when a person:-

- Penetrates the vagina, mouth, urethra, or anus of a child with any part of their body or an object.
- Manipulates any part of the child's body to cause penetration.
- Applies their mouth to the child's vagina, penis, anus, or urethra.<sup>32</sup>

### 3. Aggravated Penetrative Sexual Assault:-

Aggravated penetrative sexual assault includes circumstances where the offense is committed by a person in a position of trust or authority (such as a family

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<sup>30</sup> Parliamentary Debates, Lok Sabha, July 18, 2012.

<sup>31</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(1)(d).

<sup>32</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 3.



member, police officer, teacher, or doctor) or under particularly heinous conditions that cause grave injury or danger to the life of the child.<sup>33</sup>

#### **4. Sexual Assault:-**

Sexual assault is defined as any act that involves physical contact without penetration, with sexual intent, targeting a child.<sup>34</sup>

#### **5. Aggravated Sexual Assault:-**

Aggravated sexual assault occurs under conditions similar to those mentioned for aggravated penetrative sexual assault, but without penetration. This can include assault by a person in a position of trust or authority or assault causing serious harm to the child.<sup>35</sup>

#### **6. Sexual Harassment:-**

Sexual harassment includes actions such as showing pornography to a child, making sexually colored remarks, or any other act done with sexual intent which outrages the modesty of a child.<sup>36</sup>

#### **7. Use of Child for Pornographic Purposes:-**

This refers to using a child in any form of media (including photographs, videos, or written material) for the purpose of sexual gratification.<sup>37</sup>

#### **8. Child Pornography:-**

Child pornography refers to any act of visual depiction of sexually explicit conduct involving a child. Such visual depiction could be photograph, video, digital or computer generated image.<sup>38</sup>

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<sup>33</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 5.

<sup>34</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 7

<sup>35</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 9.

<sup>36</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 11,

<sup>37</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 13.

<sup>38</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec 2(da)

### 9. Abetment of an offence:-

A person abets an offence, who instigates any other person, or engages conspiracy, or intentionally aids for the commission of the offence.<sup>39</sup>

## VI. LANDMARK JUDGMENTS OF POCSO :-

### 1. Jarnail Singh vs. State of Haryana (2013)<sup>40</sup> :-

- **Facts:-** This case involved the alleged sexual assault of a minor girl by the accused. The defense argued that penetration did not occur, thereby not constituting sexual assault under the Indian Penal Code (IPC).
- **Judgment:-** The Supreme Court delivered a landmark judgment, clarifying that penetration is not essential for an offense to be considered sexual assault under POCSO. The court held that any form of sexual contact with a minor, including touching with sexual intent, falls within the ambit of the Act.

### 2. Alakh Alok Srivastava vs. Union of India and Others.<sup>41</sup>

- **Facts:-** This case revolved around the definition of "child" under the POCSO Act. The question arose whether children in conflict with the law (juvenile delinquents) are considered children for the purposes of the Act.
- **Judgement:-** The Supreme Court, in a progressive decision, held that children in conflict with the law are indeed protected by the POCSO Act. This ensures their vulnerability to sexual abuse is acknowledged and addressed, regardless of their legal status.

### 3. State of Karnataka vs. Shivanna (2014)<sup>42</sup>.

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<sup>39</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec 16

<sup>40</sup> Jarnail Singh vs. State of Haryana, (2013) 10 SCC 474.

<sup>41</sup> Alakh Alok Srivastava vs. Union of India and Others, (2018) 16 SCC 1.

<sup>42</sup> State of Karnataka vs. Shivanna (2014) 8 SCC 913

- **Facts:-** This case involved the alleged sexual assault of a minor girl. The Karnataka High Court focused on the importance of proper evidence collection in POCSO cases.
- **Judgement:-** The High Court emphasised the need for child-friendly procedures during investigations and trials. These procedures minimise trauma for victims while ensuring a fair trial and securing justice. The judgement provided specific guidelines for recording testimonies of child victims, creating a supportive environment for them to come forward.

#### 4. **Gaya Prasad Pal @ Mukesh vs. State (2016)**<sup>43</sup> .

- **Facts:-** This case centered on the interpretation of "sexual assault" under POCSO. The defence argued that "skin-to-skin" contact was necessary for the offence to be established.
- **Judgment:-** The Supreme Court broadened the definition of sexual assault under POCSO. It held that the Act encompasses a wider range of sexual abuse beyond just "skin-to-skin" contact. Other forms of sexual contact with a sexual intent can also constitute offences under the Act.

## VII. SOME IMPORTANT STATISTICAL DATA ANALYSIS :-

- The National Crime Records Bureau (NCRB) reported 64,469 victims under the POCSO Act in 2022.
- There was a significant increase in victims of penetrative sexual assault reported under Sections 4 and 6 in 2022. The NCRB recorded 38,444 cases, compared to 33,348 in 2021.
- The latest National Crime Records Bureau (NCRB) report shows that from 2020 to 2021, there was a 16.2% increase in crimes against children in india.

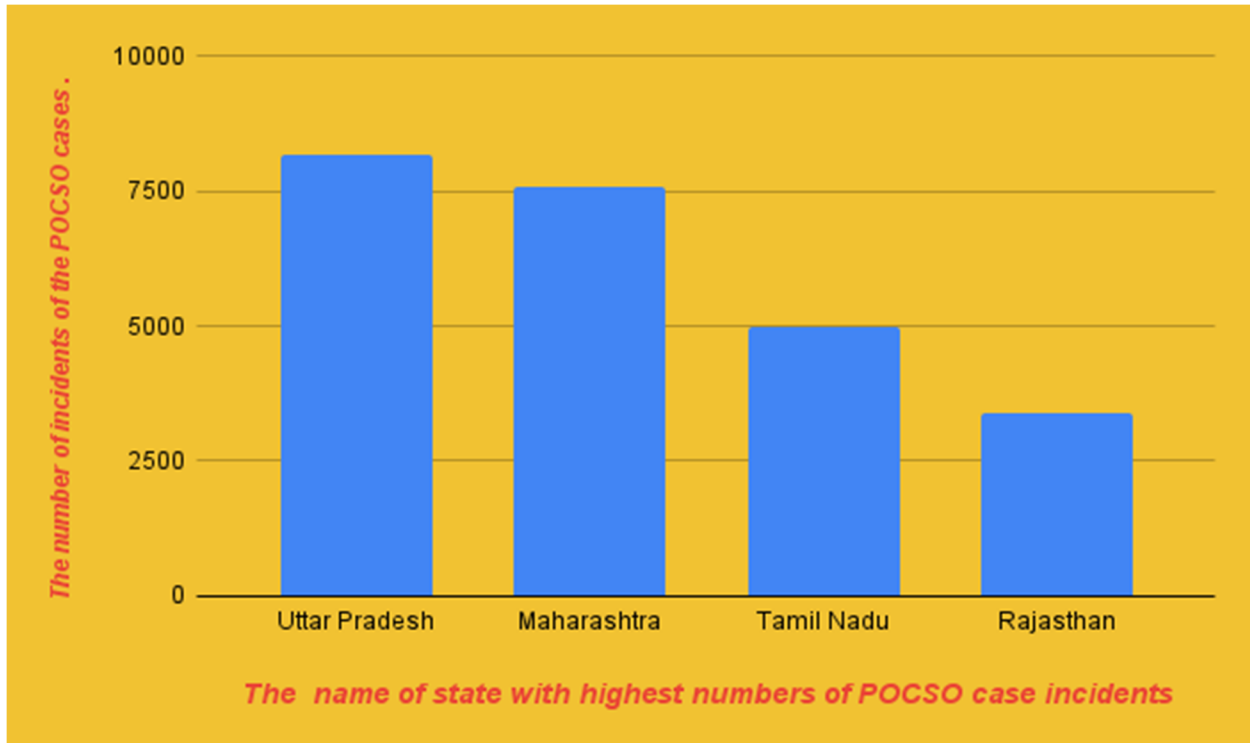
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<sup>43</sup> Gaya Prasad Pal @ Mukesh vs. State, (2016) 5 SCC 1.

- A total of 19,055 cases of crime against children were registered in 2021, showing an increase in registration by 26.7% over 2020(15,043 cases).
- In 2022, the NCRB reported 63,414 incidents of crimes against children, with a crime rate of 14.3.
- The NCRB data revealed a disturbing trend in aggravated penetrative sexual assault cases under the POCSO Act. Among the victims, 38,030 were girls, while only 414 were boys.
- These official statistics are limited as these are the data regarding the cases that could be registered. But due to various socio-cultural factors many of the cases which occurred at ground level could not even be registered as people lack awareness about laws, offences and their rights. They are also unaware of the privacy provisions of the Act.

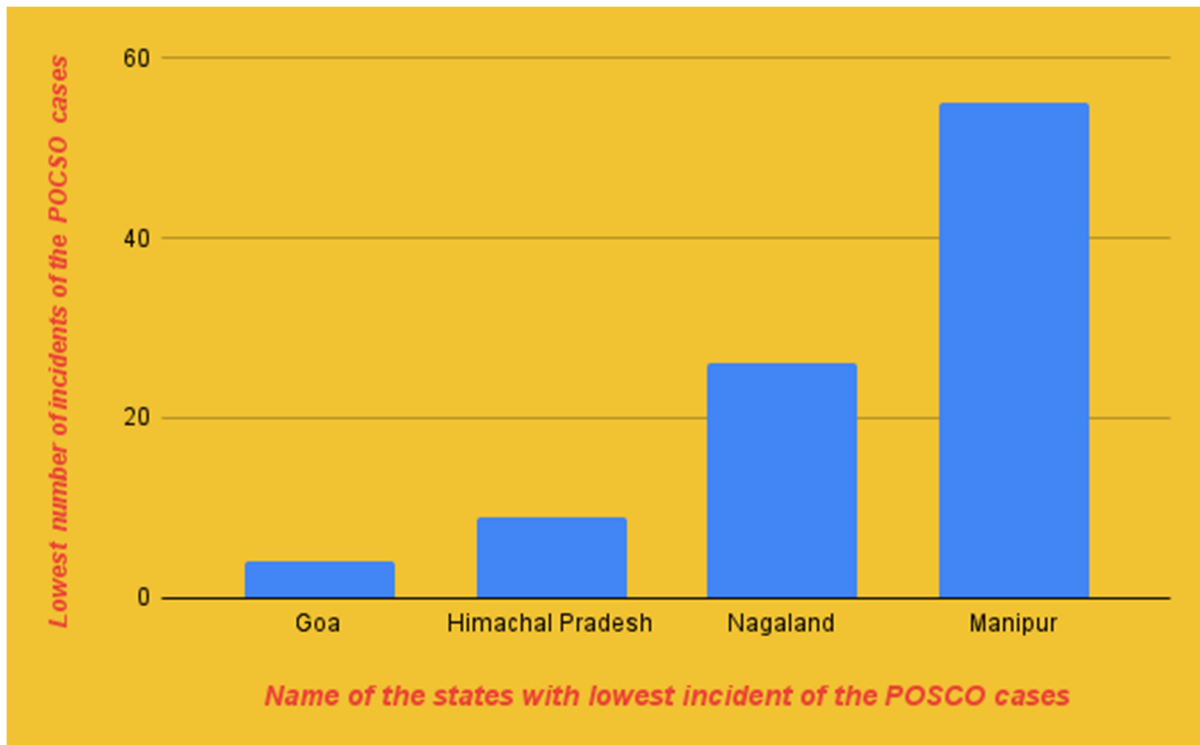
#### **A. Highest Number of POCSO Cases in year 2022 :-**

- Uttar Pradesh: 8151
- Maharashtra: 7572
- Madhya Pradesh: 5996
- Tamil Nadu: 4968
- Rajasthan: 3371



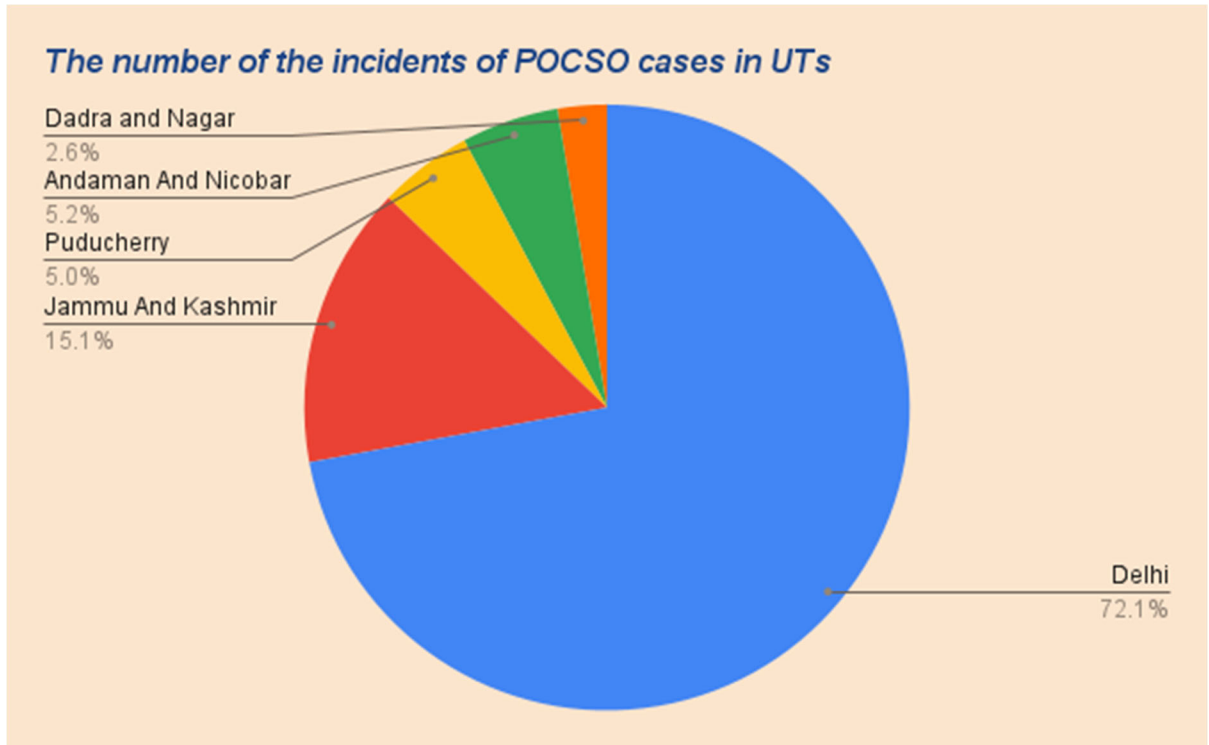
### B. Lowest Number of POCSO Cases in year 2022 :-

- Goa: 4
- Himachal Pradesh: 9
- Nagaland: 26
- Manipur: 55



### C. Numbers of Incident in Union Territories in year 2022 :-

- Delhi witnessed 1,512 incidents under POCSO Act.
- Jammu and Kashmir (316).
- Puducherry (105).
- Andaman and Nicobar Islands (109)
- And Dadra and Nagar Haveli and Daman and Diu (55).



**VIII. COMPARISON TABLE:- POCSO ACT,2012 INDIA, BANGLADESH CHILDREN ACT, 2013, AND PAKISTANI LAWS FOR PROTECTION OF CHILDREN FROM SEXUAL OFFENCES.**

S. N O	Aspects	India (POCSO Act, 2012)	Bangladesh (Children Act, 2013)	Pakistani (Various Laws)
1.	Legal definition of a child	Any person below the age of 18 <sup>44</sup>	Any person below 18 years of age. <sup>45</sup>	Any person below 18 years of age. <sup>46</sup>

<sup>44</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(1)(d)

<sup>45</sup> Government of Bangladesh, Children Act, 2013, sec. 4

<sup>46</sup> Government of Pakistan, *Pakistan Penal Code*, sec. 82

2.	<b>Scope of offences</b>	Includes penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and use of children for pornographic purposes. <sup>47</sup>	Covers various forms of violence, abuse, exploitation, and neglect, including physical, emotional, and sexual abuse. <sup>48</sup>	Encompasses rape, sexual abuse, trafficking, and child pornography under various laws including the Pakistan Penal Code (PPC) and the Zainab Alert, Response and Recovery Act, 2020. <sup>49</sup>
3.	<b>Gender Neutral Provision</b>	- Yes, it applies to both male and female children. <sup>50</sup>	Yes, it applies to both male and female children. <sup>51</sup>	Yes, it applies to both male and female children. <sup>52</sup>
4.	<b>Special Courts</b>	Establishes Special Courts for the speedy trial of offences. <sup>53</sup>	Establishes Child Affairs Desks and Child Development Centres, but no specific mention of special courts for	Establishes special courts under the Zainab Alert, Response and Recovery Act, 2020, and includes child-specific procedures in existing

<sup>47</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 3-13.

<sup>48</sup> Government of Bangladesh, Children Act, 2013, sec. 80-87

<sup>49</sup> Government of Pakistan, Pakistan Penal Code, sec. 375.

<sup>50</sup> Ministry of Women and Child Development, Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 2(d).

<sup>51</sup> Government of Bangladesh, Children Act, 2013, sec. 4.

<sup>52</sup> Government of Pakistan, Pakistan Penal Code, sec. 82

<sup>53</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 28



			sexual offences. <sup>54</sup>	judicial systems. <sup>55</sup>
5.	<b>Child- Friendly Procedure</b>	In-camera trials, child-friendly recording of evidence, presence of a trusted adult during proceedings, no exposure to the accused during testimony. <sup>56</sup>	Provides for child-friendly justice procedures, including the establishment of Child Affairs Desks at police stations and specialised Children's Courts for broader child rights issues. <sup>57</sup>	Includes provisions for child-friendly procedures, such as in-camera trials and special measures for recording testimonies, under various laws including the PPC and the Zainab Alert, Response and Recovery Act. <sup>58</sup>
6.	<b>Mandatory Reporting</b>	Mandatory reporting of child sexual abuse by any person. Failure to report is a punishable offence. <sup>59</sup>	Mandates reporting by specific individuals such as social workers, police officers, and healthcare professionals, but not as broadly	Mandatory reporting provisions are included in specific laws such as the PPC, but not uniformly across all legislation. The Zainab Alert, Response and Recovery Act emphasises prompt

<sup>54</sup> Government of Bangladesh, Children Act, 2013, sec. 15

<sup>55</sup> *Zainab Alert, Response and Recovery Act, 2020*, sec. 10.

<sup>56</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 36.

<sup>57</sup> Government of Bangladesh, Children Act, 2013, sec. 15.

<sup>58</sup> Government of Pakistan, Pakistan Penal Code, sec. 164A.

<sup>59</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 19.

			mandated for all citizens. <sup>60</sup>	reporting and response. <sup>61</sup>
7.	<b>Penalties</b>	Severe penalties including imprisonment, fines, and the death penalty for aggravated offences. <sup>62</sup>	Imposes strict penalties for child abuse and exploitation, including imprisonment and fines. <sup>63</sup>	Severe penalties including imprisonment, fines, and the death penalty under various laws like the PPC and the Zainab Alert, Response and Recovery Act. <sup>64</sup>
8.	<b>Preventive Measures</b>	Includes awareness programs and educational campaigns to prevent child sexual abuse. <sup>65</sup>	Emphasises preventive measures including awareness campaigns, education, and training for individuals working with children. <sup>66</sup>	Emphasises preventive measures such as awareness campaigns, educational programs, and prompt response mechanisms under various laws including the Zainab Alert, Response and Recovery Act. <sup>67</sup>

<sup>60</sup> Government of Bangladesh, Children Act, 2013, sec. 21.

<sup>61</sup> Government of Pakistan, Pakistan Penal Code, sec. 164A.

<sup>62</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 4-8.

<sup>63</sup> Government of Bangladesh, Children Act, 2013, sec. 83-87.

<sup>64</sup> Government of Pakistan, Pakistan Penal Code, sec. 375-377.

<sup>65</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 39.

<sup>66</sup> Government of Bangladesh, Children Act, 2013, sec. 7.

<sup>67</sup> Government of Pakistan, Zainab Alert, Response and Recovery Act, 2020, sec. 9.

9.	<b>Rehabilitation and Support</b>	Provides for the rehabilitation of child victims, including medical care, counselling, and legal aid. <sup>68</sup> Also provides for compensation to the victim. <sup>69</sup>	Includes provisions for the rehabilitation and reintegration of child victims, including psychological support and vocational training. <sup>70</sup> Does not provide for the compensation. Provisions for compensation to the victim are provided in other legislation like Women and Children Repression Prevention Act, 2000 and Child Marriage Restraint Act, 2017.	Emphasises rehabilitation and support for child victims, including medical care, counselling, and legal aid under various laws like the PPC and the Zainab Alert, Response and Recovery Act. <sup>71</sup> Compensation largely depends on the discretion of the court. Some Provinces have laws and mechanisms that provide for compensation to the child victim like Child Protection and Welfare Bureau, Punjab.
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<sup>68</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 40.

<sup>69</sup> The Protection of Children from Sexual Offences (POCSO) Act, 2012, sec. 33(8)

<sup>70</sup> Government of Bangladesh, Children Act, 2013, sec. 55-58 .

<sup>71</sup> Government of Pakistan, Pakistan Penal Code, sec. 53.

10	<b>Implementation Challenges</b>	Despite robust provisions, challenges include underreporting, societal stigma, and delays in the judicial process. <sup>72</sup>	Implementation issues include inadequate resources, lack of trained personnel, and societal attitudes towards child rights and protection. <sup>73</sup>	Faces significant challenges including enforcement gaps, lack of awareness, and societal stigma. <sup>74</sup>
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**IX. TOTAL NUMBER OF INCIDENTS OF CHILDREN SEXUAL OFFENCES IN YEAR 2023 IN INDIA, BANGLADESH AND PAKISTAN ARE<sup>75</sup> :-**

- **India:-** In 2023, India reported 28,327 cases of child sexual offences.
- **Bangladesh:-** Bangladesh reported 1,957 cases of child sexual offences in 2023.

<sup>72</sup> National Crime Records Bureau, Crime in India 2020

<sup>73</sup> UNICEF, The Children Act, 2013: A Milestone for Child Rights in Bangladesh.

<sup>74</sup> Human Rights Watch, "This Madness Has to Stop": Gender-Based Violence in Pakistan.

<sup>75</sup> Non governmental organization data.

- **Pakistan:-** Pakistan reported 4,800 cases of child sexual offences in 2023.



## X. BEST PRACTICES FROM OTHER COUNTRIES REGARDING CHILD SEXUAL OFFENCES THAT COULD BE ADOPTED IN INDIA :-

### 1. Multi-Disciplinary Approach (United States):-

The United States employs a multi-disciplinary approach through Child Advocacy Centers (CACs) which coordinate law enforcement, child protective services, prosecutors, and mental health professionals to support child victims of sexual abuse. This model ensures comprehensive care and reduces the trauma of repeated interviews for the child.<sup>76</sup>

### 2. Mandatory Reporting and Training (Australia):-

Australia has stringent mandatory reporting laws requiring professionals such as teachers, doctors, and social workers to report suspected child abuse. Additionally, there

<sup>76</sup> National Children's Alliance, "Child Advocacy Centers.

are extensive training programs to help these professionals identify and handle cases of child sexual abuse effectively.<sup>77</sup>

### **3. Public Awareness Campaigns (United Kingdom):-**

The UK has implemented widespread public awareness campaigns like the NSPCC's "PANTS" campaign, which teaches children about their rights to safety and privacy in an age-appropriate manner. Such campaigns aim to educate children and parents about recognizing and reporting abuse,<sup>78</sup>

### **4. Specialized Courts (South Africa):-**

South Africa has established dedicated Sexual Offences Courts to handle cases involving sexual violence. These courts are designed to provide a supportive environment for victims, with trained staff and facilities to minimise further trauma during the judicial process.<sup>79</sup>

### **5. Comprehensive Sex Education (Netherlands):-**

The Netherlands incorporates comprehensive sex education into its national curriculum from an early age. This education includes teaching children about consent, boundaries, and respect, which helps in preventing sexual abuse and empowers children to speak up<sup>80</sup>.

### **6. Digital Reporting Platforms (Canada):-**

Canada has developed digital platforms for reporting child sexual abuse, making it easier for victims and witnesses to report offences. These platforms ensure anonymity and provide immediate access to resources and support services<sup>81</sup>.

### **7. Barnahus or Children's House Model (Iceland):-**

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<sup>77</sup> Australian Institute of Family Studies, "Mandatory Reporting of Child Abuse and Neglect.

<sup>78</sup> NSPCC, "The Underwear Rule.

<sup>79</sup> Government of South Africa, "Sexual Offences Courts.

<sup>80</sup> Rutgers, "Sexuality Education in the Netherlands.

<sup>81</sup> Canadian Centre for Child Protection

The Barnahus or Children's house model was originated in 1998 in Iceland. It is based on the U.S. model of multidisciplinary approach. It provides for a child-friendly office, under one roof, where law enforcement, criminal justice, child protective services, and medical and mental health workers cooperate and assess together the situation of the child and decide about the case. It prevents the child from re-traumatization which can result from multiple interviews of the child. It provides for a balanced multidisciplinary, interagency and professional intervention in a child friendly environment.

## **XI. CONCLUSION**

The comparative analysis of child sexual offences in India, Bangladesh, and Pakistan reveals notable differences and similarities in their legal frameworks, prevalence, and responses to these crimes. India's comprehensive POCSO Act provides a structured approach to addressing child sexual abuse, though its implementation and enforcement face challenges due to the country's vast and diverse landscape. The high number of reported cases highlights both the magnitude of the issue and the relative effectiveness of mandatory reporting and awareness initiatives. Bangladesh, with its Children Act of 2013, has made legal reforms, yet cultural and social barriers continue to hinder the reporting and prosecution of child sexual offences.

Public awareness campaigns and NGO interventions are essential to bridge these gaps and enhance child protection. In Pakistan, despite reforms such as the Criminal Law Amendment Act of 2016, significant underreporting and social stigma persist. The country struggles with implementing child protection laws, underscoring the need for stronger enforcement mechanisms and community education. This comparative study identifies several best practices that could be adopted across these countries. Practices of Multi-disciplinary approaches from U.S., mandatory reporting laws from Australia, public awareness campaigns from U.K., specialized courts from South Africa, comprehensive sex education from Netherlands , digital reporting platforms from Canada and Barnahus or Children's house model from Iceland have proven effective in various contexts and could substantially improve child protection frameworks in India.

Ultimately, combating child sexual abuse requires a coordinated effort involving legal reforms, enforcement, education, and community engagement. By learning from each other's successes and challenges, India, Bangladesh, and Pakistan can develop more robust systems to protect their children from sexual offences. This comparative study serves as a foundation for ongoing efforts to enhance the protection and welfare of children across these nations.