



**STATE LEVEL WORKSHOP FOR SPORTS ADMINISTRATORS  
ON  
“PREVENTION OF SEXUAL ABUSE AMONG JUNIOR PLAYERS –  
CHALLENGES AND WAY FORWARD.”**



**- Vanhmingliani,**

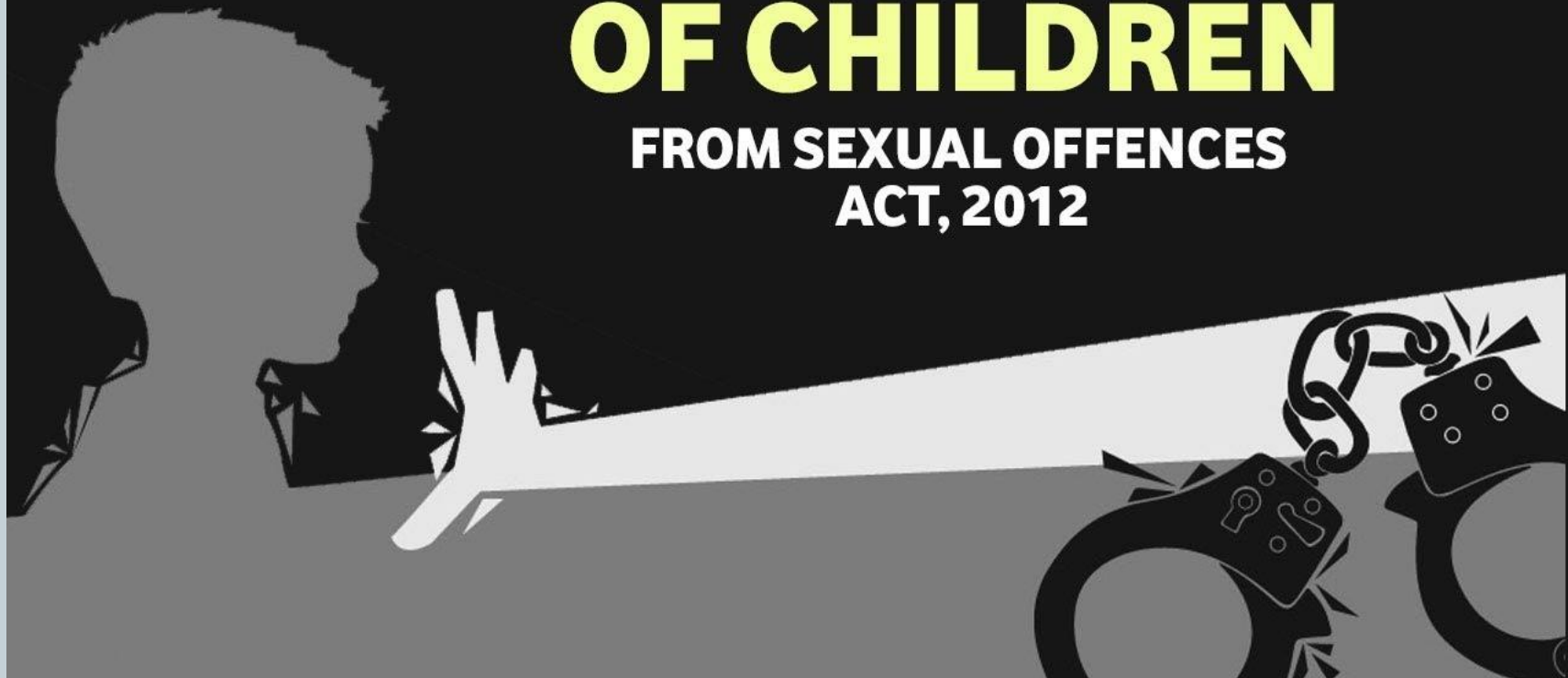
**Member,**

**Mizoram State Commission for Protection of Child Rights (MSCPCR)**



# THE PROTECTION OF CHILDREN

FROM SEXUAL OFFENCES  
ACT, 2012



# Purpose of the Act



- Provide protection to all children from the offences of **sexual assault, penetrative sexual assault, sexual harassment and pornography**
- Provide protection to all children from sexual offences by adult abuser
  - **Child defined as any person below the age of 18 years**

# POCSO is Special Act...



- Burden of proof shifted on accused under the Act.
- The onus on the accused to prove he/she is innocent
- POCSO is Gender-Neutral Law

# Offences covered under the Act...



- ❑ Penetrative Sexual Assault (Section 3)
- ❑ Aggravated Penetrative Sexual Assault (Section 5)
- ❑ Sexual Assault (Section 7)
- ❑ Aggravated Sexual Assault (Section 9)
- ❑ Sexual Harassment of the Child (Section 11)
- ❑ Use of Child for Pornographic Purposes (Section 13)

# Penetrative Sexual Assault (u/s 3)

(any form of sexual penetration)



- Any form of penetration in private parts, application of the mouth or forcing the child to penetrate
- The penetration can be performed with a penis, other parts of the body or even objects
- Manipulating the body of the child so as to cause penetration is also included

# Aggravated Penetrative Sexual Assault (u/s 5)



- Aggravated describes a crime that has been committed under more serious conditions or with additional factors that increase its severity
- When penetrative Sexual assault is committed by a person in a position of trust or authority viz. Family, Police, security force, Public servants, caregiver, teacher, etc.
- The assault involves significant force, intimidation or coercion
- The offender commits multiple assaults or has a history of similar offenses
- The victim is particularly young or vulnerable.
- Sexual assault on a child during extraordinary circumstances like a communal or sectarian violence

# Sexual Assault (u/s 7)



- All acts of physical nature without penetration, viz. stalking a child, showing dirty pictures, touching private parts of a child or making a child touch the private parts of someone else, etc.
- Any other act committed with sexual intent, which involves physical contact without penetration



# Aggravated Sexual Assault(u/s 9)



- Offences of sexual assault if committed by a person in a position of power, authority and trust over the child such as a teacher, caregiver or family member.
- When a sexual assault is committed by a person in a position of trust or authority viz. police, public servants, etc.
- The assault involves significant force, intimidation or coercion
- The offender commits multiple assaults or has a history of similar offenses
- The victim is particularly young or vulnerable

# Sexual Harassment (u/s 11)



- Utters any word or makes any sound, or makes any gesture or exhibits any object or part of body
- Makes a child exhibit his body or any part of his body
- Shows any object to a child for pornographic purposes
- Stalking, etc., **WITH SEXUAL INTENT**

# Use of Child for Pornographic Purposes (u/s 13)



- Representation of the sexual organs of a child
- Usage of a child engaged in real or simulated sexual acts (with or without penetration)
- Indecent or obscene representation of a child

# Punishments under the Act...



Offence	Punishment	Section in the Act
Penetrative Sexual Assault	10 years to imprisonment for life and fine	Section 4 (1)
Penetrative Sexual Assault on a child below 16 yrs.	20 years to imprisonment for life and fine	Section 4 (1)
Aggravated Penetrative Sexual Assault	20 years to imprisonment for life and fine or with “DEATH”	Section 6 (1)
Sexual Assault	3 years to 5 years imprisonment and fine	Section 8

# Punishments under the Act...



<b>Offence</b>	<b>Punishment</b>	<b>Section in the Act</b>
Aggravated Sexual Assault	5 years to 7 years imprisonment and fine	Section 10
Sexual Harassment	3 years imprisonment and fine	Section 12
Use of Child for Pornographic Purposes	5 years of imprisonment and in case of subsequent conviction, not less than 7 years and fine	Section 14 (1)

# Punishments under the Act...



Offence	Punishment	Section in the Act
Using a child for pornographic purposes or directly participating in pornographic acts	Punishment as prescribed u/s 4, 6, 8, 10 in addition to punishment u/s 14(1)	Section 14 (2)
Storage of pornographic material involving child, fails to delete/destroy or report to authority	Fine not less than Rs. 5000, and on subsequent conviction with fine not less than Rs. 10000	15(1)

# Punishments under the Act...



Offence	Punishment	Section in the Act
Storage of pornographic material involving child for transmitting or distributing except for reporting/use as evidence in Court	3 years Imprisonment or fine or both	Section 15 (2)
Storage of pornographic material involving child for commercial purpose	3 to 5 years imprisonment with fine or both; for subsequent conviction 5 to 7 years imprisonment and fine	Section 15 (3)

# Punishments under the Act...



Offence	Punishment	Section in the Act
Attempt for commission of offence punishable under this Act	Imprisonment of either description provided for the offence ranging from one-half of the imprisonment for life or with fine or both	Section 18
<b>Failure to report the commission of an offence u/s 19(1) or 20 or record of such offence</b>	<b>6 months imprisonment or fine or both</b>	<b>Section 21(1)</b>



# Punishments under the Act...



Offence	Punishment	Section in the Act
<b>Failure to report the commission of an offence u/s 19(1) by any person being in charge of any company or institution</b>	<b>1 year imprisonment and fine</b>	<b>Section 21(2)</b>
Making false complaint or information	6 months imprisonment or fine or with both sections 3, 5, 7 and 9 with intention	Section 22(1)

# Punishments under the Act...



<b>Offence</b>	<b>Punishment</b>	<b>Section in the Act</b>
False complaint or information by an adult there by victimizing such child	1 year imprisonment and fine or both	Section 22(3)
Contravention of procedures laid down for media u/s 23(1) or 23(2)	6 months to 1 year imprisonment or fine or with both	Section 23(4)

# New laws and Punishments under BNS u/s 65(1) & 65(2)



- The age of sexual consent raised for married woman raised from 15 to 18 years. (sec. 63)
- Whoever commits rape on under 16 yrs. of age – rigorous imprisonment for not less than 20 yrs. may extend to life imprisonment (remainder of natural life) and fine
- Whoever commits rape on under 12 yrs. of age - rigorous imprisonment for not less than 20 yrs. may extend to life imprisonment (remainder of natural life) and with fine or with death

## Punishments under BNS u/s 70(2)



- Where a woman under 18 yrs. of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be punished with imprisonment for life (remainder of natural life), and with fine, or with death

# Punishments under BNS u/s 95



- Whoever hires, employs or engages any child to commit an offence (including sexual exploitation or pornography) shall be punished with imprisonment for not less than 3 yrs. and may extend to 10 yrs., and with fine

# Punishments under BNS u/s 98 & 99



- Whoever sells, lets to hire, or otherwise disposes of any child with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse or for any unlawful and immoral purpose – imprisonment for a term not less than 10 yrs. and fine
- Whoever buys, hires, or otherwise obtains possession of any child with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse or for any unlawful and immoral purpose – imprisonment for a term not less than 7 yrs. but may extend to 14 yrs. and fine

# Punishment for disclosure of identity of victims (u/s 23 of POCSO & u/s 72 of BNS)



- Media not to disclose the identity of the child, except when permitted by the Special Court
  - Identity includes: name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child
  - Punishment in case of contravention is imprisonment for not less than 6 months which may extend to one year with fine (under POCSO); 2 yrs. imprisonment and fine (under BNS)

# Procedure for Reporting of Cases...



- Reporting of offence to the SJPU (Special Juvenile Police Unit) or the local police
- In case child is in need of care and protection, SJPU/local police to provide such care within 24 hours of the report
- SJPU/local police to report the matter to CWC (Child Welfare Committee) and Special Court within 24 hours



# Medical Examination u/s 27(2)



- In case of girl child, medical examination by female doctor
- Medical examination in the presence of a woman nominated by the head of the medical institute

# Care and Protection



- Child to be produced before CWC within 24 hours of receipt of report if:
  - The accused is living in the same or shared household with the child
  - Child is living in child care institution and is without parental support
  - Child is found to be without any home and parental support
- ❑ CWC to determine whether child needs alternative arrangements for care

# Special Courts



- A Court of Session in each District to be designated as Special Court for speedy trial
- State Government to appoint a Special Public Prosecutor for every Special Court

# Case studies



- A 15-year-old cricketer from Shah's academy molested by coach Narendra Shah in Dheradun. Case filed against the coach
- In January 2023, Indian wrestlers began protesting for investigation into allegations of sexual harassment of female wrestlers by BJP MP Brij Bhushan Sharan Singh during his tenure as the president of the Wrestling Federation of India (WFI)

# Case studies



- Recently on September, 24 the Madras High court upheld conviction of Physical Education Teacher who was convicted under the POCSO Act for sexually assaulting a 12<sup>th</sup> Standard student during a state-level Kabbadi tournament
- A total of 24 cases of sexual harassment were reported by women sportspersons from January, 2017 to December, 2022 in the Sports Authority of India (SAI). Out of these 24 cases, punishments have been given in 14 cases as per the Central Civil Services Rules

# Ensuring a safe and secure environment for children in sports



- Understanding how sports settings are at risk and why they need strict safeguarding measures
- Coaches, trainers, managers and officials must be aware of and adhere to POCSO Act

# SAFEGUARDING ATHLETES FROM HARASSMENT & ABUSE IN SPORTS (SAHAS) Athletics federation of India



- Athletes should also be taught about what constitutes as abuse and how to speak up if they experience it. Athletes should be made aware of what constitutes harassment, abuse, and exploitation, through education and training programs and the importance of raising concerns expeditiously. These programs should not just be limited to tracks or fields, rather should be taken to schools and homes
- Providing written materials: Athletes can be given information in the form of brochures, handbooks, or online resources that explain what constitutes harassment, exploitation, and abuse, and how to report it
- Holding workshops or seminars: Athletes and other stakeholders (coaches, support staff etc) can attend workshops or seminars where they can learn about harassment, exploitation, and abuse and how to recognise it. These sessions can be led by experts in the field, such as social workers, psychologists, or other professionals



- Incorporating education into existing training programs: Information about harassment, exploitation and abuse should be included in their training programs, such as team meetings or practices. For example, coaches can talk to their teams about the importance of respect, and how to recognise and report harassment and abuse
- Online training: Offering online trainings that athletes can take on their own schedule
- Supporting victims of abuse, harassment, and exploitation. This can also be done through establishing partnerships with organisations and institutions engaged in the prevention of abuse, harassment and exploitation within and beyond the sports sector
- Responding to the concerned raised. Everyone should know to whom they can turn for help when they need to report a concern about a person associated with athletics, whether witnessed directly or through reports from others



# Circular issued by SAI



- SAI has issued a circular to ensure safe and positive environment in sport by making all stakeholders aware that there is an expectation, at all times, of appropriate behavior consistent with the core values of sportsmanship and appropriate moral conduct
- Woman coach to be a mandatory part of any contingent with female athletes during domestic/international camps and competition exposures. Compliance Officer to be appointed in all National Coaching Camps and Foreign Exposures for communicating regularly with athletes and others to ensure that the guidelines are being followed as well as enforced as per the Standard Operating Procedure on prevention of sexual harassment in sports and also ensuring reporting of violation to the responsible authorities
- Pre-camp sensitization modules to be designed and presented to all athletes, coaches and support staff together before commencement of any National Coaching Camp and Foreign Exposure
- Increasing the strength of women Coaches/Support Staff in National Coaching Camps by respective Sports Federations

# Monitoring and Awareness...



- ❑ **National Commission for Protection of Child Rights (NCPCR)** designated as Monitoring authority of the Act
- ❑ **Mizoram State Commission for Protection of Child Rights (MSCPCR)** designated as Monitoring Authority in Mizoram



- ❖ Childline : 1098
- ❖ RTE Helpline : 60098 88804
- ❖ MSCPCR landline : (0389) 2314828
- ❖ [www.mscpcr.mizoram.gov.in](http://www.mscpcr.mizoram.gov.in)



***Thank you !!***