

POCSO Cases in the Eastern Uttar Pradesh: - A socio- legal examination of Age, Education and Area dynamics.

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Abstracts:-

A child is a society's most valuable asset and he or she plays a crucial part in the National Development. They represent the country's future. The Destiny of our country is determined by how its children are fostered and nourished. Children are the nation's most valuable human resources and their well-being including health ,education, safety, happiness ,and access to the Opportunities ,is a barometer of our country's socio- economics Success.

One of the India's biggest issues is the sexual abuse of children. To address this issue and Safeguard children's right a special law known as Protection of Children from the Sexual Offences Act (POCSO) was passed to protect the minor from the sexual act such as a sexual assault, sexual harassment and pornography.

The research approach used was empirical research. The data is acquired using the questionnaires and the case records, with a sample size of 200. The study uses convenience sampling to acquire data. The sample work was obtained from the general public, with a focus on the Eastern UP.

Keywords:- POCSO, Sexual Assault, Children, Girls.

Introduction:-

It has been acknowledged that child sexual abuse is a serious public health issued that affect children's well-being and health globally.

Consequently, the establishment of safe and healthy involvement is necessary for the welfare of these people in order to safeguard their rights. The awful reality is that, in spite of their vulnerability children are frequently the object of abuse and exploitation by the criminals.

According to the World Health Organization, 40 million children between the ages of 0 to 14 are victims of abuse or neglect and hence requires social and Health Services. Child sex abuse is among the forms of child abuse that have impact on the entire human race.

India has a population of 1.46 billion as a January 2025, with the children making up 39 % of the total. In order to protect the right of every Indian Citizen, the Constitution of India established a number of rights. The protection of children right was another goal of constitutional provision. Article 15 mentions and guarantees that youngsters receive a special attention.

Despite the United Nations 1989 adoption of convention on the Rights of the child, India did not have any law that addressed child abuse until 2012. To address this, the Protection of Children from the Sexual Offences Act (POCSO) was passed in 2012, which aims to shield children from all type of sexual abuse. According to the NCRB's newly released figure, crime against minors in India has increased by 26% in the past two years.

Review Literature:-

1- Protection of children against sexual abuse act 2012-

In 2012 law Protection of Children against Sexual offences were passed. The purpose of this statue was shield children

from the exploitation and sexual abuse. Additionally, it calls for the creation of special courts to hear case involving child sexual assault. It also establishes the use of kid-friendly methods for gathering evidence, looking into crime, and holding trial. It also mandates the use of child- friendly procedures for recording evidence, investigating the offences, and trying the case.

2- Nature of offences-

The POCSO act is a comprehensive piece of legislation that includes nine chapter covering offences, punishment and process. The POCSO act divides sexual offences into three basic groups or categories:-

1- Sexual assault :- a- Penetrative sexual assault b- Aggravated penetrative sexual assault

2- Sexual harassment

3- Using a child for pornography. 3- Vulnerability and risk factors:-

a- Age: - Although no age is safe, risk rises as puberty sets in.

b- Sex: - Girl is more likely to have it, particularly following menarche.

c- Physical disability: - Physical infirmities, such as a hearing, blindness and mental retardation, are related with a higher risk of sexual abuse.

d- Family and social background: - Children with a poor socio-economic level are more vulnerable. Over population and the lack of Education also contribute to the rise in incidence.

3- Punishment under POCSO ACT 2012:-

1- For the penetrative type of sexual abuse punishment should not be less than 7 years which may be extend to imprisonment for the life and fine.

2- For aggravated Penetrative sexual abuse punishment must not be less than 10 years which may extend to imprisonment for the life and fine.

3- For the non-penetrating sexual abuse, punishment must be not less than 3 years which extend to five year and a fine.

4- For aggravated sexual abuse by the person in authority punishment must not be less than 5 year which may extend to 7 year, and a fine.

5- For sexual harassment of child, punishment must be not less than 3 year and fine.

6- For the use of child for pornographic purposes, punishment may be for 5 years and a fine, and in the event of subsequent conviction, 7 years and a fine.

AIM and Objective:-

1- To analyze demographic aspects in POCSO instances, study the age and educational background of both victims and accused.

2- To investigate motives--identify the primary grounds for such offences.

3- To research the area dynamics—compare the occurrence of POCSO cases in urban and rural areas of eastern Uttar Pradesh.

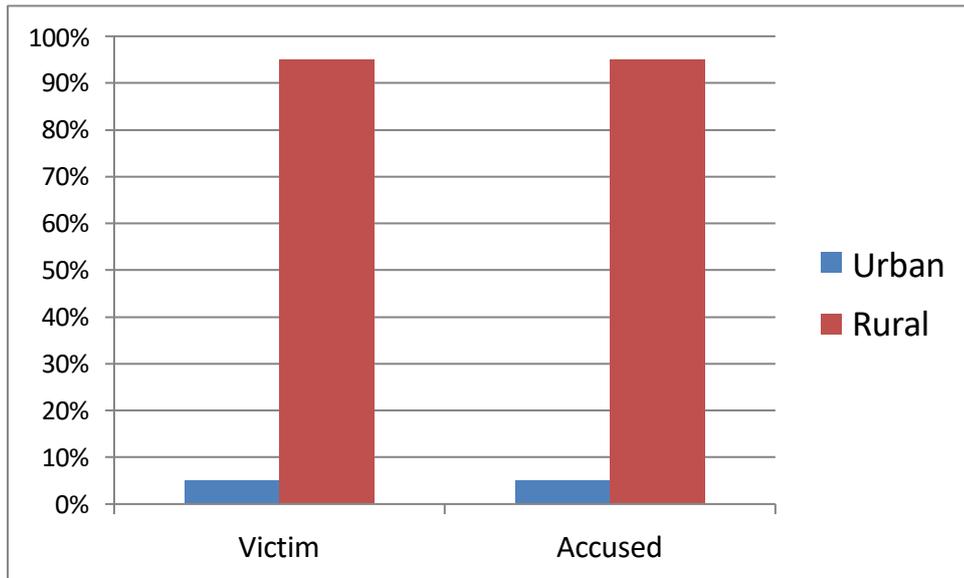
Material and Methods:-

The mode of inquiry was empirical. The data is acquired by questionnaires, with a sample size of 200. The study uses a convenience sample strategy to acquire data. The sample was gathered from the general public, police station surveys, village surveys, and fsl visits, with a focus on the eastern UP region. Independent factors include gender, age, locality, education, qualification, motive for offences, occupation, and marital status.

Observation:-

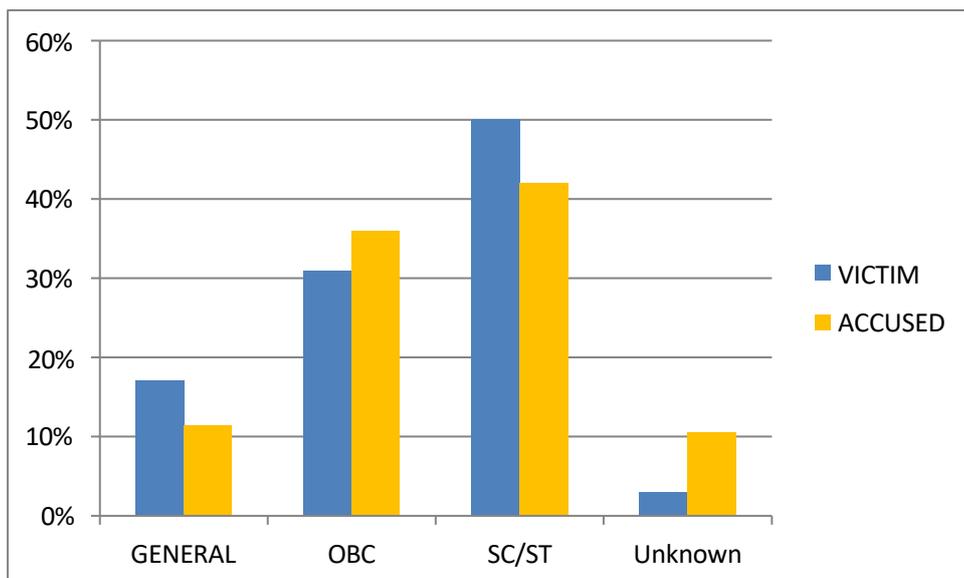
After analysis of 200 cases, the observation is as follows:-

According, to the graph 1 most of the victims and accused belongs to rural area (95%) and rest belongs to urban area (5%).



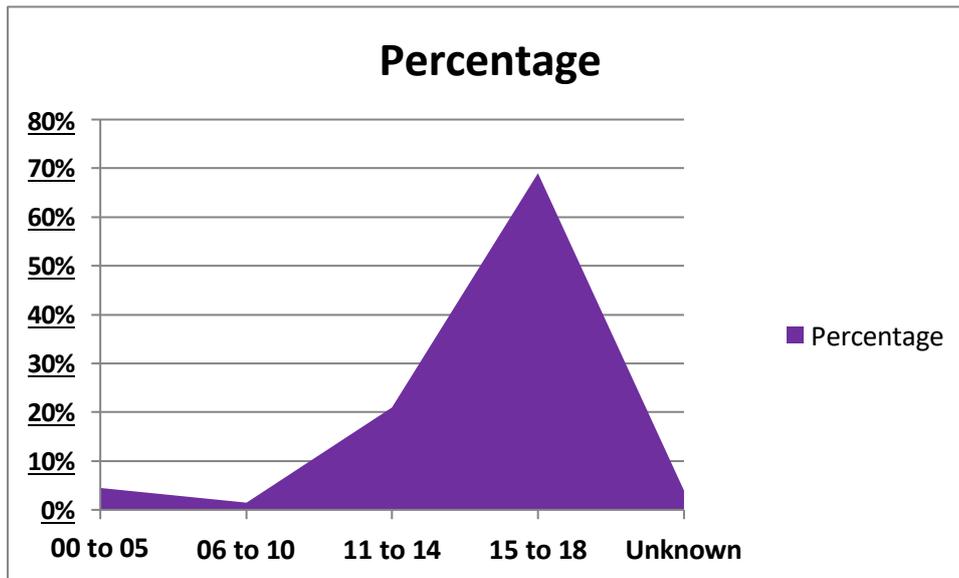
Graph 1- Area dynamic of victims and accused

According to the graph 2 most of the victims belongs to SC/ST caste (50%) and most of the accused belongs to SC/ST caste (42%) .



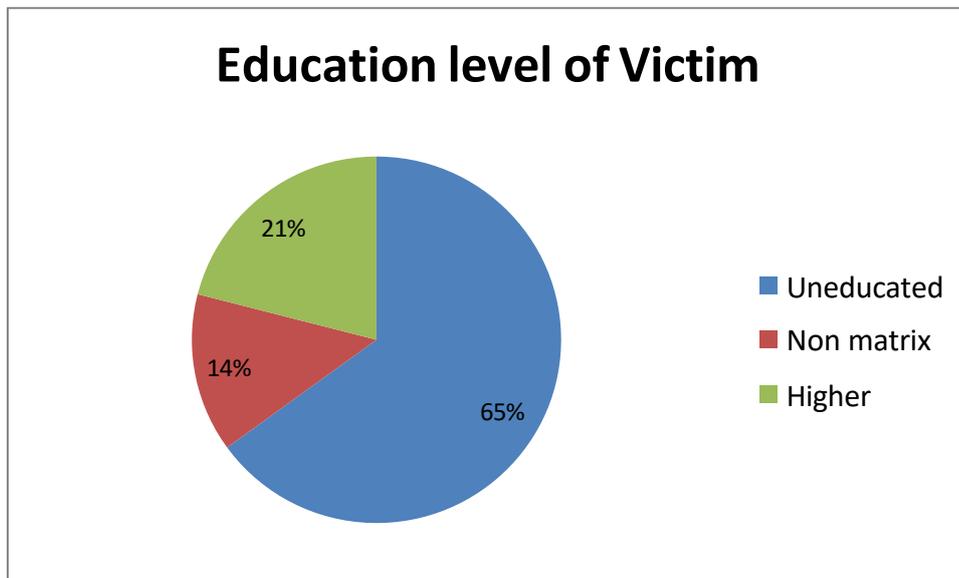
Graph 2- Comparison of victim and accused by caste

According to the graph 3, most of the victim belongs to age group of 15 to 18 year (69%).



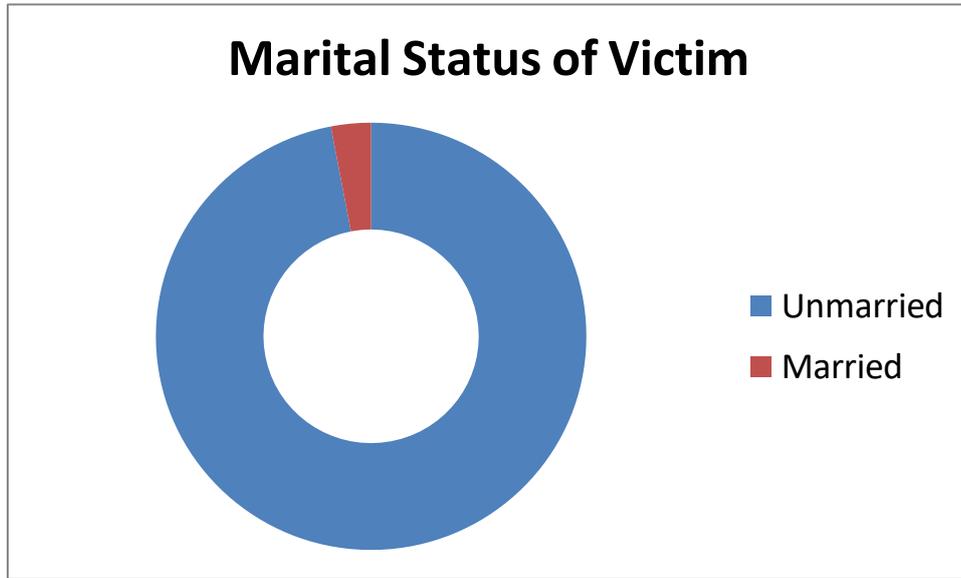
Graph 3- Age Group of victim

According to the graph 4, large numbers of victims are uneducated (65%) and become a victim in motive of crime.



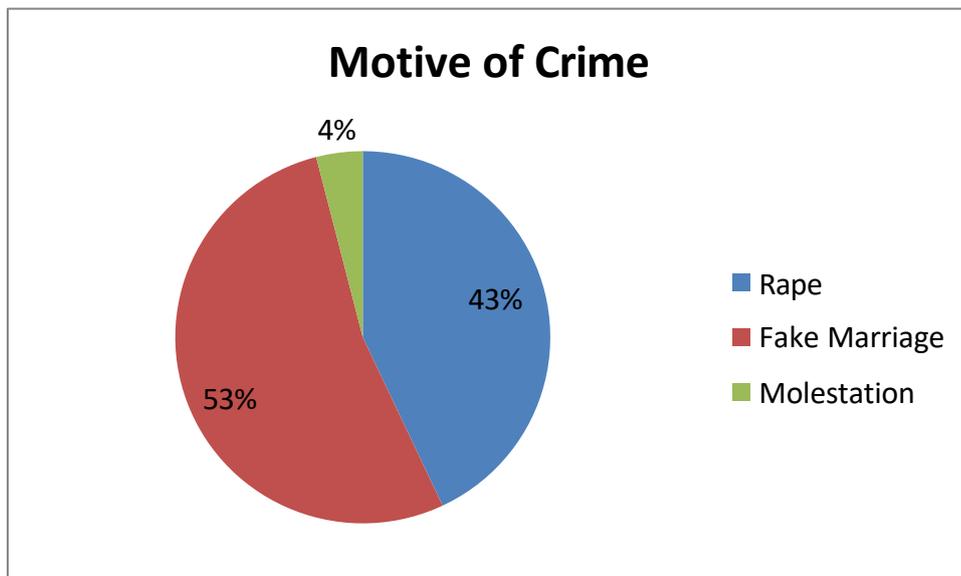
Graph 4- Education level of Victim

According to the graph 5, most of the victim are unmarried (97%) and become motive of crime by fake marriage promises.



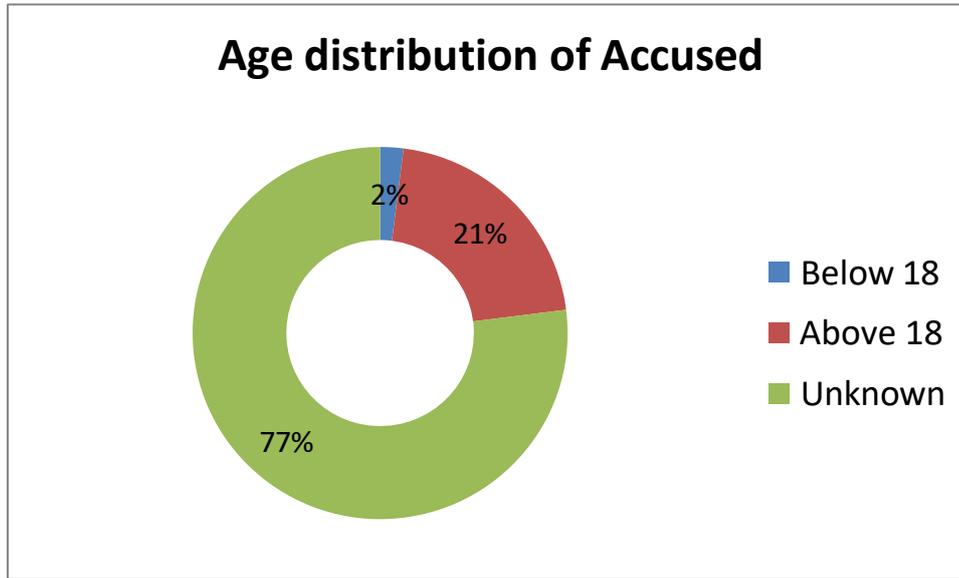
Graph 5- Marital Status of victim

According to the graph 6, main motive of the crime is fake marriage promises (53%) and then rape (43%).



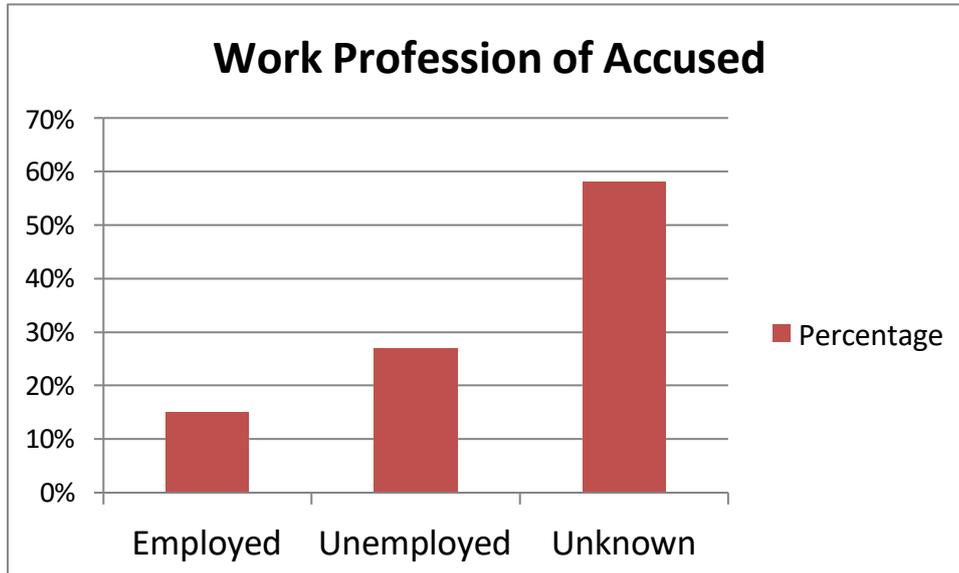
Graph 6- Motive of crime

According to the graph 7, the age group of accused is unknown (77%) after that, accused belongs to age group of above 18 year (21%).



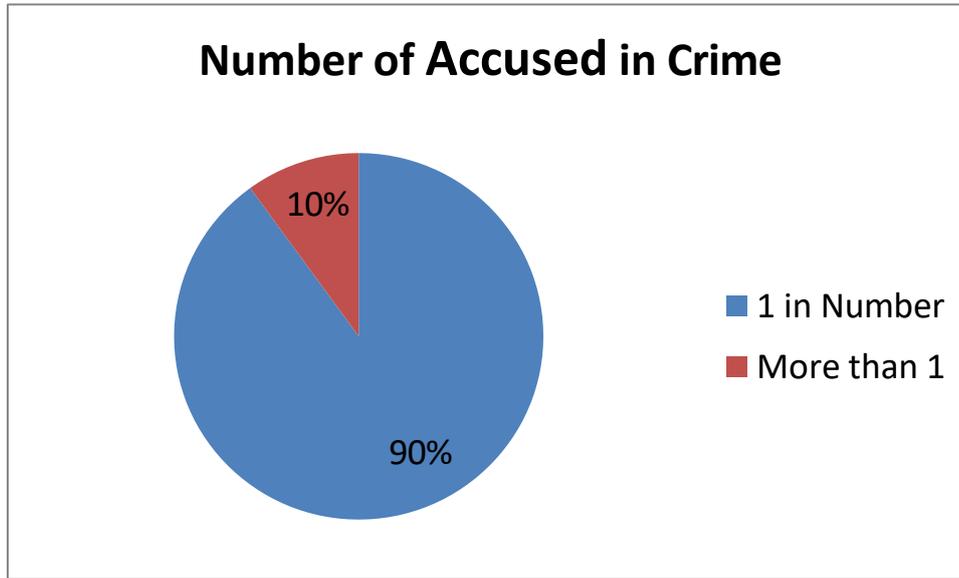
Graph 7- Age group of Accused

According to the graph 8, most of the accused work profession is unknown (58%) but mostly accused belongs to the unemployed (27%).



Graph 8- Work Profession of Accused

According to the graph 9, most of the crime committed by the one accused (90%) and (10%) involves the more than one accused in the crime.



Graph 9- Number of Accused

Discussion:-

A close look at the data from the 200 cases, Conducted for this study shows that in case of POCSO ACT, most of the victims are from the lower community of the society, whose age are between 11-18 years, uneducated and unmarried girls child. Those who have been lured by false promise from the study of data and survey, cast analysis show that 17% of girls belongs from general category while 50% girl belong from SC /ST category who are affected which includes 95% of girl child from rural areas, who are underage and out of education. In these cases, the accused intention was found to be rape or to have a physical relationship by promising marriage.

For the study the districts of Eastern UP are included such as Sonbhadra ,Bhadohi Mirzapur , Sultanpur, Azamgarh, Mau ,Ambedkar Nagar ,Ghazipur, Varanasi, Ballia, etc. In which some such social beliefs like poverty, indifference towards education, conservatism and presence of a rich population can be an important reason for the occurrence of such incidents.

The case of fake marriage here shows the immaturity of the decision, making of the victim and at the same time it also points towards the predatory and sensual nature and bad habits of the accused. In this study ,it was found that incidents like rape have happened with innocent young girl only (approximately 6%). It is important to consider this point that the affected of the female if this class is innocent and is completely unaware of this act, the reason of such incident can be social animosity and jealousy, such incidents can happen due to revenge, in this the accused party can be casteist, stupid and full of and animosity.

Conclusion:-

In the above study, it has been found that the incidents of POCSO ACT are weakening the Indian social fabrics. To build a good citizen and the nation, such incidence should definitely stop. From a detailed review of 200 cases taken in this study, it was found that there is a need to improve the educational level, social awareness and positive work toward the promote justice

Especially, the percentage of incident is maximum in rural area which means that the more efforts need to be made in the ruler level, it is very important to understand the signs before every crime occurs.

Girls and boys should be kept in such an environment that they can tell their family about every unusual situation, big and small happening with them. The value of social relationship is strengthened and moral education of the respecting and honoring every relationship should be promoted. The educational level should be improved. Moral values should also be added to the curriculum. It is necessary to make a girl self-reliant so that they can fight the social battles themselves.

It is necessary to definitely stop hypocrisy because it affects the education and also gives rise to the bestial perversions. The laws that have been established should be implemented properly. The responsibilities of the institution should be fixed and there should be provision for the proper punishment for the violation

Reference:-

- 1- Dr. Khushboo R. Hotchandani:- EVERY CHILD IS SPECIAL – A STUDY OF CHILD SEXUAL ABUSE AND THE LAW (POCSO) IN INDIA.
- 2- Nishanthi Susanth and Megha Santhosh- A Study on Impact of POCSO Act and its Challenges with Reference to Indian Society.
- 3- SAMYUKTHA GANESAN- A STUDY ON EFFECTIVENESS OF POCSO ACT ON CHILD RAPE WITH SPECIAL REFERENCE TO CHENNAI.
- 4- Ranjana Singh, Vipin Koushal, Bhavneet Bharti- A descriptive study on child sexual abuse act in India.
- 5- P. Rahul Ambedkar- Protection of Children from Sexual Offences Act, 2012 – An Overview.
- 6- Dr. Harikumar Pallathadka, Sanjeev Kumar, Dr. Laxmi Kirana Pallathadka, Vikas Kumar-Child Sexual Abuse In India:A Socio-Legal Analysis.
- 7- Oinam G. Singh, Sanjeev Kumar, Arun Parkash K. S.- Child Sexual Abuse and its Legal Perspectives in India.
- 8- The Protection of Children from Sexual Offences Act, 2012. The Gazette of India dated 19th June 2012.
- 9- Forensic Study on Child Sexual Abuse under POCSO Act, [http://ijar.org.in/stuff/issues/v2-i3\(3\)/v2-i3\(3\)-a011.pdf](http://ijar.org.in/stuff/issues/v2-i3(3)/v2-i3(3)-a011.pdf), Accessed on February 10, 2018
- 10- Honap, R., & Shetty, V. (2023). Reviewing A Decade of The POSCO Act, 2012.