

# A Special Act



A Comic Book on POCSO Act

## **Acknowledgements**

Script – Ramendra Kumar

Production – Sujay Joseph, JB Oli & Shinu Joseph

© Butterflies

September 2017

The content of this comic book can be reproduced in whole or in parts with due acknowledgment to the publisher.

Published by:

Butterflies

U-4, Green Park Extension, New Delhi-110 016

Tel.: +91-11-46471000, 26163935

Fax: +91-11-26196117

E-mail: [butterflies@vsnl.com](mailto:butterflies@vsnl.com)

Website: [www.butterflieschildrights.org](http://www.butterflieschildrights.org)

Illustrated and Designed by: Navjyoti Publishing House Pvt. Ltd.

Printed by: Bright Design Focus

Dear Reader,

This comic book is about a special law for the protection of children called Protection of Children from Sexual Offences (POCSO), Act, 2012 formulated in order to effectively address sexual offences and sexual exploitation of children.

There was a felt need to enact a special legislation to tackle the increasing number of cases of sexual offences against children. To effectively address the crimes of sexual abuse and sexual exploitation of children through a gender neutral, less ambiguous and more stringent legal provisions, the Ministry of Women and Child Development, GOI, enacted the Protection of Children from Sexual Offences (POCSO) Act in the year 2012.

This comic book explains the features of the Act, the importance of consulting the child and taking her or his views and consent, reporting mechanisms, duties and responsibilities of the police, child welfare committees (constituted under Juvenile Justice Act for the care and protection of children), District Child Protection Unit, medical doctor, court procedures..... The comic book also explains that as a guardian or parent what must be done in case a sexual offence against your child has been committed.

We hope that this book will contribute in a small measure to the efforts of raising awareness on POCSO Act among children and help them to understand the law.

We express our gratitude to Human Dignity Foundation for the support in publication of this comic book.

**Rita Panicker**  
Director



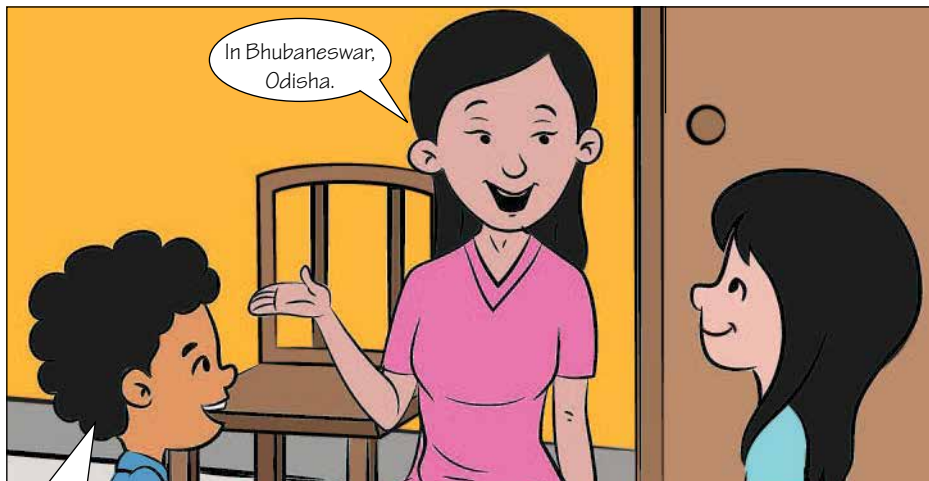




I have got an offer to do a research project. It has been organized by my professor who has always been like a mentor to me. I want you to come along.



In Bhubaneswar,  
Odisha.

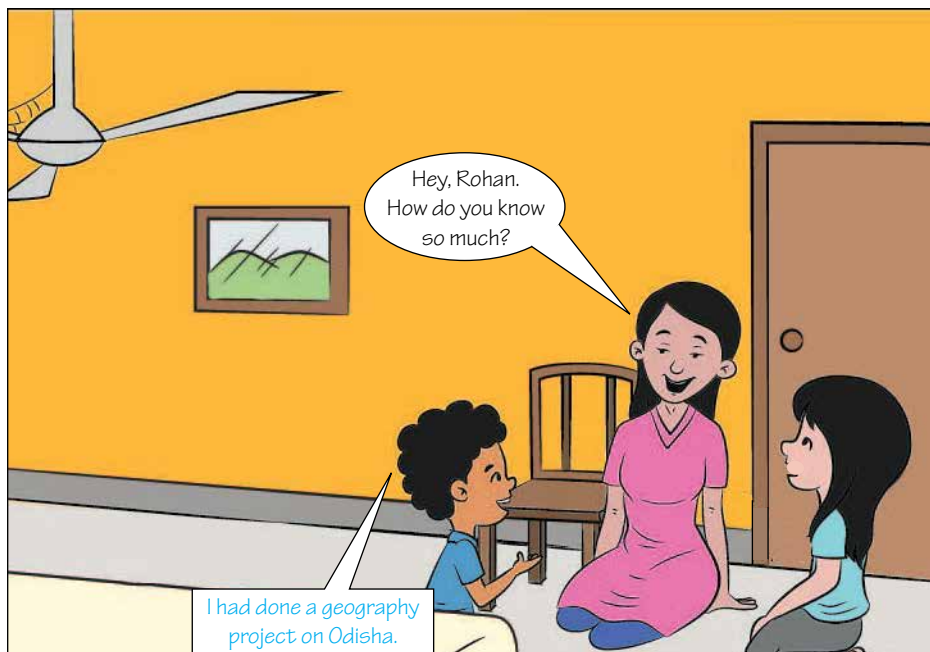


Wow, Odisha! The land of temples. Rohan yelled.

You know didi, the Lingaraj temple at Bhubaneswar, the Sun Temple at Konark and above all the Jagannath temple at Puri as well as hundreds of other temples dotting the land of Odisha make it a dream destination for every devotee. Besides, the Buddhist monuments at Dhaulagiri and Jain monuments at Khandagiri are a tribute to this land's secular credentials.







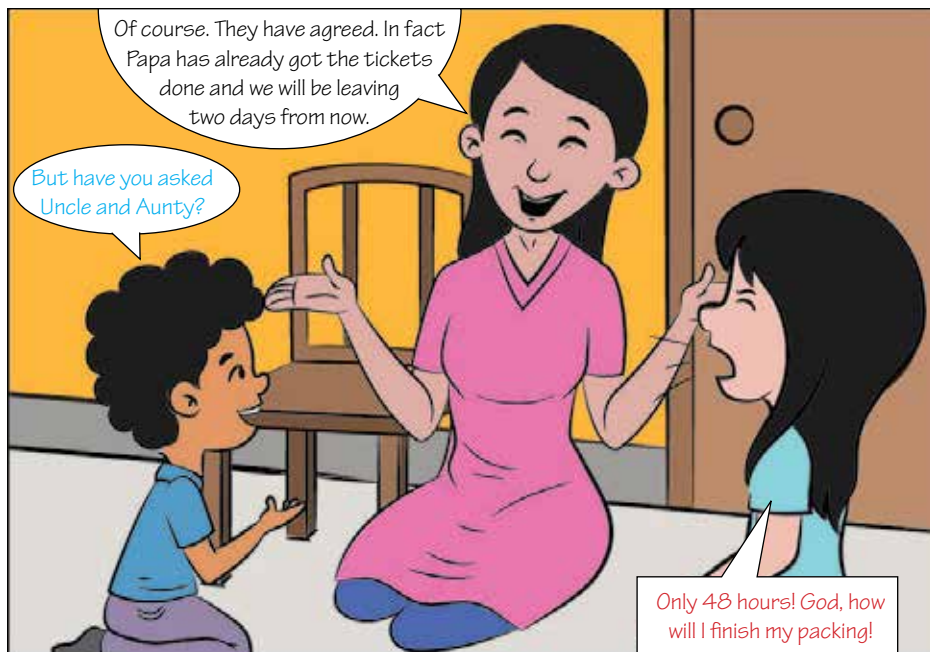
Smarty, don't forget I too was part of the project so don't show off. I know as much as you do, if not more. It has a vibrant legacy of enterprise as symbolized by *Boita Bandan*, the boat festival. This legacy lives on even today in the shape of Rourkela Steel Plant – the first integrated steel plant in the public sector in the country. Besides, Odisha boasts of exotic flora and fauna, beautiful handicrafts, gorgeous dances, mellifluous music and lots more.

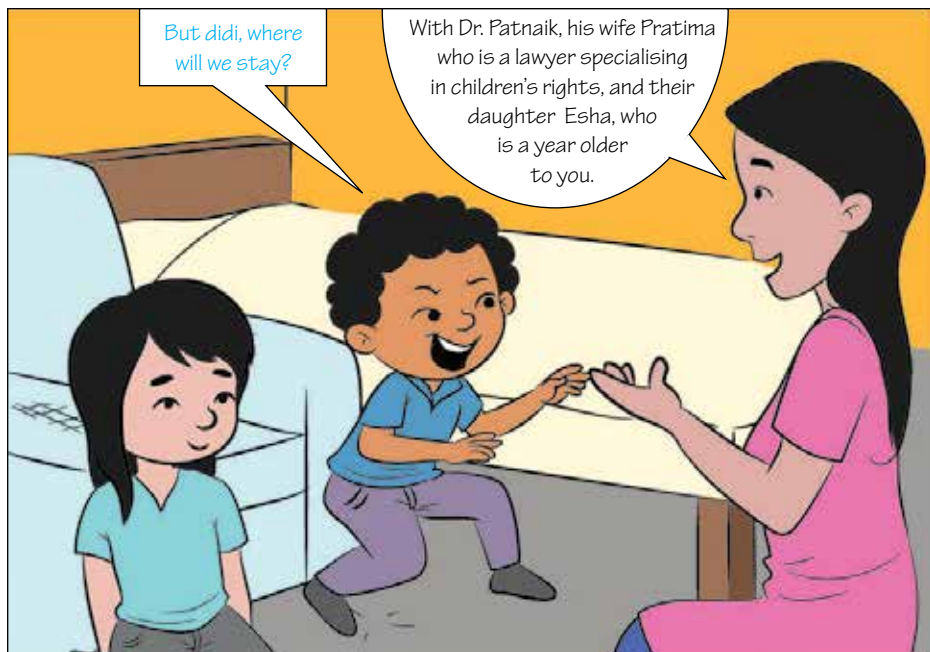














Nandan Kanan Zoo in  
Bhubaneswar



Guys, Nandan Kanan is famous for its white tigers and as you can see they really are wonderful creatures





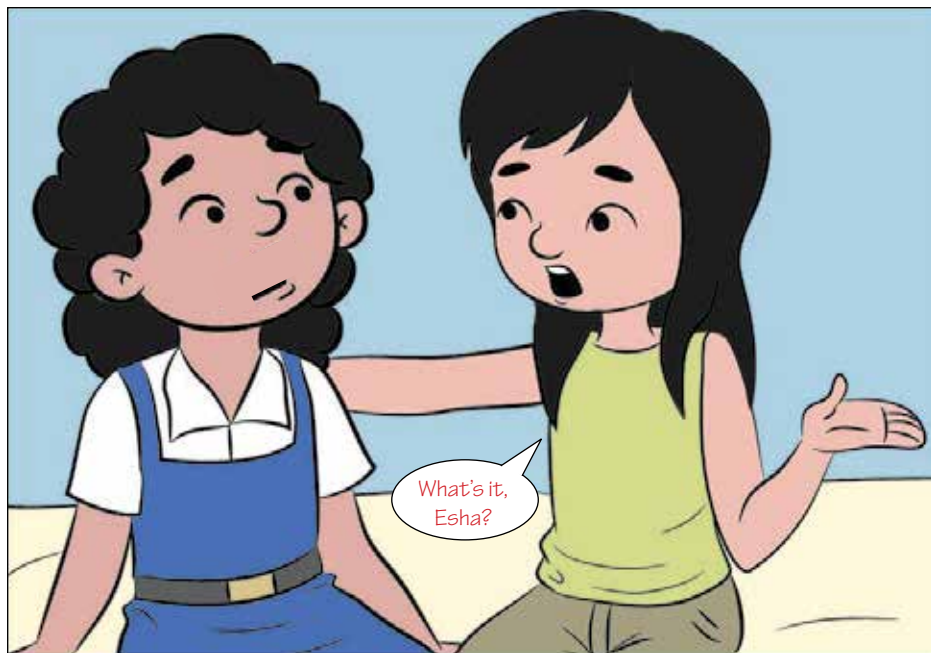


The Next Day.



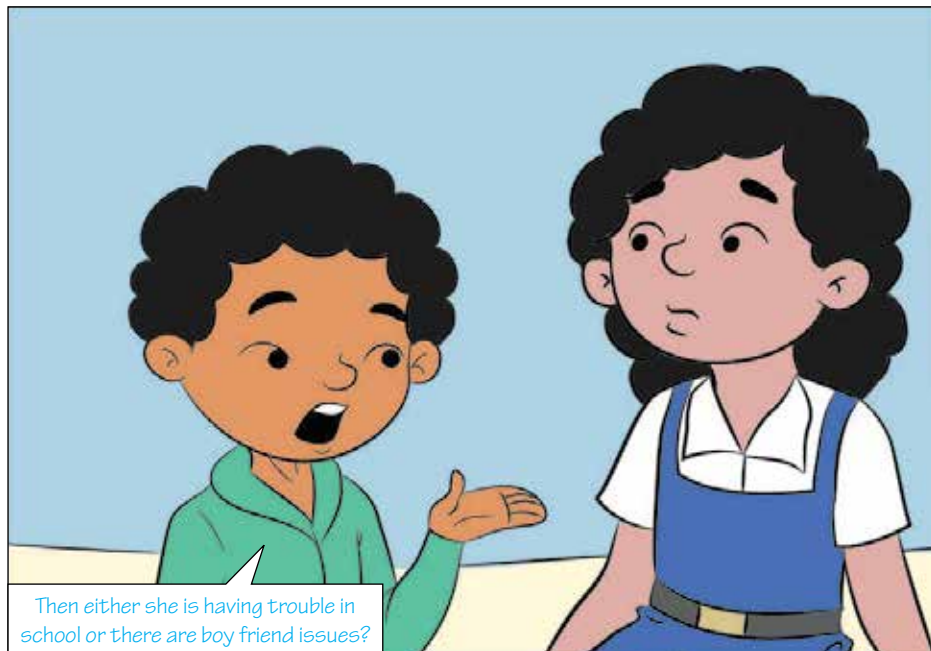
No guys, it is something much more  
serious than that.





It has to do with my best friend Divya, Divya Mohapatra. She is in the same section as me and we have been the best of friends since class one. For the last two weeks she has not been coming regularly to school. She has also been missing tuition. She looks perpetually tense and has been snapping at everyone. Her eyes are red and it is clear that she has not been sleeping properly.





There is no question of any boy friend angle, Rohan? I know Divya very well. And as far as school is concerned she is one of our best performing students: great in academics, a member of the table tennis team and a terrific debater too. And moreover, Divya has always been a very cheerful and fun loving person. It breaks my heart to see her like this.

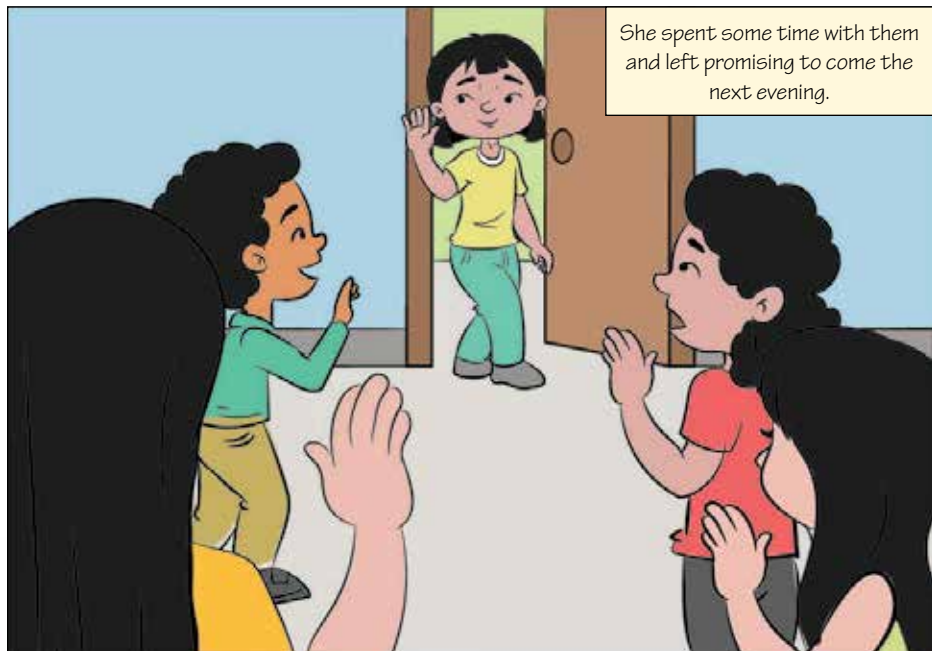


I have an idea? Why don't you get her home? Sometime today or tomorrow evening, when Seema didi is here. We guys will move out of the way and leave them together. I am sure Divya will open up in front of Seema didi. Didi has a way with people of all ages. She is a person who was born to be a confidant.

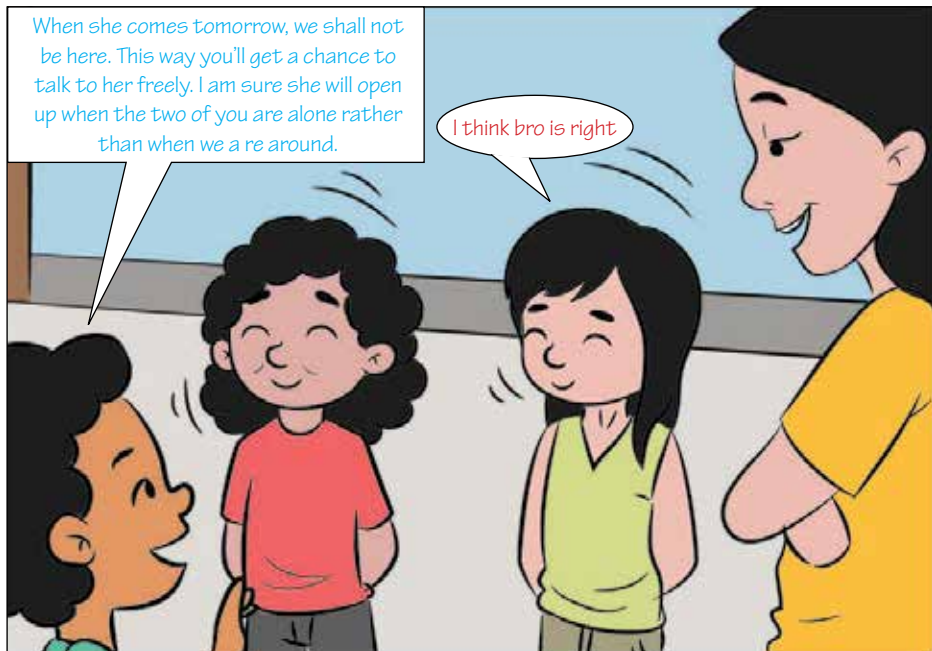
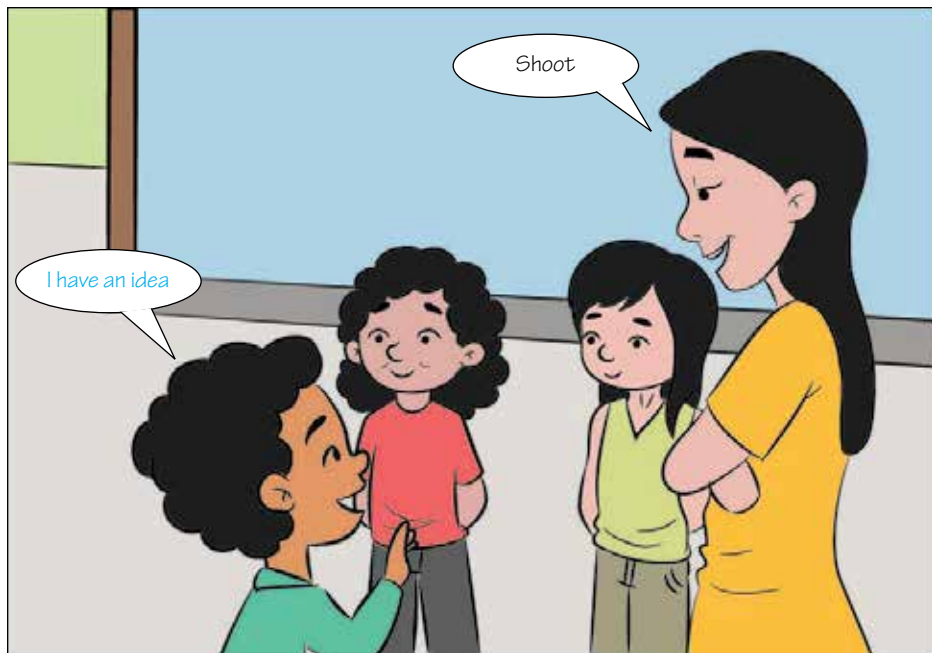


The next day the twins were sitting with Esha and Seema in the living room. It was around seven in the evening. There was a knock on the door and Esha got up. She came back with a 14 year old girl in tow.

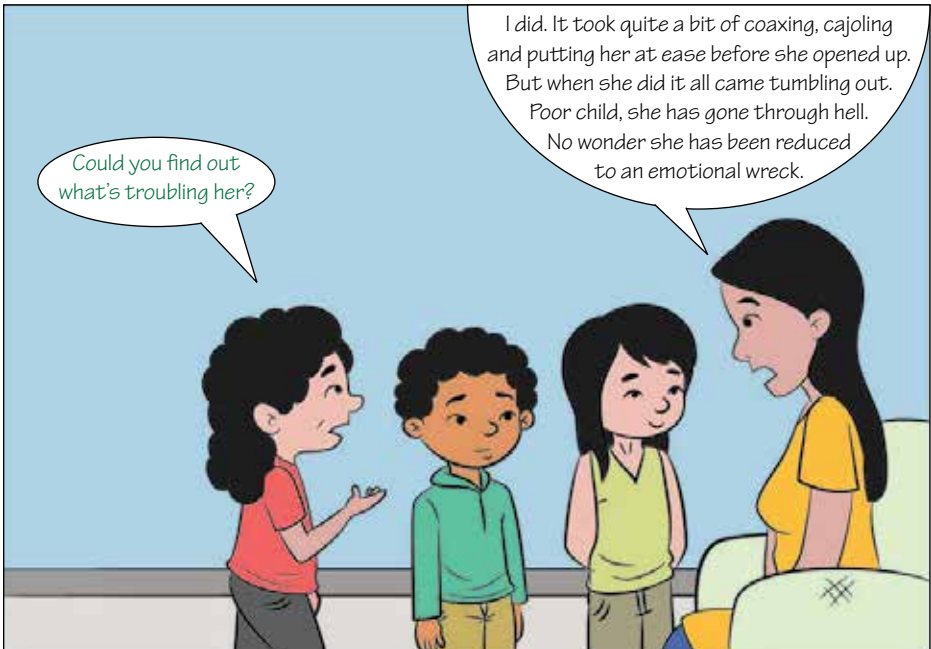
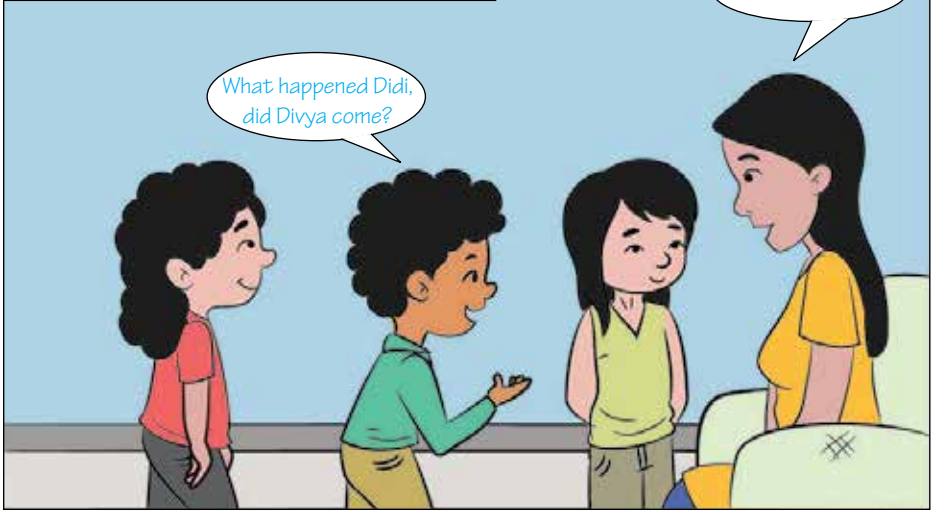








Divya was expected at 6.30 and Esha and the twins left by six to do some more shopping. By the time they returned Divya had gone and Seema was sitting with a very serious expression on her face.



Yes, I think I should share her predicament with you. You guys should know since you too can land in this kind of a situation.

Please didi, tell us what happened? What is this hell you are talking about?



Divya's father, who is a professor of Economics in Utkal university was posted to Moscow for a period of two years. Since Divya is in class 9, any dislocation at this stage would affect her academics. Hence she stayed back while her parents shifted bag and baggage six months ago.



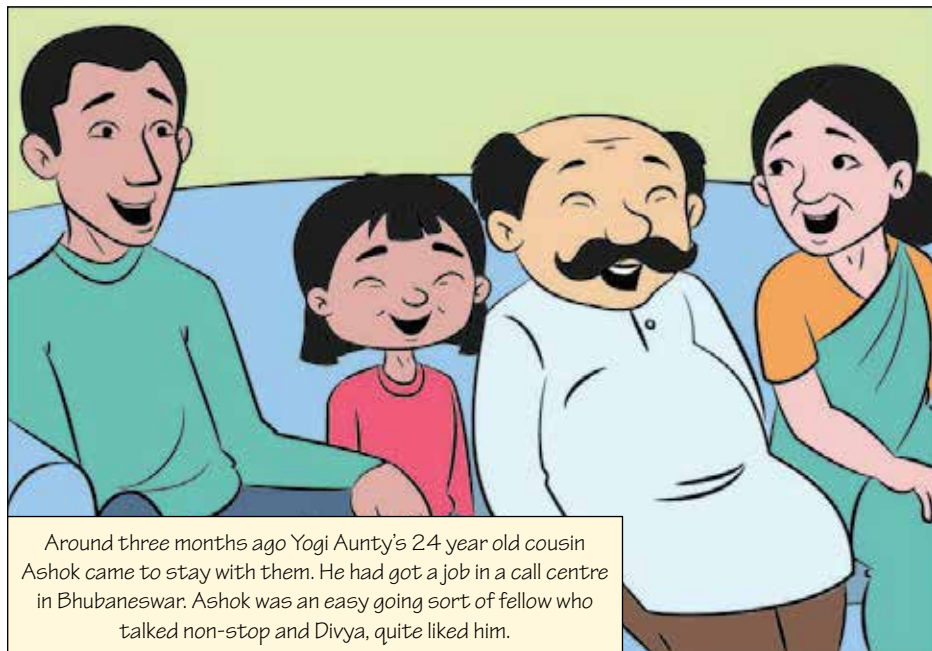
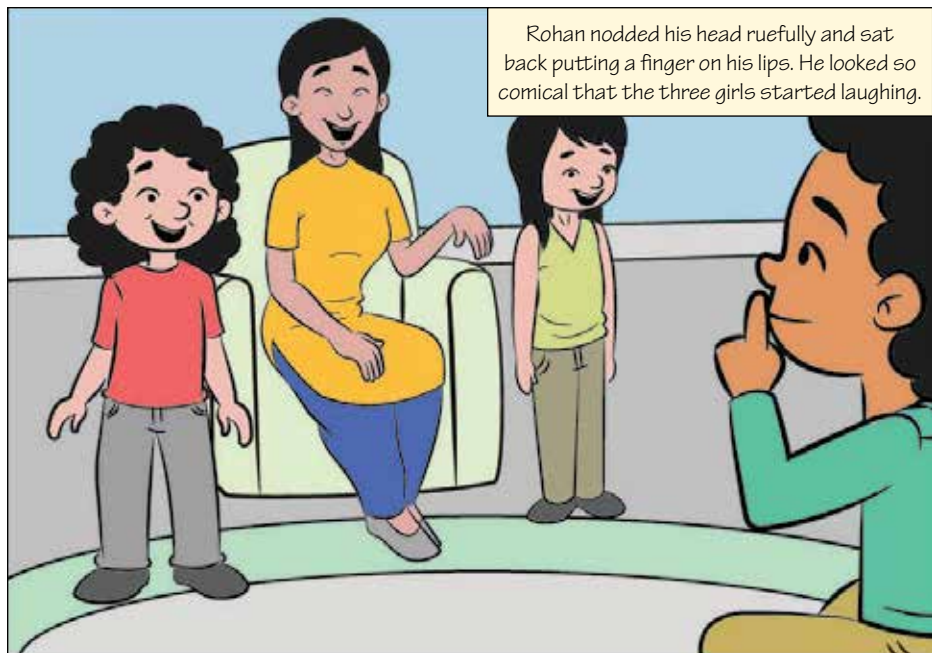


No, she is not staying alone. She shifted with her Maama (mother's brother), Virendra uncle and his wife, Yogi aunty. Uncle is in the Merchant Navy while aunty works for an insurance company. They do not have any children.







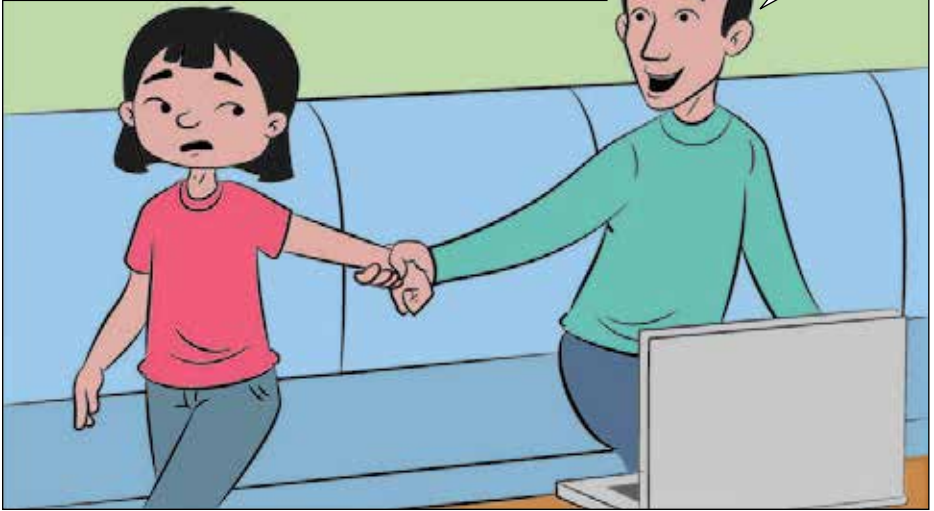






Ten minutes later they were sitting on the sofa and watching the movie. It was an English film. In the beginning it was okay but soon the scenes in the movie started making Divya uncomfortable. She got up to go when Ashok caught hold of her hand.

Where are you going, Divya?



I have a head ache. I'll eat something and go to sleep.

No, it's okay. I only need some rest

Should I get some medicine for you?



Later that night Divya was sleeping in her room when suddenly she felt a weight on her.

Hey, Divya, sweetie, it is only me, Ashok.

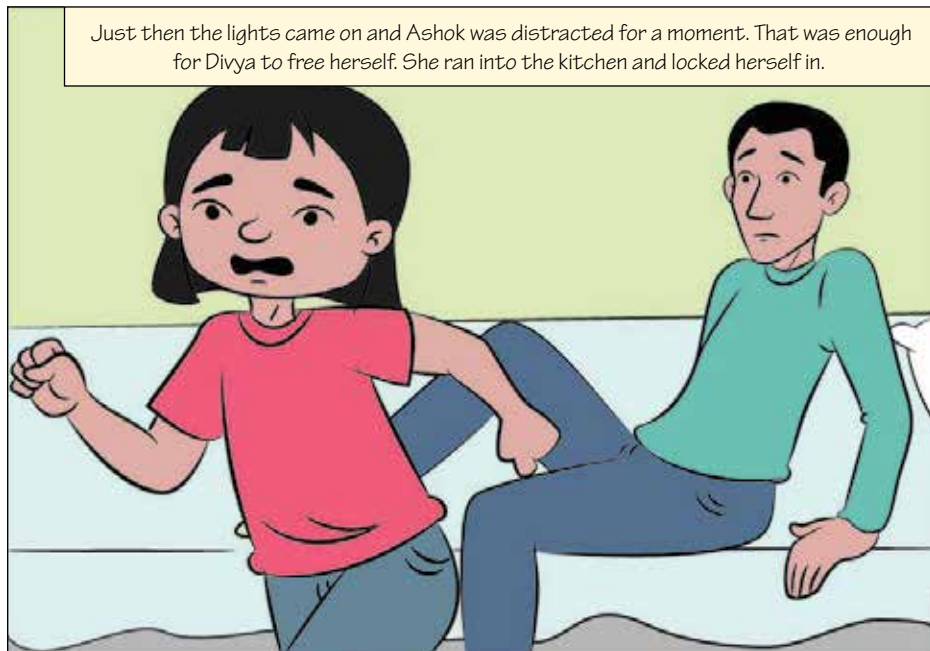
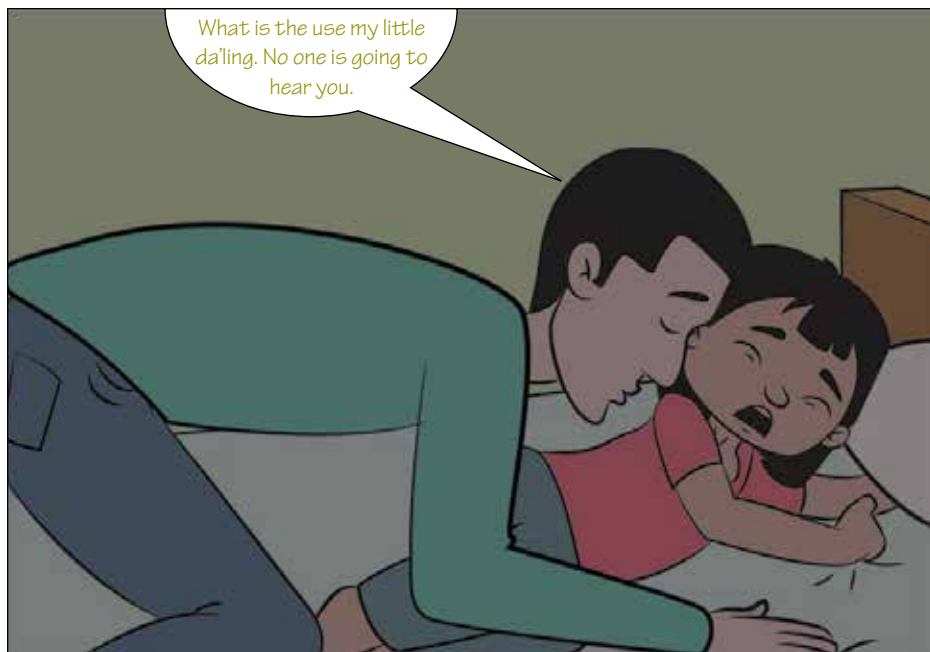
Wha.....what are you doing here?

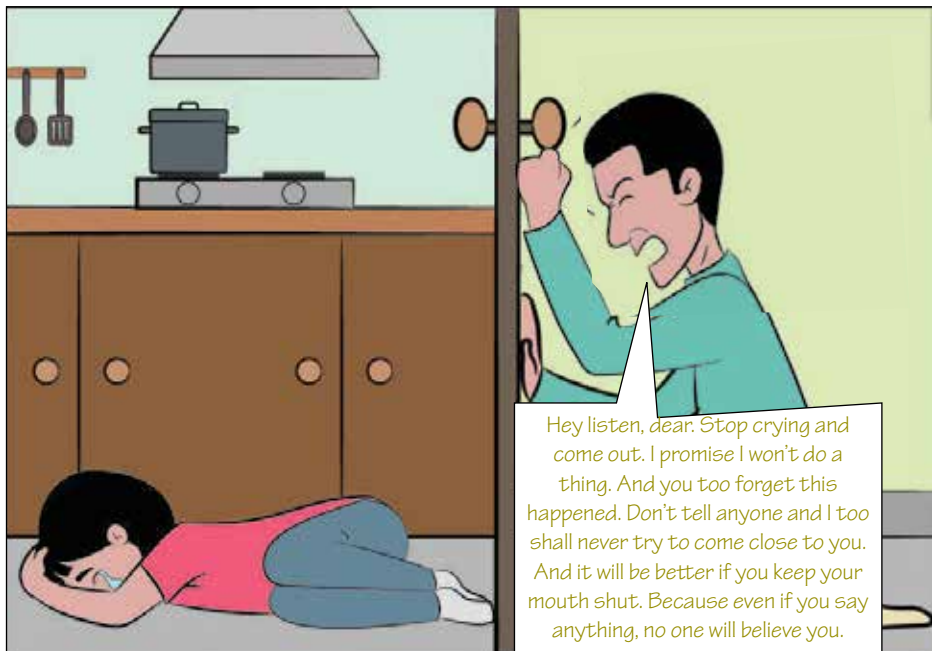


Take it easy baby. The lights have gone and I thought you would be scared. I just came to give you company. See, how scared you are. Your heart is beating like the dickens



Please leave at this very moment or I am going to scream the house down.





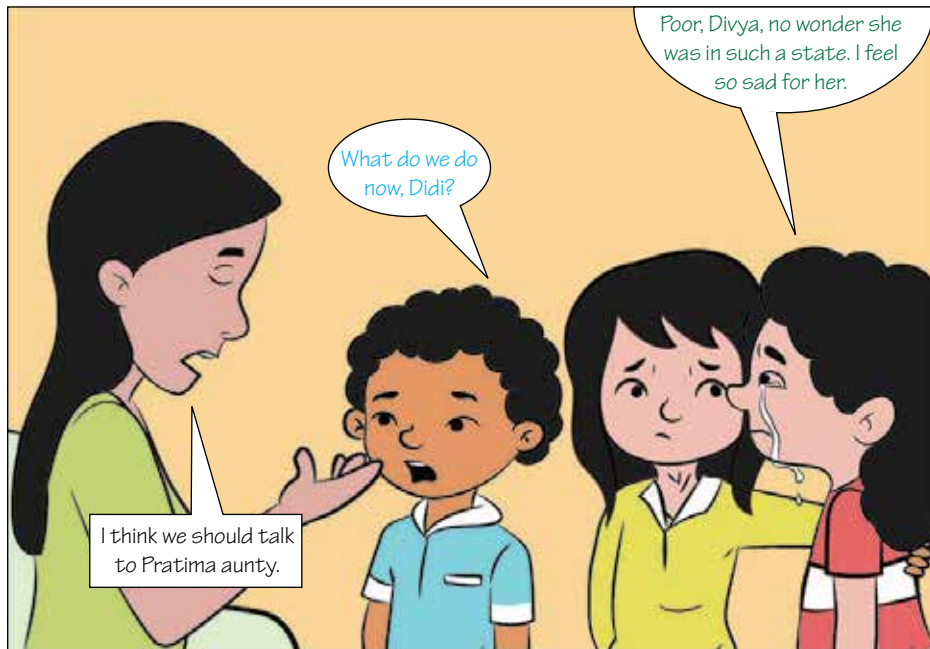
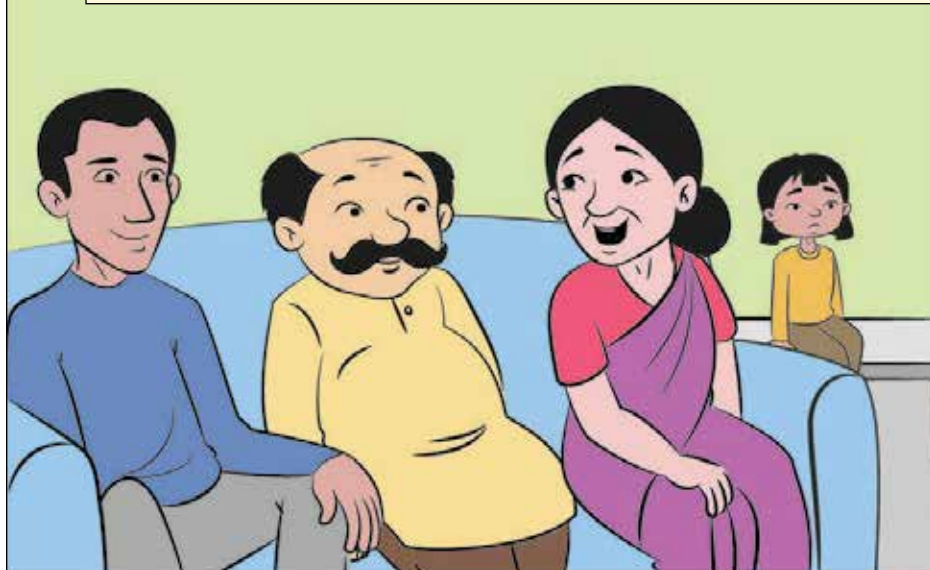


Believe me; I can destroy you if you try acting funny with me. I took some snaps of you while you were changing the other day. I was out in the garden and you couldn't see me. If you don't do as I say I'll post them on Face book. I have also kept a bottle of acid with me. If you try acting smart I won't have any hesitation in using it on you.



Ashok kept threatening her for God knows how long. In the morning when she heard the maidservant ringing the bell, she came out and quickly rushed to her room and locked herself in. She emerged only after Ashok left for work and went to school.

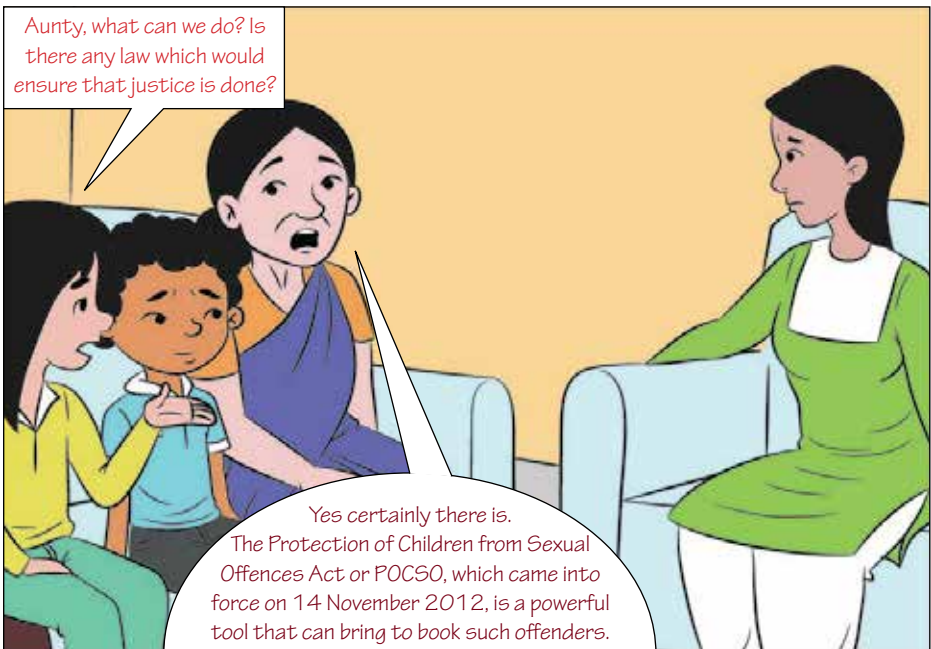
Divya's uncle and aunt came the same evening. Divya did not speak a word to them. She avoided Ashok as much as possible and made sure she was never left alone with him.

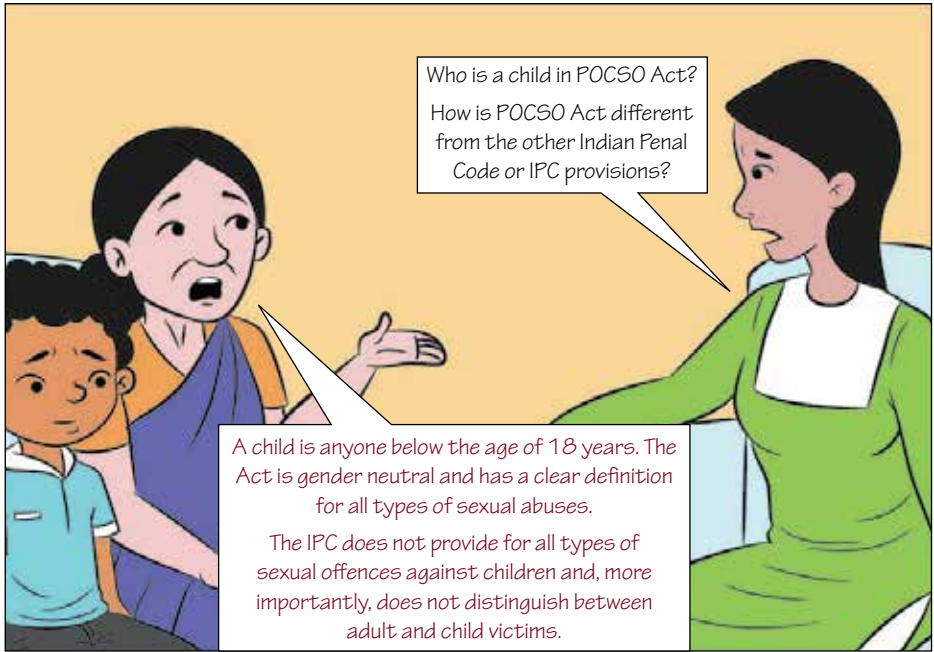


The same evening, after dinner, the kids sat with Pratima Aunty and Seema in the living room. Dr. Pattnaik was out, attending to a case and would be returning later. Seema quickly recounted what had happened to Divya. Pratima aunty was livid.



Aunty, what can we do? Is there any law which would ensure that justice is done?









Good question, Rohan. If the person who commits this crime is older and in a position of trust and authority such as teacher, father, uncle, grandfather, brother-in-law, family doctor and so on..... It is an "aggravated" offence since it has been committed by a person in a position of trust. Hence Ashok's offence will come as Aggravated Sexual Assault.







The Act is clear that the procedures are child friendly. The reporting, recording of evidence, investigation and the trial should be completed within specific time frame. These include:

- Recording the statement of the child at the residence of the child or at the place of his or her choice, and if it is a girl child, then by a woman police officer not below the rank of sub-inspector.
- Evidence has to be recorded within 30 days.
- No child is to be detained in the police station in the night for any reason.
- Police officer will not be in uniform while recording the statement of the child.
- The statement of the child is to be recorded as spoken by the child.



- And the child should be accompanied by an adult during the procedure.
- Medical examination of the child is to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.
- In case the victim is a girl child, the medical examination shall be conducted by a woman doctor:

But medical examination should be conducted only if the child or the parents/guardian of the child give consent for this.

- Trial happens in a special court for children.
- Frequent breaks for the child during trial, especially if the child is distressed.
- Child not to be called repeatedly to testify.
- No aggressive questioning or character assassination of the child.
- In-camera trial of cases.



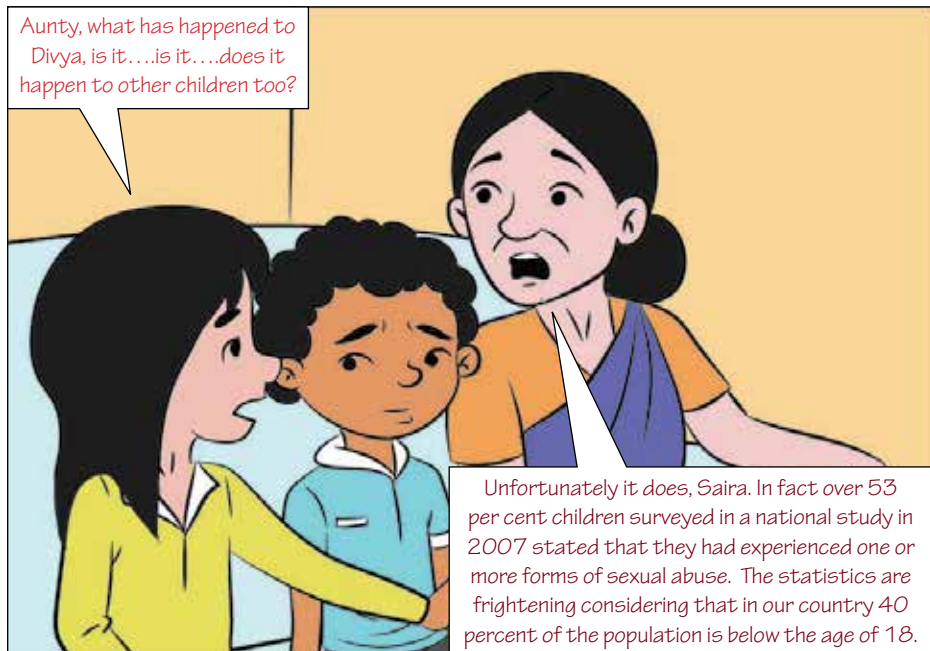


For providing relief and rehabilitation of the child, as soon as the complaint is made to the Special Juvenile Police Unit (SJPU) or local police, it will make necessary arrangement if the child needs care and protection such as... admitting the child to a shelter home or to the nearest hospital within twenty-four hours of the report. In the case that her or his family can take care of her or him, the child will not be removed from the family. The SJPU or the local police are also required to report the matter to the Child Welfare Committee within 24 hours of recording the complaint, for long term rehabilitation of the child.

The police should also report to the special court.

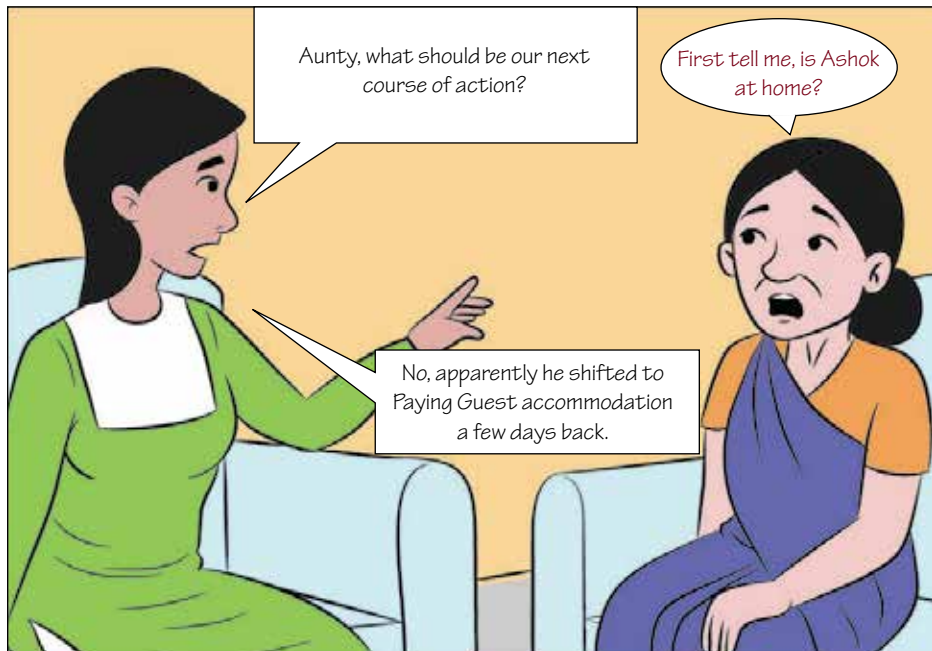


Aunty, what has happened to Divya, is it....is it....does it happen to other children too?



Unfortunately it does, Saira. In fact over 53 per cent children surveyed in a national study in 2007 stated that they had experienced one or more forms of sexual abuse. The statistics are frightening considering that in our country 40 percent of the population is below the age of 18.

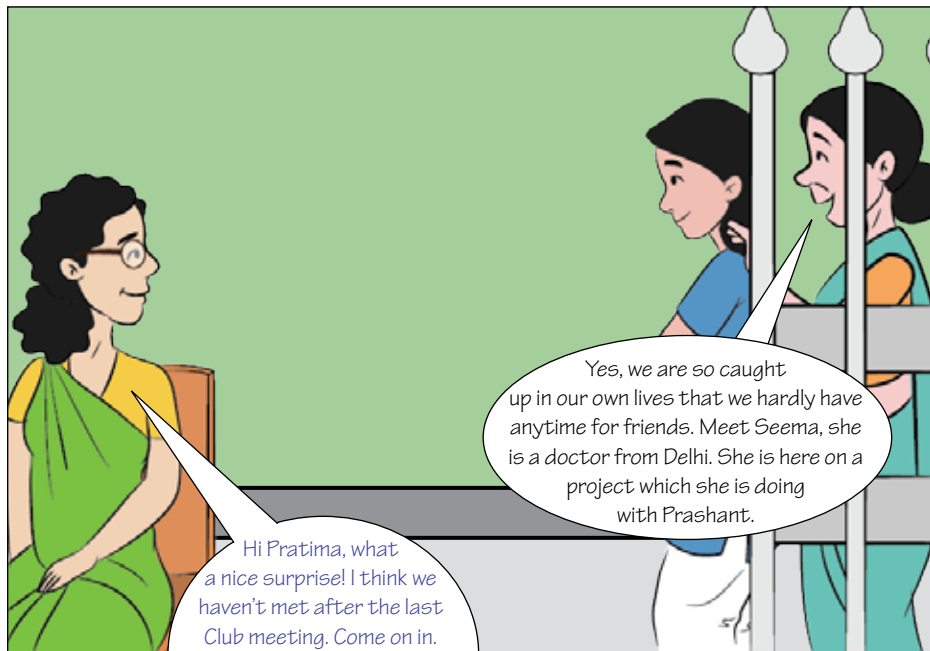






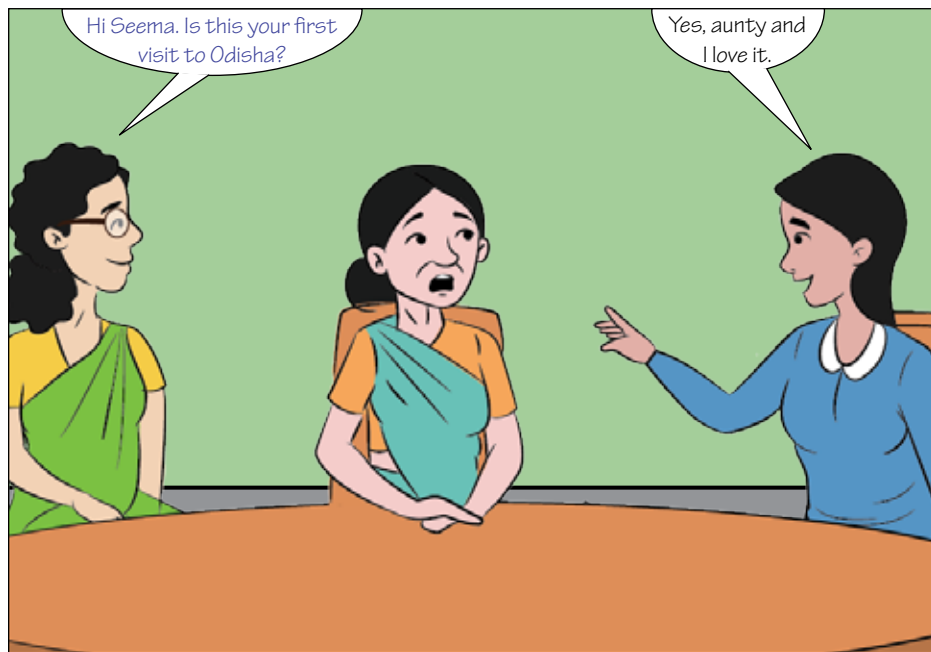


Good. Tomorrow is a Sunday. Seema, you and I can go and meet Virendra and Yogi at her place. We'll take things forward from there.



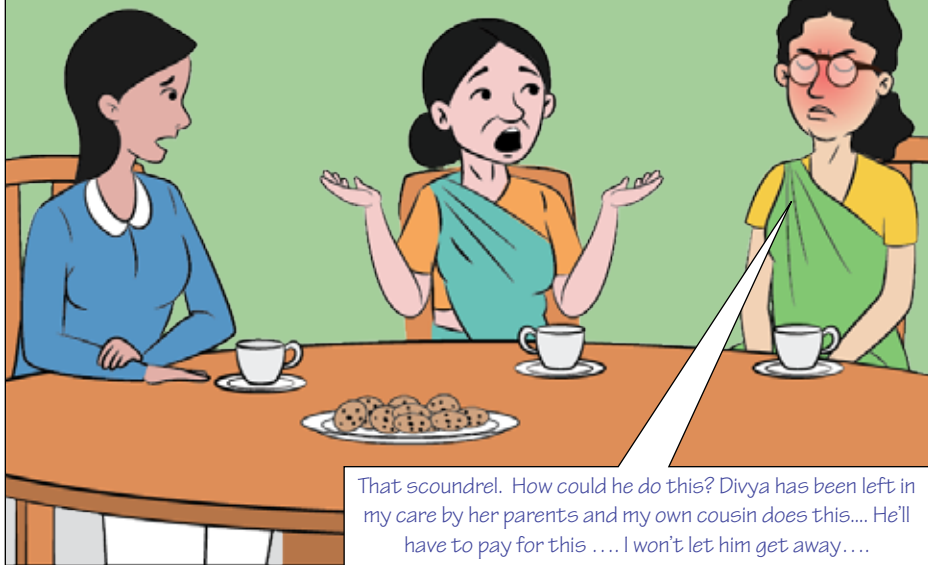
Hi Pratima, what a nice surprise! I think we haven't met after the last Club meeting. Come on in.

Yes, we are so caught up in our own lives that we hardly have anytime for friends. Meet Seema, she is a doctor from Delhi. She is here on a project which she is doing with Prashant.

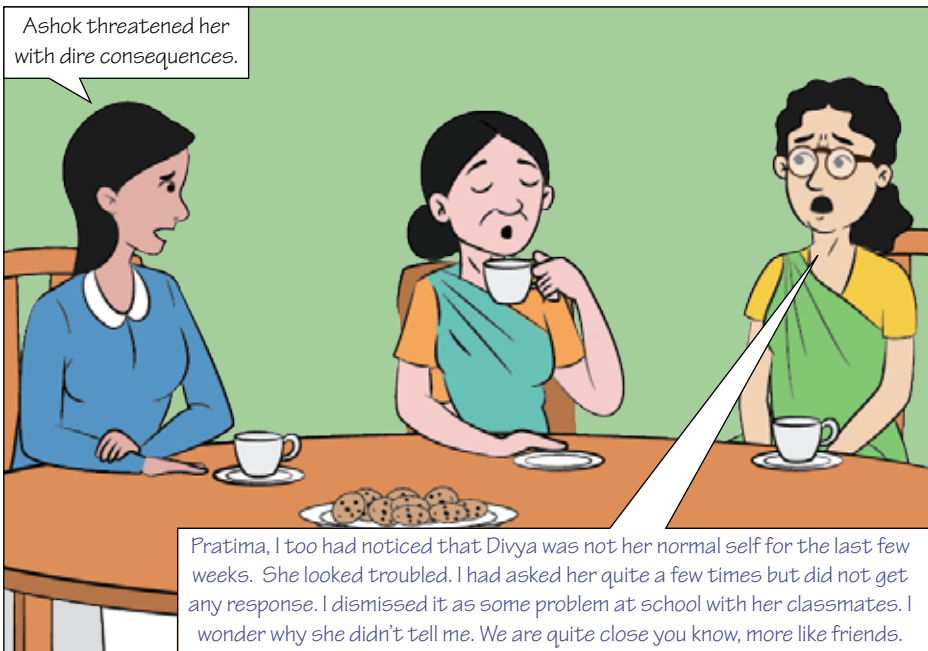




Pratima narrated Divya's experience in as much detail as she knew.



Ashok threatened her with dire consequences.





The first decision you have to take is what you want to do with Ashok? Its not about "Do you want him punished..." It is your duty to report and you are legally obligated to do so. Consider rephrasing the sentence to emphasise on mandatory reporting. Presently as a reader I am thinking what if she said, "No I don't want him punished"? Then how would the story unfold?

Good.







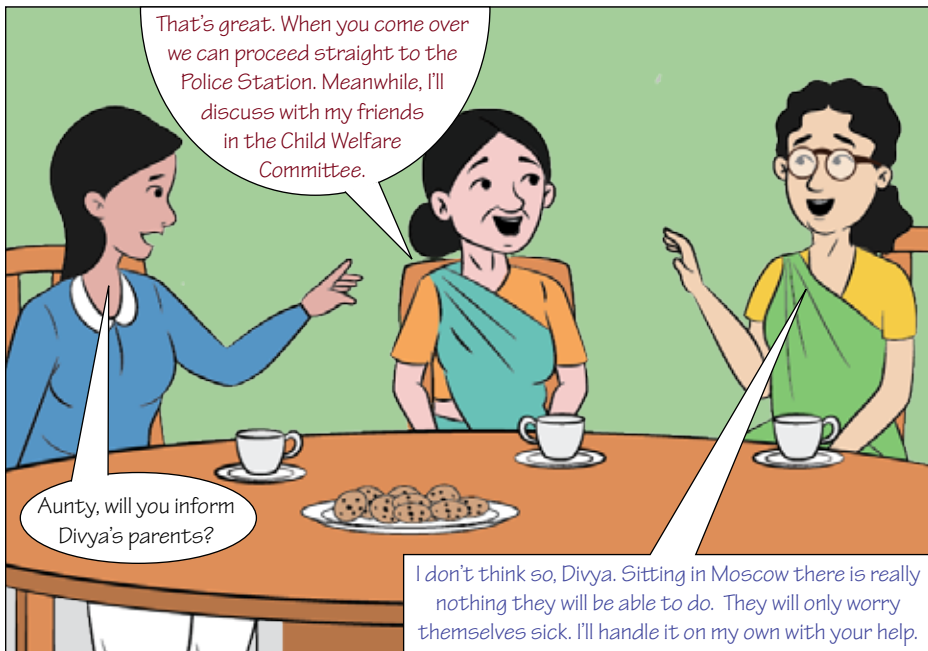
Aunty, I have one suggestion. Can Divya stay in Pratima aunty's place with all of us? That way she will never be alone and her mind too will be engaged.



I think it is a great idea. I too would like her to be with me as the case proceeds – that is if you don't mind?

Whatever is good for her is best for me. Let me wake her up and talk to her. I'll then drop her at your place.

That's great. When you come over we can proceed straight to the Police Station. Meanwhile, I'll discuss with my friends in the Child Welfare Committee.



Aunty, will you inform Divya's parents?

I don't think so, Divya. Sitting in Moscow there is really nothing they will be able to do. They will only worry themselves sick. I'll handle it on my own with your help.



A few hours later Yogi came along with Divya to Esha's place. Divya was carrying a small suitcase with her. Esha sprang forward and hugged her.



Divya, you'll be sharing the room with me. Won't it be fun?  
We'll have a pajama party tonight and we shall obviously  
exclude all boys from it.

Soon they had got down to a game of Scrabble with Rohan and Divya pairing up against the other two girls. Rohan and Saira kept fighting the entire time much to the amusement of Divya who had not seen them in action earlier.



That afternoon an FIR was lodged by Yogi and Pratima at the nearest police station. On Wednesday, Ashok was arrested.





The same afternoon, a lady police officer came to the residence of Dr. Patnaik to take down the recorded statement of Divya. Both Pratima and Yogi were present.



Two weeks later Divya was taken to the Special Court for recording of her evidence which was done through video conferencing. She and the judge could see and hear each other. She however could not see Ashok. This was done on three occasions with a sufficient gap so that Divya would not feel the strain.



The worst part is over. We now have to wait for the verdict. In the meanwhile why don't we take a break and go to Puri and Konark? It will be fun. Prashant will book the guest houses and we'll hire a big vehicle.

A few days later the entire group went to Puri, one of the holiest places for Hindus across the world. They visited the world famous Jagannath Temple at Puri. The twins were completely awestruck by the gorgeous images of the Lord Jagannath, Lord Balabhadra and Devi Subhadra in all their resplendent glory. The same evening all of them went to the beach and watched the spectacular sun set.

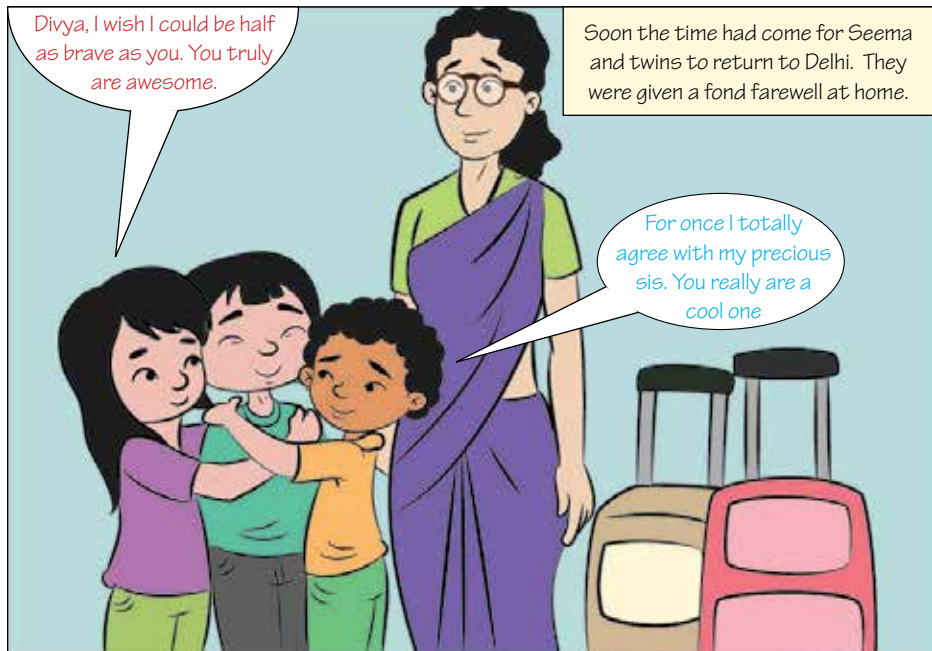




The Konark temple and its history fascinated Saira and Rohan. The best part of their visit was the time they spent at the beach

All four kids swam a bit, ran a couple of races, took loads of photos and sampled the best prawns they had ever eaten.



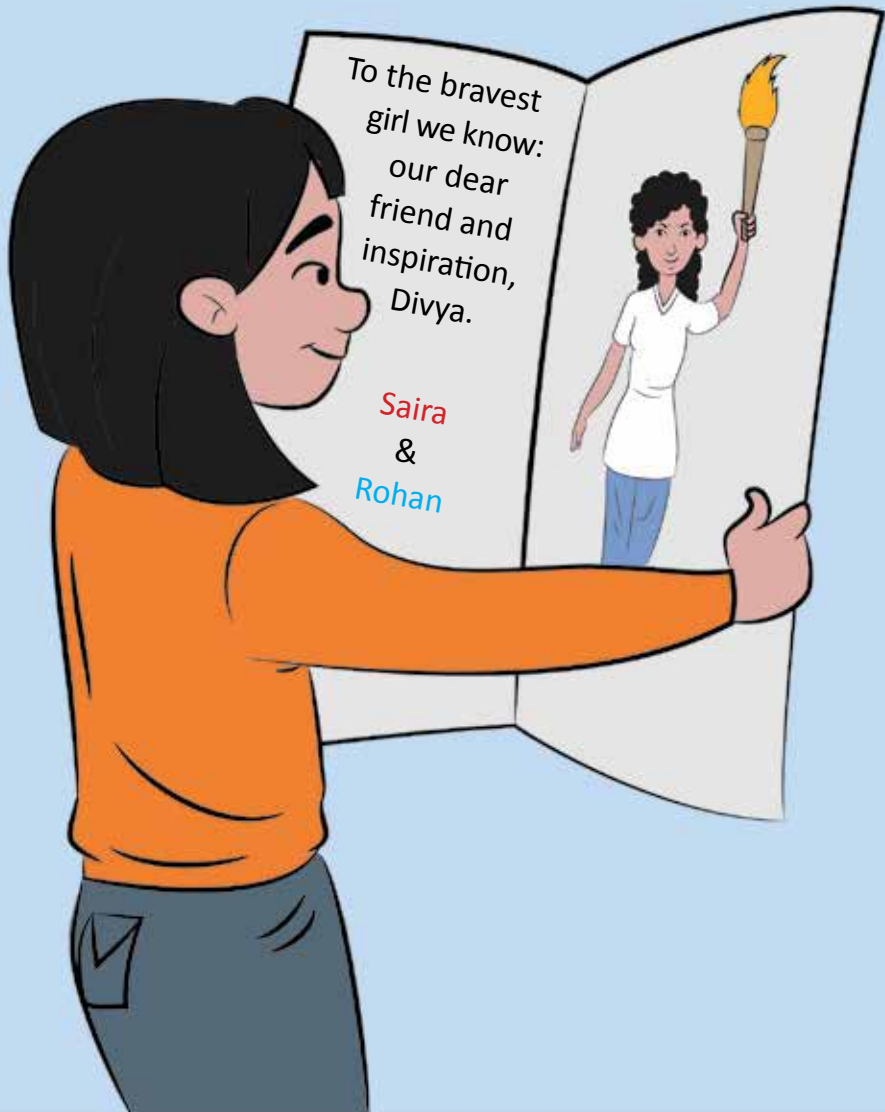








Three days later Divya received a huge card. She opened it.



## Attention Children

A touch is either a safe touch or an unsafe touch.

A safe touch makes you feel loved and cared for. It makes you feel protected and safe. An unsafe touch makes you feel confused, scared and unsafe and you know that it is not right. It makes you feel hurt, it causes pain, and because you may not want that touch it makes you feel angry, guilty and dirty. Even when you are very small, your mind knows a safe touch and an unsafe one.

Many times, unsafe touches are by people you know—your relatives, friends, neighbours, teachers and people you trust. Sometimes, it may be a stranger who may touch you. Sometimes, when a person touches our private areas when we do not want it or may not like it, that is also an unsafe touch.

What are our private areas? These are areas of our bodies, which we do not normally show people and which we always keep covered. Some persons may try to hide these actions through different ways. They may call it a 'special secret' or a special feeling that they share with you. They may give you lots of gifts and take you on outings. They may show that they care for you or your family. They may also be liked and respected by your family members. All this makes it difficult for you to understand what they want from you. You feel confused and unsure about your own experience with them.

And, sometimes, they may even threaten to hurt you or family, or to make things bad for them. And make you feel that you have invited the touch by your behaviour.

### Remember

- You are NOT responsible for the other person's behaviour.
- You did NOT invite it and you are NOT to be blamed for it.
- The adult, who touched you, is responsible



## What Can You Do?

The best thing to do is to tell an older person whom you trust about what has happened. This person may be a parent, teacher, friend or even an older sister or brother. The adult who touches you may be someone you like or love. Even so, say, 'No', 'Don't' or 'Stop it' firmly or loudly. Push the person away hard.

Run away from the scene if you can. If you know self-defence methods, use them to escape.

**SCREAM!** So that others hear and the adult gets frightened.

## Remember!

When a person touches you or behaves in a way that disturbs you, it is called sexual abuse.

If you are confused about somebody's behaviour and touch, talk about it to some adult you trust. Clear the doubt in your mind.

**You are precious. And you are right to protect yourself. Trust your feelings. You can say 'No'. Even if you did not say 'No' to the adult who touches you, it's ok. It is still not your fault. Speak about it to someone you trust.**

In India, under the POCSO Act, any person who has apprehension that an offence is likely to be committed or has knowledge that an offence has been committed, should bring the incident to the notice of the Special Juvenile Police Unit (SJPU) or the local police. The failure to report such an offence, is punishable with imprisonment of upto six months or fine or both. This penalty is, however, not applicable to a child less than 16 years of age. **For easy reach, if one calls on the toll free Childline1098, they will connect you to the police and Child Welfare Committee.**



## About Butterflies

Butterflies is a registered voluntary organisation working with the most vulnerable groups of children, especially street and working children since 1989. With a rights based, non-institutional approach the organisation endeavours to educate and impart life skills to vulnerable children so that they become self-reliant and exit out of the cycle of generational illiteracy & poverty. Over the years Butterflies has initiated a number of innovative interventions in the field and partnered with the government and non-government agencies to garner support for children.

Butterflies was born with the core value and belief that it must be a democratic organisation and children's voices have to be listened to seriously. Children's participation in decision making processes is central to our work ethos. At Butterflies we believe children's rights are human rights.

Butterflies is non institutional in its approach. We believe that institutionalising children should be the last resort. We advocate for the importance of strengthening families and communities to protect and take care of children as families are the first line of defence for children.

Butterflies addresses the challenge of making the Convention on the Rights of the Child a reality, particularly of those children who are most vulnerable, neglected, abused and exploited. It is committed within its mandate, to work towards solidarity among NGOs, Government and all Civil Society organizations for addressing the concerns of all children.



*Protecting and empowering children since 1989*

