

An Appraisal of Awareness Regarding the POCSO Act, (2012) among Primary School Teachers of Punjab

Nidhi Marothiya*, Sarita Saini**, & Deepika Vig***

*MSc Student ** Associate Professor *** Professor

Department of Human Dept and Family Studies College of Community Science, PAU Ludhiana, Punjab

Abstract

Recognizing the vulnerability of children in wake of the increasing trend of child sexual offences, the Protection of Children from Sexual Offences (POCSO) Act, 2012 was formulated for safety and security of children. Significance of this Act rests on the basic premise that children are innocent and do not understand the gravity of such heinous crimes. Policies around the world progressively call for teachers to become a focal agent to protect children from abuse. However, there is little clarity about the nature of training and education required for teachers' better practice in such areas. Hence, the present study is an attempt to assess the awareness regarding the POCSO Act among rural as well as urban primary school teachers (N=120) working in private schools of Ludhiana district of Punjab. A self-structured checklist to assess the awareness regarding POCSO Act (2012) and its provisions was used to collect the requisite information from the sample teachers. The analysis of the data revealed a poor awareness regarding the POCSO Act (2012) among all teachers irrespective of locale. However, it was found that rural teachers were significantly more knowledgeable than their urban counterparts regarding some of the provisions under the POCSO Act, 2012. Further, the correlation analysis revealed that cognizance of teachers regarding POCSO Act was independent of their socio-personal characteristics viz. age, educational qualifications and teaching experience. Implications of these findings for future research as well as suggestions for child protection and child support system form the core of this research endeavour.

Keywords: Child Protection, POCSO Act, Teachers' Awareness, Child Sexual Abuse

Introduction

India is home to nearly 19 per cent of the world's children who are a significant contributing factor to the Indian population. The period of childhood which is a foundational period ought to be very safe, secure and happy. But, the reality of childhood is altogether different for many children. Children, who depend on adults for their safety and care often are among the most innocent and vulnerable casualties of exploitation. They live with poverty, violence, discrimination and injustice. It appears that as soon as one problem diminishes, another emerges. They are facing various challenges from the day they are born and subjected to physical, psychological, emotional and sexual abuse. Child abuse is a violation of basic child rights which adversely affects the well-being of children. A woman who is sexually abused in childhood indicates significantly lower well-being than the woman who had a secure childhood (Hasnain & Kumar, 2006).

Although Child Sexual Abuse (CSA) is still a taboo in India, it is a menace that is quite pervasive. The definition of child sexual abuse varies from country to country. The World Health Organization (WHO 1999) defines that child sexual abuse is the participation of a child in sexual activity that he or she is unable to understand and give informed consent to.

Child abuse report by the Ministry of Women and Child Development (2007) stated that there is a deep silence around the issue and majority still feels that this is a western issue and does not happen in India. One reason for this could be the conservative community structure that does not allow talking about these issues. As a result of this, the cases of child sexual abuse do not get reported. Although India, places high premium on chastity of women, yet it has the largest number of child sex workers in the world (Kumar *et al* 2012). As per the report on 'Trafficking of Women and Children in India' 2005, India reported cases of 44,476 missing

children and nearly 11,008 of them remained untraced. India, being a major source for trafficked children from inside India and neighboring countries has, by conservative estimations, three to five lakh girl children engaged in commercial sex and organized prostitution.

Furthermore, according to Ministry of Women and Child Development (2007) report, more than 53 per cent of children in India were exposed to sexual abuse. Among the victims, 47.06 per cent were girls and 52.94 per cent were boys. The report further revealed that 50 per cent of the abusers were trustworthy and someone known to the child and therefore most of the children did not report the abuse to anyone. The victims of child sexual abuse often know the perpetrator in some way (Karthiga & Ravikumar, 2014). The result of sexual abuse by a family member results in more severe and long-term psychological impacts, especially when the cases are of parental incest. Thus, the protection of children demands utmost importance in every civilized society to ensure healthy and happy nation of tomorrow.

Therefore, in order to successfully address the heinous crimes of child sexual abuse and exploitation through less ambiguous and more stringent legal provisions, the Ministry of Women and Child Development championed the introduction of the 'Protection of Children from Sexual Offences (POCSO) Act, 2012'. The Protection of Children from Sexual Offences (POCSO) Act, 2012 came into being to facilitate the implementation of legislation to protect children from sexual offences. POCSO Act is a gender-neutral Act and a one of its kind as it has recognized even the non-touch behaviour under the jurisdiction of sexual offenses for the first time in Indian legislation. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in this Act. This Act shields the child from offenses of sexual assault, sexual harassment and pornography and operates with the intention to watch the best interest of the child during every stage of the judicial process. All this is ensured through the adoption of a child-friendly method for reporting, documenting of evidence, investigation along with the speedy trial of offenses through designated special courts (POCSO Act, 2012). According to Chopra (2015), this act identifies six types of sexual

offences and prescribes appropriate punishment for the same:

1. Penetrative Sexual Assault (Sec.3)
2. Aggravated Penetrative Sexual Assault (Sec.5)
3. Sexual Assault (Sec. 7)
4. Aggravated Sexual Assault (Sec. 9)
5. Sexual Harassment (Sec. 11)
6. Using Child for Pornographic Purposes (Sec. 13)

Recent amendments in the POCSO Act, 2012 prescribe strict punishment and include the death penalty for aggravated penetrative sexual assault of children. Along with this, the amendments also propose to shield children from assault in times of disasters and natural calamities.

Child Sexual Abuse is an under-reported crime in India, which has now reached epidemic situation. In a report of National Crime Records Bureau (NCRB) 2018, rape cases have increased from 24206 in 2011 to 38947 in 2016 across India. A sudden spurt in such crimes is seen in the majority of states/UTs. The data collected by NCRB from states/UTs shows that total 36022 cases were registered in different sections of the POCSO Act in the year 2016. The registered cases could be more if people were aware about the progressive legislations and hope for justice. But it is yet to be known whether the implementation of the POCSO Act made by the country has started to have any impact.

In India, the education system deeply relies on teachers who are the center of teaching-learning process. The nation has large number of teaching professionals working at different levels of education. The increasing trend of sexual abuse of children by a family member places teachers in a more responsible post. Therefore, teachers are expected to play a vital role not only in education but also in protection of children. They can make a significant impact in children's lives because of their regular contact with them and consequently unspoken commitment towards child protection.

The ecological systems theory by Bronfenbrenner (1979) also provides a context for parents as well as teachers to form effective relationships and provide a positive environment to the child. The theory also postulates the benefits of teachers' involvement that will allow

the child to grow to his or her fullest potential possible. Hence, for helping a child grow, the teacher needs to be very well aware about the risks and protective factors in their developmental process. Teachers' awareness regarding child related Acts and Policies can work as a protective factor for children whereas the lack of awareness and negligence could pose a major risk to the child's safety and security. Since teachers are holding a responsible position in child safety, the issue of CSA could be best handled by knowing whether the teachers are aware of the POCSO Act which is exclusively implemented for the protection of children from sexual abuse. Although various researchers have explored the knowledge and attitudes of teachers regarding children's legal rights (Sathiyaraj & Jayaraman (2013), Malik *et al* (2013), Thakur (2014), Krishnarao & Mangesh (2015), Kumar (2015) and Shah *et al* (2016)), very few researches have been found concerning the POCSO Act (Bhosale *et al* (2018) and Kulkarni & Kulkarni (2016)). Hardly any research has been conducted specifically to determine the awareness level of teachers regarding the POCSO Act. The lack of substantial information in this regard impedes the effectiveness of programs promoting child protection from abuse. Therefore, the researcher became interested to find out whether the teachers are well versed with the POCSO Act and provisions under the act. Further, the evidence concerning the state of teachers' awareness in this regard can illuminate whether there is any need for further awareness-raising, and can perhaps pave way for effective interventions. Thus this study was conducted with the following objectives:

- I. To assess the awareness about the POCSO Act among primary school teachers.
- II. To investigate the locale-wise differences regarding POCSO Act awareness among primary school teachers.
- III. To explore the relationship between awareness level regarding the POCSO Act and socio-personal characteristics of primary school teachers.

Method

Sample

This study was undertaken in eleven private schools of urban and rural areas of Ludhiana district of Punjab. Zone-D and Block-1 were

purposively selected for the selection of Urban and Rural sample, respectively. The total sample comprised 120 respondents, equally distributed over rural and urban teachers (60 each). Random sampling technique was followed to select teachers from primary section of the selected schools.

Measures

A self-structured checklist which included 24 statements was constructed to assess awareness regarding POCSO Act (2012). The checklist consisted statements concerning the POCSO Act and its provisions. The sample subjects were asked to tick mark (✓) adjacent to the statement. Each statement was followed by a two-point scale i.e. "Yes" and "No". Marking a tick (✓) was given a weightage of 1 point; similarly not marking was given a weightage of "0" point. Prior to the final application of the tool the research instrument was pre-tested on 10 non-sampled respondents from rural as well as urban area to find out the clarity of statements. The reliability and validity of the tool were also ascertained using the appropriate method which was found to be satisfactory.

To document the socio-personal characteristics of the selected teachers, a self-designed general information sheet was prepared. It included the information about to socio-personal characteristics of selected sample viz. age, educational qualifications and teaching experience.

Procedure

The current exploratory study was conducted on 120 participants who were primary school teachers. The teachers were contacted in the school premises only. Before administering the tool, the respondents were explained the aim and relevance of the present study. Instructions were given to the respondents before filling the checklist and they were explained about the confidentiality of the genuine information shared by them. Their level of awareness was ascertained using the self-structured checklist. To get the final score of a respondent's awareness level, the weightage assigned to all items were added. This sum formed the total score of the respondent. After scoring, the respondents were categorized into three levels of awareness regarding the POCSO Act viz. Low, Average and High. After collecting data, the data were encrypted, analyzed and tabulated using

appropriate statistical tools. The following tools were used:

Frequency and-Percentages: Frequencies and percentages were calculated to find out the distribution of the respondents according to the profile characteristics and awareness level.

Z-test: This was used for the comparison of two proportions in order to test the null hypothesis which stated there is no significant difference between two proportions.

Karl Pearson’s Coefficient of Correlation (r): To measure the degree and direction of the association between POCSO Act awareness and the socio-personal characteristics of respondents.

Results And Discussion

Data given in table 1 envisages the awareness about the POCSO Act, 2012 among teachers. The data presented brings to light that 19.17 per cent teachers were knowledgeable about the POCSO Act as well as that this Act was meant for any person below the age of 18 years. They also were aware that according to this Act a child cannot be detained in the police station at night. However, none of them were sentient about the passing date of the Act and very few teachers (2.50%) were aware that this act came into force on November 14, 2005. Following the data, 18.33 per cent were aware that there is a

provision of no aggressive questioning or character assassination of the child under this act. 16.67 per cent aware that making a false complaint against any person is considered as an offense under this act and if the victim happens to be a girl, the medical examination ought to be conducted by a lady doctor in the presence of the child’s parent or any trustworthy person. Further, 15.83 per cent were cognizant that this act clearly defines all types of sexual abuses and states that while recording the statement of the child a police officer cannot be in uniform. 13.33 per cent per cent teachers were conscious that this act is gender neutral and 12.50 per cent were alert that under this act the statement of the child ought to be recorded at the home of child or at a comfortable place of child’s choice. Furthermore, 11.67 per cent were aware that it is mandatory to record the statement of child as spoken by the child, 10.83 per cent were alert that a child cannot be called repeatedly to testify and 8.33 per cent were conscious that this act ensures that the identity of the child is protected from the public media. 7.50 per cent teachers knew that this act advocates for a child friendly procedures for reporting and recording of evidence, investigation and trial of offences and also provides help of special educator or a person familiar with the communication process in case a child is differently abled.

Table 1: Per cent distribution of teachers as per their awareness regarding POCSO Act, 2012

POCSO Act, 2012 Awareness	Teachers	
	Total (n=120)	
	f	%
Are you aware of the POCSO Act 2012?	23	19.17
Came into force on November 14, 2005.	3	2.50
Meant for the person below the age of 18 years.	23	19.17
Enacted in May 2012.	0	0.00
Act is gender neutral.	16	13.33
Clearly defines all types of sexual abuses.	19	15.83
Dictates that if anyone conceals the information of the offence shall be punishable.	7	5.83
Advocates the child friendly procedures for investigation. & trial of offences.	9	7.50
Recognizes the intent to commit an offence, even if unsuccessful & be penalized.	3	2.50
Abetment of the offence is punishable under this Act.	5	4.17
Provision of interpreters, translators & special educators.	3	2.50
Cases under this Act are reported to Special Juvenile Police Unit (SJPU).	8	6.67
The staff in media, studios, photographic facilities, hotels or hospitals liable to report child sexual offences.	8	6.67

Making a false complaint against any person is considered offense under POCSO Act.	20	16.67
Recording the statement of the child at the residence of the child or at the place of his choice.	15	12.50
Overnight child detention not permissible under any circumstances.	23	19.17
Police officer not to be in uniform while recording the statement of the child.	19	15.83
Statement of the child to be recorded word by word.	14	11.67
Assistance of special educator or communicator for differently abled children.	9	7.50
Medical check-up of the child to be done in the presence of the parents or any trustworthy.	20	16.67
If the victim happens to be a girl child, the medical check-up to be done by a lady doctor.	20	16.67
Permission for frequent breaks for the child during trial.	6	5.00
Child not to be called repeatedly to testify.	13	10.83
No violent questioning or ruining character of the child.	22	18.33
To ensure that the identity of the child is protected from the public media.	10	8.33

Besides, only 6.67 per cent were aware that cases under this act are reported to Special Juvenile Police Unit (SJPU) and media personnel, photography studios, hotels or hospitals also have an obligation to report child sexual offences. 5.83 per cent were cognizant that this act dictates punishment if anyone

conceals the information of the offence, 5 per cent were familiar with the provision of permission for frequent breaks for the child during trial. Only 2.50% were aware that the act offers translators, interpreters and special educators for the convenience of child.

Table 2: Level of POCSO Act awareness among primary school teachers (n=120)

Variable	Level	% of Teachers
POCSO Act awareness	Low	84.17
	Average	10.83
	High	5.00

Table 2 represents the data concerning teachers' varying levels of POCSO Act awareness. Data presented indicates that the majority of (84.17%) the teachers possessed low awareness regarding

the POCSO Act, followed by 10.83 per cent in medium level of awareness and barely 5 per cent being highly aware of the POCSO Act, 2012.

Table 3: Locale-wise differences in awareness among teachers regarding POCSO Act, 2012

Socio-personal Characteristics						
Variable	Rural (n ₁ =60)			Urban (n ₂ =60)		
	Age (r)	Educational qualifications (r)	Teaching experience (r)	Age (r)	Educational qualifications (r)	Teaching experience (r)
POCSO Act Awareness	0.063	-0.036	0.017	-0.112	0.021	-0.22

POCSO Act, 2012 Awareness	Teachers (n=120)				Z-value
	Rural (n1=60)		Urban (n2=60)		
	f	%	f	%	
Are you aware of the POCSO Act 2012?	12	20.00	11	18.33	0.23
Came into force on November 14, 2005.	2	3.33	1	1.67	0.58
Meant for the person below the age of 18 years.	12	20.00	11	18.33	0.23
Enacted in May 2012.	0	0.00	0	0.00	NA
Act is gender neutral.	9	15.00	7	11.67	0.53
Clearly defines all types of sexual abuses.	9	15.00	10	16.67	0.25
Dictates that if anyone conceals the information of the offence shall be punishable.	5	8.33	2	3.33	1.16
Advocates the child friendly procedures for investigation. & trial of offences.	6	10.00	3	5.00	1.04
Recognizes the intent to commit an offence, even if unsuccessful & be penalized.	2	3.33	1	1.67	0.58
Abetment of the offence is punishable under this Act.	5	8.33	0	0.00	2.28*
Provision of interpreters, translators& special educators.	2	3.33	1	1.67	0.58
Cases under this Act are reported to Special Juvenile Police Unit (SJPU).	3	5.00	5	8.33	0.73
The staff in media, studios, photographic facilities, hotels or hospitals liable to report child sexual offences.	6	10.00	2	3.33	1.46
Making a false complaint against any person is considered offense under POCSO Act.	10	16.67	10	16.67	0.00
Recording the statement of the child at the residence of the child or at the place of his choice.	9	15.00	6	10.00	0.82
Overnight child detention not permissible under any circumstances.	11	18.33	12	20.00	0.23
Police officer not to be in uniform while recording the statement of the child.	9	15.00	10	16.67	0.25
Statement of the child to be recorded word by word.	11	18.33	3	5.00	2.27*
Assistance of special educator or communicator for differently abled children.	8	13.33	1	1.67	2.42*
Medical check-up of the child to be done in the presence of the parents or any trustworthy.	10	16.67	10	16.67	0.00
If the victim happens to be a girl child, the medical check-up to be done by a lady doctor.	10	16.67	10	16.67	0.00
Permission for frequent breaks for the child during trial.	5	8.33	1	1.67	1.67
Child not to be called repeatedly to testify.	9	15.00	4	6.67	1.46
No violent questioning or ruining character of the child.	11	18.33	11	18.33	0.00
To ensure that the identity of the child is protected from the public media.	5	8.33	5	8.33	0.00

* p<0.05

Table 3 accentuates the differences in awareness of rural and urban teachers regarding the POCSO Act. Statistically non-significant differences were found between the awareness of rural and urban teachers regarding the majority

of statements under the POCSO Act. However, rural teachers were found to be significantly (Z-value=2.28; p≤0.05) more apprised of the provision that abetment of an offence is liable to be punished by under the POCSO Act. They

were also (Z -value=2.27; $p \leq 0.05$) more familiar with the provision that it is mandatory to record the statement of the child as spoken by the child as well as more alert that this act provides

Table 4: Correlation between awareness level and socio-personal characteristics of the primary school teachers (n= 120)

The data put forth in table 4 presents coefficients of correlation (r) between POCSO Act awareness and socio-personal characteristics (age, educational qualifications & teaching experience) of teachers. Irrespective of locale (rural & urban) the analysis of data revealed statistically non-significant relationship between awareness level and varying components of socio-personal characteristics of rural teachers. Thus, it can be concluded that the socio-personal characteristics (age, educational qualifications & teaching experience) did not impact the awareness of level of teachers regarding the POCSO Act.

Conclusions

The Government of India has taken a necessary step by formulating the POCSO, Act and acknowledging the issue of CSA but there is need to ensure effective implementation. It is clear from the foregoing results of the study that majority of the respondents had not even heard about the POSCO Act and only about 19 per cent of teachers were aware about this Act. Findings of the study also presented a dismal picture regarding teachers' familiarity with the provisions outlined under POCSO Act as more than 80 per cent of the respondents showed poor awareness in this matter. Similar results were noted from the study done by Bhosle *et al* (2018) which also found lack of awareness among respondents about CSA in context of the POCSO Act. Thus, the results of the present study highlight the need for raising awareness regarding the POCSO Act. This lack of awareness exhibited by the primary school teachers certainly poses a serious threat to child safety calls for some urgent measures in the direction to enhance teachers' awareness for better practice in the welfare of children. Also, the inadequacies in the implementation of the Act have left the children exposed to abuse. Research suggests that children often approach teachers to confide about their sufferings and seek protection from sexual abuse (Tower, 2003) because they hesitate telling their family members but if teachers themselves lack

assistance of special educator or any person familiar with the manner of communication of the child in case the child is disabled (Z -value=2.42; $p \leq 0.05$).

complete and authentic knowledge in this regard they are likely to fail in their duty to protect children and safeguard their rights. As mentioned in the report "Breaking the Silence: Abuse in India 2013", teachers and school staff hold positions of trust and authority. Yet, when the victims try to disclose the cases of sexual abuse, school sometimes denies or dishonors the victims. The report further highlights the inadequacy of teachers' practice in handling child sexual abuse which could primarily be attributed to their lack of awareness. However, the failure of teachers to respond appropriately to such cases can certainly increase the risk of child's exposure to violence. The foregoing facts and figures clearly pinpoint towards an urgent need for introducing and promoting child protection education in schools. The implications which could be derived from the results of the present investigation are discussed below:

- The findings of the study could be a useful resource for policy makers, stakeholders, social workers, government and non-government organizations, working in the field of child welfare to step forward in the direction of improving child safety and protection networks in the home and school environment.
- This study also suggests bringing the issue of Child Sexual Abuse into forefront and evolving diverse ways of creating awareness regarding Child Protection across varying sections of society.
- Also, free and compulsory training on Child Protection Acts ought to be made mandatory for teachers in every school and the emphasis of training should be on child safety measures, emergency phone number, safe shelters and reporting of cases in a child-friendly manner.
- Teachers need to be engaged through workshop mode and orientations on how the issues of sexual abuse can be handled by adopting better practices and techniques, rather than just consoling the child.

- In the present digital era, there is also a need of awareness-creation through electronic media with emphasis on teachers .

Limitations and recommendations for future research:

The study was confined to teachers of primary section of only the private schools of Ludhiana district of Punjab. Secondly, this being the preliminary study, it only focused on awareness level of teachers. Thirdly, due to practical constraints, this research could not provide a comprehensive review of the reasons behind the findings.

Therefore, to obtain a comprehensive insight into the issue, future research could look to include a larger and more demographically diverse sample. It would be beneficial to expand the sample on this research by including the Government schools also. In further investigations, there is abundant room in determining the cause of low awareness level among the respondents. Finally, this study did not explore the perception, knowledge and attitude of teachers concerning the child protection act. Therefore, it would be interesting to conduct another research to seek greater understanding in this matter of great concern as well as significance.

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