

PREFACE

Sexual abuse of children is a problem of great concern in view of vulnerability of their condition, which result in deleterious consequences upon the health, and life of the child. Sexual abuse is a species of the genus abuse. It is of multiple forms like; sexual assault, sexual exploitation, sexual grooming and child marriage, which take place due to multiple reasons, such as; poverty, religious practices, lack of parental control, lack of sex education, prostitution and so on. Whatever may be the causes, but the consequences are always devastating to the health, psychology and emotion of the child, that continues to hamper the child in his entire life.

Sexual abuse of children is surprisingly not a very recent problem but was a evil phenomena practiced even in the historical period which is evident from the various instances available in the literature but the term sexual abuse was not used as it was not regarded as a severe offence. However, with the passage of time the countries worldwide united together to fight the sexual exploitation of children prevailing all around the globe which led to the development of international instruments like Convention on the Rights Of Child, 1989 and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000.

In India, the problem of sexual abuse of children was not addressed with importance by the legislature till 2012 which is evident as there was no specific law to deal with the menace of Child Sexual Abuse(CSA). It was the general provisions of sexual offences under IPC that were applicable along with few other statutes like; the Child Marriage Restraint Act, 1929(later the Prohibition of Child Marriage Act, 2006), Immoral Trafficking (Prevention) Act, 1956 and Information Technology Act, 2000. However, lately in 2012 the Parliament of India enacted the Protection of Children from Sexual Offences Act(POCSO) solely to address the problem of CSA making it a gender neutral

law with the object to protect the children irrespective of his/her gender from sexual abuse.

Although, the POCSO Act is loaded with various stringent, severe and child friendly provisions for protection of children but the cases of CSA are not decreasing in India and Assam is not an exception to it. Therefore, the question arises, 'where lies the problem? Is it in the law or in its enforcement'? Thus, in order to find out the adequacy of the legal measures(substantial law and procedural law) including the newly added POCSO Act and the role & compliance of the enforcement agencies the researcher had under taken this research work. As it is not possible for conducting empirical research in the entire state of Assam, the researcher had restricted the study to the three district of Upper Assam namely; Dibrugarh, Tinsukia and Dhemaji. Thus, this research is an attempt to understand the problem of CSA, adequacy of the existing laws specifically POCSO Act and the Compliance of various stakeholders associated with protection of children from sexual abuse.

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