



ST. EDMUND'S COLLEGE, SHILLONG  
A WEBINAR REPORT ON  
“THE UNDERSTANDING OF POCSO ACT”

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## **ACKNOWLEDGEMENT**

The entire group would like to express deep appreciation and indebtedness particularly to our Supervisor, Dr. Rituparna Rajendra for her endless support, kind and understanding spirit during our webinar series.

We would also like to express our gratitude to our field service coordinator, Sir Eugene Marboh who assisted us in making this webinar a success.

We are honored by the principal Dr Sylvanus Lamare, the Vice Principal Sir Monotosh Chakravarty, IQAC Coordinator Br. Simon Coelho, College Secretary Br. Raj Noronha, college administrator Dr B.W Nongbri and all the professors for the constant support and encouragement in organizing the webinar.

We would also like to extend our gratitude to the Head of department and to all members of the department's intelligence for their guidance in organizing this webinar series.

We also like to extend our gratitude to the resource person Miss Tanya Tikiya and Mr. Crosslin Marbaniang for sharing their expertise with us. This webinar would not have been possible without their participation.

We are also thankful for the participants for their participation in the webinar. Their contributions are sincerely appreciated.

Thank you for giving us the opportunity to organize a webinar that enriched our knowledge.

--Ananya Bhuyan, Bethbhalin Kharhujon, Baiamon Shabong.

## FLYER PREPARED FOR THE WEBINAR



ST. EDMUND'S COLLEGE, SHILLONG  
PRESENTS

Department of Social Work- PG ( MSW)

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LIVE WEBINAR  
ON

# POCSO ACT



Presented by:



**TANYA TIKIYA**  
Advocate(BA LLB) and Project  
Manager at YOLO

**CROSSLIN MARBANIANG**  
Chairman, God's Dream Children  
Home(Orphanage)

JUNE 11 AT 12PM IST

TO JOIN THE CONVERSATION VISIT: [LINK](#)

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## **INTRODUCTION**

To organize this webinar the student social worker started with the preparation of the concept note. After making the concept note the student social worker planned to invite resource person from different organization. The webinar was finalized on the date 11<sup>th</sup> June 2021.

The student social workers organized the webinar on “Understanding POCSO ACT” held on the 11th June 2021 from 12:00pm-2:30pm.

The webinar was moderated by Ananya Bhuyan, the MSW 4th Semester Students of the Social Work Department- Post Graduate. Before the webinar gets started the moderator calls one of the co-workers Bethbhali Kharhujon to surrender themselves to the Lord to bless everyone who has participated in the webinar series and that the webinar will be a success. The webinar was conducted by using Zoom meeting in order for the participants to participate in which 180 approximate participants have registered to be part of the webinar.

After she was done with leading the prayer, the moderator again called one of the co-workers to deliver a welcome speech, and after the welcome speech the principal of the College, Dr. Sylvanus Lamare delivered a short Keynote Address and he have also wished the webinar to be a success. Soon after the keynote address the moderator invite the first resource person to proceed with her slides. Miss Tanya Tikiya is the first resource person who is the Project Manager of Youth Online Learning Organization (YOLO) started her presentation. Then after her presentation the moderator moved with the first questioning round where the participants are allowed to ask questions. Soon after the first question round the moderator move with the second resource person Mr. Crosslin Marbaniang who is a chairman of “God’s Dream Children Home” to proceed with his presentation.

After he is done with the presentation, the moderator again moved with the second question round where the participants and also the teachers took part to ask question. Soon after finishing the second round the moderator asked the participants to fill up for the feedback forms. The session of webinar came to the end with a vote of thanks by Bethbhalin Khahujon.

The webinar series is also a part of the E-fieldwork which was organized by the MSW 4th Semester student. As we all know, the ongoing epidemic has had a profound effect on students around the world and especially on social work students whose studies relied on going to various organizations and communities for their field service. Organizing this webinar helped the student social worker to learn and evolve with online learning's. The student's social worker worked as a team and manages to reach out to their resource persons Miss Tanya Tikiya and Mr. Crosslin Marbaniang. The student social workers are also able to reach out to their targeted audience through virtual platforms.

The students social worker decide to organized a webinar on ‘‘Understanding POCSO ACT’’ because the main objective of the webinar is to make people aware of the act enacted in the year 2012.

### **WELCOME SPEECH**

A welcome speech was delivered by Bethbhalin Khahujon, she welcomed the principal Dr. Sylvanus Lamare who was the chief guest of the webinar. The student social worker also welcomes head of the department Miss Rituparna Rajendra MSW- PG. She also welcomes respected brother and other faculty teachers. The student social worker gave her greeting to the resource person pastor Mr. Crosslin Marbaniang who the chairman of God's dream children's home and Miss Tanya

Tikiya who is a advocate lawyer and also the project manager of the Youth online learning organization (YOLO).

The student social worker also narrates about the objectives of the webinar that is on POCSO ACT that was enacted in 2012 which is the special law for the children. The objective of the webinar is to make people aware of various sections of sexual abuse and offences especially to children and also to educate people on child trafficking for sexual purposes.

Lastly in the end the student social worker have showed their appreciation towards the principal Dr. Sylvanus Lamare for being their keynote speaker. The student social worker also thanks the college faculty for allowing them to organize the webinar. They have shown their gratitude to their supervisor, the fieldwork coordinator and the HOD for their helping hand when in need. In which at the end they warmly welcome the participants and hope the webinar will be a successful one.

### **KEY NOTE ADDRESS: PRINCIPAL OF THE COLLEGE DR. SYLVANUS LAMARE**

The student social worker observe that in the key note address the principal has thrown light and spoke of documentation written by Father Joseph way back of Kjat Longshua in the 1970s about what the “Khasi” society was practicing when contacted with other people. Experiment through education thirst to go into the unknown became more and prevalent among the society which passes many sociologists. To many who are in the laws that is why such happen in matrilineal society. The student social worker also observed that he was also talking about girl’s maturity in the age of 18 whereas boys are not matured till the age 21. Nevertheless the principal wants to listen to the points of views from Mr. Crosslin

Marbaniang who has been dealing with the youth and counsel them him being a khasi himself, as well from Tanya Tikiya who also an expert being in the law. The principal wish the webinar a success, thank the organizers, Br. Raj Noronha in a hope that the webinar will be greatly benefit from this interaction with the resource person and the participants. With these few words principal welcome the resource person, all the teachers of social work department and other teachers who are participating. Lastly, the principal also welcomed the MSW- PG students and thank them for organizing the webinar.

### **PRESENTATION BY THE FIRST RESOURCE PERSON “MISS TANIYA TAKIA”**

The student social worker on the first session was observing that the speaker talks about the good touch and the bad touch specially for children .With the rise of several sexual cases and sexual assault against children it becomes imperative to educate the child about good touch and bad touch .To understand the intention and also study the intention with the person they come in contact with .This is the main objective of the Act the right to maintain privacy and confidentiality took place.

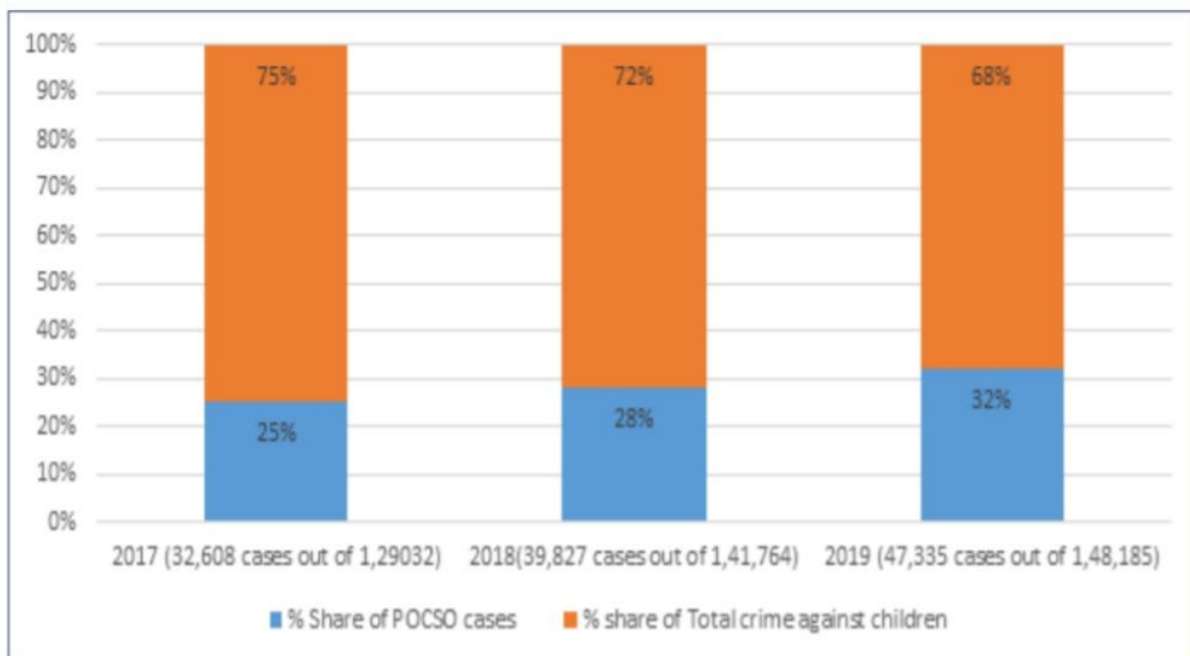
The student’s Social worker also observed that the next objective is to prevent the following:

- Inducement or coercion of child to engage in any unlawful activities.
- Exploitative use of children in prostitution or another unlawful activity.
- Exploitative use of children in pornographic performances and materials.

After telling about the objective the speaker also explain more about the unlawful activities such as child labor which is mostly used in factories specially when it comes to cracker or bankers industry maximum workers in those factories are children .And that is unlawful activities. Because of this kind of activities it

includes instant children sexually assaulted, abuse and sexual harassment .To prevent such kind of cases POCSO ACT took place. The following graph is the example of the cases of crime against the children in the year 2017- 2019.

**Figure 1: Cases of POCSO to total cases of crime against children, 2017-2019**



After explanation the objective of the Act, the student's Social worker has observed that the speaker moved on in explaining the scheme of the Act which follows by chapter:

- Chapter 1- Preliminary: Preliminary is a part of any statute which gives basic for the Act ,which gives objective and definition in the Act for all terms that is used in the Act.
- Chapter 2- Sexual Offences against Children and Punishments therefore. In this chapter 2 it talks about sexual harassment and sexual abuse.
- Chapter 3- Pornography and Punishments therefore.



- Chapter 4- Abetment and Attempt to Commit an Offence.

Abetment and attempt becomes legal term in generic. In lemans language abetment and attempt is different to each other where, attempt is when someone tries to commit an offense. Abetment is when someone is trying in pursuing to commit an offense. To understand deep in details about the chapter 4 the speaker gives one example that is “if she is the manager in a factory, let just consider the factory of crackers and she have children under her. If she calls one child and tell them that they need to give the pocket to one of the person. If the child reject to do than their consequences will not be good. Her underlined conscious is to sexually abuse the child and that is why she attempt to commit sexual offences. Her intention is to commit an offense if that child does not do her work. And if she calls for her colleague forcibly and tell him that he must do something and he ask that child to give this pocket to another person or else the child will be facing consequences. Her persuasion to the colleague is to do the act that is abetment. She has put her colleague to attempt an offense”.

- Chapter 5- Procedure of reporting case: - Reporting all kinds of cases under the POCSO ACT.
- Chapter 6- Procedure for recording statement of child: - The child who’s also a victim .Here it has to record the statement of the child according to the procedure.
- Chapter 7- Special Courts: - Establishment of a special court for the child under POCSO ACT.
- Chapter 8- Procedure and Power of Special Courts and Recording of Evidence.

- Chapter 9- Miscellaneous: - Guidelines data to be made by the National and Central Government. It is about monitoring about the implementation of the Act.

The student's Social worker has also observed that the speaker talks about the important concept in the Act which is:

- Child on who is a child and to who the protection of the Act is being enforces.
- Assault which talks about the sexual assault.
- Sexual offense and aggravated offence, when the sexual offense becomes aggravated.



The students Social worker has observed that the speaker also explain on the definition of a child under section 2 (d) for the purpose of this act that a child is a

person below the age of 18 year. The speaker also explains on the two categories of assault and they are penetrative and non-penetrative.

- Penetrative: The term Penetrative is something that we normally take as rape and also whatever definition that was given in 2013 amendment. The speaker also explains that a child should be made to do a penetrative act. This does not take into consideration the definition whether the child is understanding or not because it is directly presuming that the child does not understand what is happening with them and it is only after the pain that they had gone through. And this is how the provisions of the act taken place.
- Non-Penetrative: Non-Penetrative is when there is a touch on any private part of the child it could be vagina, penis, anus or breast of the child with sexual intent. The student's Social worker also observed that the speaker given her own example to understand better on the Non-Penetrative act that is when the person taking his hands around my breast and try to push me towards him.

After that the speaker also gives a brief explanation about sexual harassment against children under section (11), this section 11 talks about the following:

- Any sound or any word any gesture made with the intention to make the child uncomfortable. This is not necessarily physical or skin to skin touch but even if you add something with the intention to tease another person or the child specifically hurt it turns out to be sexual harassment
- And if any one makes the child exhibit his body or any parts of his body against their intention or against comfort sexual harassment.
- Pornography it is not mainly using child in pornography but showing any object or any film which is pornographic in nature and makes the child uncomfortable around the person.

- To follow child directly or by using electronic means keeping in mind that the digital media we have today if the child is being talk physically forcibly coming from school or from any places back home if they are being stocks by digital means that is also sexual harassment .
- Using enticing a child for pornography purposes if there is a physical assault a child and that is being recorded that becomes a pornographic purpose entirely and the person is reliable under this Act.

The speaker also added that all of it include becomes pornographic in all the sense. Even if you are using a child or rape the child you are presenting a child in the center manner.

The speaker also explains about the most important part of the legislature when an offense becomes aggravated under POCSO ACT. The following are:

- It becomes aggravated whenever is committed by a person with high respect means a person could be a police ,an army , public servants or any member in the jail , protection home and observation home could be juvenile, juvenile home.
- It comes aggravated whenever is committed by a staff of an educational institution or religious institution. The speaker also explains that religious institutions are obviously one of the highest respects in our society more than the police or the army.
- The speaker also explain that the offense becomes aggravated whenever is committed by a gang.

Miss Tanya Tikiya also explains to us (the student's Social worker) on the procedure under the POCSO ACT. Procedure under the Act is a fast trial procedure there are special court established under the Act and the procedure becomes fast

trial because the act provide some provision and time lines for the child .The Act provide trial that the child should complete within one year .It also says that:

- To report
- To record the statement and
- Legal trial and this is taken up in any criminal cases.

The report in this specific case has to be written like any other case. The different and specialty comes here and the report should be written by either local police or even special juvenile police Act .The speaker also said that the record of the child or victim is done under the present of a women the child's mother or the person from where the child comes from .

Miss Taniya Takiya the speaker of the webinar also explain to us that the medical treatment of the child is done in the present of his or her parents and a special court has been established session court in all the district .Time line for the child remain one year.

### **QUESTIONING ROUND AND COMMENTS FOR THE FIRST RESOURCE PERSON “MISS TANYA TIKIYA”**

After a brief explanation on the objective and preview of the POCSO ACT the students Social worker has observed that there is a time for clearing the doubts and questions which the participants has for Miss. Tanya Tikiya. The questions are as follows:

1. Explanation on the abetment on pursuing to do an offense.
2. Explanation on the scheme chapter 1 preliminary.
3. Does a child of 18years committing a crime below his age fall under POCSO ACT?
4. Is special treatment available for children under this Act?
5. Who introduced POCSO ACT?
6. What is the punishment taken under the POCSO ACT?

### 7. Does child rape get services and scheme?

The student social worker has observed that the speaker is able to answer all the questions that have been asked by the participants except the questions on the punishment as it is not her topic to discuss about it.

### **PRESENTATION BY THE SECOND RESOURCE PERSON “MR. CROSSLIN MARBAÑIANG”**

The student Social worker has observed that the speaker Mr. Crosslin Marbaniang begins his session by offering the participants a question on “is sex bad or good ” and after 2 or 3 persons answered the question he explained his own understanding on sex where he said actually sex is beautiful if it is used in a good sense of it . Sex is for procreation for offspring and generation .There are so much of misused and abuse because of the lust of the flesh and doing all sort of things that destroy the life of other persons.

The student social worker observed that the speaker moved on with an explanation why there is a need for POCSO ACT. In which the speaker explained that POCSO ACT is needed because of the increasing incidents of several offences against children. There are existing laws IPC 2000 and JJ Act 2000 were not enough to address sexual offences. And also in 2012 there were no specific legislation governing child abuse. There is a need for POCSO ACT because there is no specific provision or laws for dealing with sexual abuse of female children.

The student Social worker has observed that after the discussion on the need of the POCSO ACT, the speaker Mr. Crosslin Marbaniang explained to the participants on the meaning of POCSO ACT .The POCSO ACT 2012 defines a child as any

person below the age of 18 years and provide protection of all children under this age from sexual abuse .It also intends to protect the child through all stages of judicial process and give paramount importance to the principle of ‘best interests of the child’

From the discussion the student’s social worker came to know that the POCSO ACT 2012 comes into force with effect from 14 November 2012. It is applicable to the whole of India.

The student’s social worker has also observed that Sir Crosslin Marbaniang has mentioned some cases that has been registered on the POCSO ACT. On June 2017 there was a 5years old girl who was sexually abuse by an identified person in Bangalore. A mother complaint and registered the case against the unknown accuse in the local station under section 36 of the penal code IPC POCSO ACT. Another case where a 6 years old child sexually abuse by her father and killed by her grandmother to cover up the crime at Nasic Maharashtra .A victim’s mother complaint and the father was arrested in the IPC POCSO ACT while the grandmother was buck charges as murder. And another case where four boys at Rajasthan is buck by the police under IPC POCSO ACT for circulating up seen in the video of a teenage girl after lipase adopting and raping her. The student’s social worker after knowing and understanding on the challenge that is experiencing by the child understand the need of the Act.

The above are the cases and there are also some cases in Shillong in which one of the public representative the one from the legislative Assembly he is now in prison under POCSO case for having sexually abuse in a minor. He further explain the next case where in November in our State Meghalaya ,two children under Sir Crosslin cares they are offense against them which those people are in prison.

The Forensic study in 2015 on child abuse under POCSO ACT by U .K Kulkarni, Dr. K.V Kulkarni ,R. N Kokte and B. B Daundkar. This study was done their analysis during the period January to December 2015 at Forensic science Laboratory, Mumbai.

They took 100 CSA cases and they came up with the report that 43% were male child and 57% were female child. The minimum age of the victim was 2years and the maximum age of the victim was 17years .When we see the POCSO ACT this include both gender in sexual offences under silence relation with the victim 24% of the case has been perpetrated by a stranger and 76% of the case is perpetrated by known assailant which means the people they have known.

The speaker Sir Crosslin Marbaniang also briefly discussed with the participants about the 7offences that cover under the Act such as penetrative sexual assault, aggravated penetrative sexual assault, Sexual assault, aggravated sexual assault, sexual harassment, using child for pornographic purposes, trafficking of children for sexual purpose. The 7o offences are aggravated where the victim child are mentally ill.

The students social worker has also observed that the speaker is explained and gave a short reflect on the punishment for the offences under the act where the Act prescribes stringent punishment graded as per the gravity of the offences with maximum term of rigorous imprisonment for life and fine.

Moreover the student social worker has also observed that the speaker is explaining on the role of the CWC (Child Welfare Committee) in POCSO ACT. After the case has been registered under this Act they need to be reported to the CWC (Child Welfare Committee) within 24 hours



The CWC takes into account the opinion and the idea of the child to decide on the case within three days and conclude whether the child should remain in an institution or be with a family.

The speaker also explains that any criminal act sexual assault on children as soon as these cases are reported to the police, the police should report the case to the CWC within 24 hours. The child should produce to CWC in which they will have a hearing whereby they would listen to the child opinion and then they will decide the case within three days and conclude whether the child should remain in the institution or with the family.

The speaker also explain one case that there was a child in Children Home who had been rape and sexually abuse by a known person in the family and the cases was reported to the CWC and then when the CWC had taken the opinion of the child and also studying the matter with regards to the family they found that the child should be under the care of the institution and so the child remain in the Children Home till date.

The CWC should nominate with the consent of the child parent/guardian/ other person who the child trust, a support person to assist the child during the investigation and trials of the case.

The speaker also said that through the case study dealing by the CWC the child remain under the institution care .The institution gives all the support to assist the child in the spirit when the child is on trial. He also said that the law is very strong with the perpetrators and even people who have influenced and have money because this act is very good and act in bringing about a true safety of the child.

**QUESTIONING ROUND AND COMMENTS FOR THE SECOND RESOURCE PERSON “MR. CROSSLIN MARBANIANG”**

The student social worker has observed that after the speech made by the speaker there are many comments in which some of the participants mentioned about the stigmas in the society over those child facing abuse and sexual assault. The students Social worker has observed that there was one comment that the offences is mostly committed by an immediate family members where parents find difficult to reconcile with them.

There are also some questions that are being asked by the participants to the speaker. The questions are as follow:

1. How long the child is allow staying in Children Home and if the child has moving out what follow up are being made?
2. Since POCSO ACT known by the elder more than the young boys and girls? What are the others ways to educate the child about this act?

### **VOTE OF THANKS**

The vote of thanks was delivered by Bethbhalin Kharhujon where she firstly expresses her sincere thanks to the management of the St. Edmunds College for giving us the opportunity to conduct the webinar on POCSO ACT. And also expressed her sincere thanks to our dear Principal Dr. Silvanus Lamare who have willingly support us and also for his presence with us in the Webinar that his presence gives us courage and hope .The vote of thanks was also delivered to the resource person Miss Tanya Takiya ,the project manager for the youth online learning Organization. And also to Pastor Crosslin Marbaniang the second resource person A Chairman at Children's Home at God's Dream Children Home for accepting our request and invitation to give session on POCSO ACT.

After the vote of thanks the moderator Ananya Bhuyan took the initiative to sincerely thank and express the gratitude to the Head of the Department in Master in Social Work- P.G Miss. Rituparna Rajendra, Field work co- coordinator Sir

Eugene Marboh, Faculty Teacher's such as Sir Martius Rynjah, Sir Allan Wahlang, Miss Wandaia Syngkong and Miss Ainam Dkhar who always stay by the side supporting and guiding throughout the preparation of the webinar. She also gave a big gratitude to all her classmate for constant support and help.

Last but not the least, the student social worker also thank the participants who have joined the webinar and take the opportunity to understand and gain knowledge from the Webinar and helped us to make it a successful webinar.

## **CONCLUSION**

The group as a whole would like to express that they have understood and have got an idea on POCSO ACT whereby the first resource person miss Tanya Tikiya explain about good touch and bad touch specially for the children in which of the rise of several sexual cases and sexual assault against the children it becomes more imperative to educate the child about good and bad touch. The resource person also cites the objective of inducement, exploitative use of children in prostitution and use of children in pornographic. She also explains how more of unlawful activities such as child labor in which to prevent such kind of cases POCSO ACT took place.

After explaining the objectives she went on to different schemes of the act which over flow by chapters such as chapter1 preliminary, chapter2 sexual offences against the children, chapter 3 pornography and punishments, chapter 4 abetment and attempt to commit, chapter 5 procedure of reporting case, chapter6 procedures for recording statement of child, chapter 7 special courts, chapter 8 procedure and power of special court & recording of evidence and chapter 9 miscellaneous.

In this webinar the student Social worker also came to know that the most important part of the legislature when an offense becomes aggravated under POCSO ACT. She explained about the procedure under the act is a fast trials

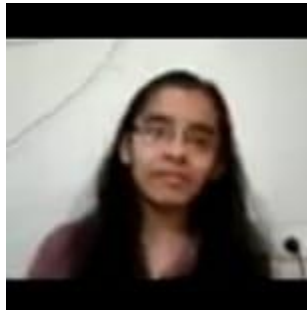
procedure such as special act provide some provisions and time lines for the child. The act provide trial that the child should complete within one year it says to report , to record statements & legal trials and this is taken up in any criminal cases. She also explained about the medical treatment of the child is done in the present of his or her parents and a special court has been established session court in the entire district. Time line for the child remains one year.

The second presenter was Mr. Crosslin Marbaniang which he started off with the questions is sex bad or good? It is said that sex is for the procreation for offspring and generation. The need for POCSO ACT is because of increasing incident of several offences against children. He went on explaining the meaning of POCSO ACT 2012 that defines a child as any person below the age of 18 years; provide protection of all children under this age from sexual abuse. It also tends to protect the child through all stages of judicial process and give paramount importance to the principles of “best interests of the child”. He also brief about seven offences that cover under the act such as penetrative sexual assault aggravated penetrative sexual, sexual assault, aggravated sexual assault, sexual harassment, using child for pornographic purposes, trafficking of children for sexual purpose. The seven offences are aggravated where the victim child are mentally ill.

It also came into light that the speaker is explaining on the role of the CWC (Child Welfare Committee) in POCSO ACT after the case been registered under this ACT they need to be reported to the child welfare committee within 24 hours, the CWC should nominate with the consent of the child parent/ guardian/ other person who the child trust, a support person to assist the child during the investigation and trial of the case. When the case study been dealing by the CWC the child remain under the institution care. The institution gives all the support to assist the child during the investigation and trials of the case.

From this webinar series on POCSO ACT which was shared by Miss Tanya Tikiya and Mr. Crosslin Marbaniang, the group as whole and also the participants who participated has gained a lot of information on POCSO ACT. Thus, it was a much enriched webinar series because the student social workers got new knowledge from it which will be fruitful for the future.

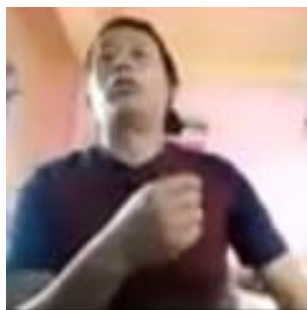
**PHOTOGRAPHY DURING THE WEBINAR ARE AS FOLLOWS:**



1<sup>ST</sup> RESOUCCE PERSON

MISS TANYA TIKIYA

PROJECT MANAGER OF YOLO (YOUTH ONLINE LEARNING ORGANIZATION)



2<sup>ND</sup> RESORCE PERSON

MR CROSSLIN MARBANIANG

CHAIRMAN OF GOD'S DREAM CHILDREAN HOME



MODERATOR OF THE WEBINAR

ANANYA BHUYAN  
MSW 4<sup>TH</sup> SEMESTER



WELCOME, PRAYER AND VOTE OF THANKS SPEAKER

BETHBHALIN KHARHUJON  
MSW 4<sup>TH</sup> SEMESTER

THANKYOU

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