

CHILD SEXUAL ABUSE: POCSO AND BEYOND¹

Responsible Faculty Instructor:

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Lecturer, JGLS

Credits: 4

Credits Type: Law

Cross-registration: Allowed

Pre-requisites: None

COURSE DESCRIPTION (COURSE VISION):

Across societies, very few acts of crime evoke public emotion like sexual violence on children, and rightly so. Any (widely) reported acts of child sexual abuse (hereinafter referred to as CSA) are often followed by tremendous public outrage and calls for harsh punishments, which is why they are classified among most severe forms of crime. While the legal dimensions around CSA are fairly easy to grasp, the social and psychological mechanics of CSA are more complex to comprehend.

The recent release of the Epstein files and the following inaction has made it glaringly clear that prevention (or *prosecution*) of an act so inherently foul remains to be a pipedream for our society. Such an elaborate and continuous criminal design was sustained not because of inept laws but poor social recognition, palpable absence of ethics, and active and passive support from certain pillars of our society (for instance, the medical community). Beyond

¹ Although open to everyone, this course is primarily aimed towards final year students of the 3-year Arts programmes of JGLS. Towards that end, I wanted to ensure that there are no overlaps with their core courses. In the BA (C&CJ) programme, the core course titled 'Juvenile Justice in India' glances over the POCSO Act in two weekly modules (out of 14 modules). It limits itself to the surface-level legal mechanics while the present course is meant to delve deeper into the sociological, psychological, legislative, judicial, and contemporary issues on the subject. I have gone through the said course manual and ensured that there is no overlap in readings or topics with the present course as such. For the BA (LS) programme, there is absolutely no overlap.

this, there have been several emerging issues around CSA lately: sexualization of children in fiction, female offending and its implications, judicial biases, and increasing juvenile offending, to name a few. It is, therefore, especially relevant now to examine key constructs around CSA.

In this course, the legal discussions would be tethered to the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as POCSO) with necessary comparisons to other jurisdictions, but the overall scope of this course goes beyond just India. CSA shall be contextualised in a global setting while notable differences across demographics will be highlighted and assessed. Reading this course shall also entail looking at psycho-social causes and implications of CSA, while focus is also laid on oft-neglected forms of CSA. Empirical evidence around some key issues will be examined, and the students shall be encouraged to apply themselves towards developing unique perspectives on these matters.

TEACHING METHODOLOGY:

The course entails a mixed style of teaching comprising of the lecture method, the Socratic method, and the seminar method. While the first two will ensure that there is a seamless exchange of ideas, the seminar method shall probe the students' ability to conduct research and present their own ideas to the class which would then tether the following discussions. This would lead to a holistic development of their research aptitude, critical thinking, and public speaking skills.

The students shall receive guidance on their research topics and will be expected to examine the contemporary issues and case studies on the topic.

INTENDED LEARNING OUTCOMES:

Course Intended Learning Outcomes	Weightage	Teaching and Learning Activities	Assessment Tasks/ Activities
By the end of the course, students should be able to:			
Understand the social and psychological facets of child sexual abuse – the need for it to be a separate offence and the impact it has on the victims (and the society).	30 %	<p>Students will be given guidance on their readings in preparation for their lectures.</p> <p>Students will, by responding to questions and performing activities, develop their analytical and critical capabilities.</p> <p>The students would be expected to read significantly around the subject and prepare short presentations on a</p>	<p>Internal Assessments (70 marks): Assessments would be both oral and written so as to facilitate an overall evaluation. Class presentations along with reflection papers would form parts of the internal assessment, aside from class participation.</p> <p>End-term examination (30 marks): Pen-paper/Mercer-</p>
Acquire a thorough understanding of the POCSO act as a welfare legislation as well as a penal legislation.	30 %		
Contextualise how POCSO cases are perceived by the judiciary and how inherent biases may influence judicial decision making.	20 %		
Conduct research and develop their own unique ideas around	20 %		

Course Intended Learning Outcomes	Weightage	Teaching and Learning Activities	Assessment Tasks/ Activities
the contemporary issues relating to child sexual abuse in the country and beyond.		few topics of the course.	mettle as decided by the institutional directive.

READING LIST (upto 10 select readings):

1. Parton, N. (1985). Children as Victims: Cruelty and Neglect in History. In N. Parton (Ed.), *The Politics of Child Abuse* (pp. 20–47). Macmillan Education UK. https://doi.org/10.1007/978-1-349-17830-8_2
2. Scott, D. (1995). The social construction of child sexual abuse: Debates about definitions and the politics of prevalence. *Psychiatry, Psychology and Law*, 2(2), 117–126. <https://doi.org/10.1080/13218719509524859>
3. Bromberg, D. S., & Johnson, B. T. (2001). Sexual interest in children, child sexual abuse, and psychological sequelae for children. *Psychology in the Schools*, 38(4), 343–355. <https://doi.org/10.1002/pits.1023>
4. Holmes, G. R., Offen, L., & Waller, G. (1997). See no evil, hear no evil, speak no evil: Why do relatively few male victims of childhood sexual abuse receive help for abuse-related issues in adulthood? *Clinical Psychology Review*, 17(1), 69–88. [https://doi.org/10.1016/S0272-7358\(96\)00047-5](https://doi.org/10.1016/S0272-7358(96)00047-5)
5. Apoorva, Bhupatiraju, S., Joshi, S., Chen, D. L., & Ranjan, A. (2022). A Decade of POCSO: Developments, Challenges and Insights from Judicial Data. Vidhi Centre for Legal Policy. <https://vidhilegalpolicy.in/research/a-decade-of-pocso-developments-challenges-and-insights-from-judicial-data/>

6. Implementation of the POCSO Act, 2012 by Special Courts: Challenges and Issues. (2018). Centre for Child and the Law, National Law School of India University (select excerpts).
7. Somal, S. (2023). A qualitative analysis of the influence of social factors of the victim and the defendant on child sexual abuse cases in Jabalpur, Madhya Pradesh. University of Cambridge. [On file with the author. This was my MPhil dissertation (with distinction) at the University of Cambridge, and it is a part of the collection at Radzinowicz Library, Institute of Criminology at the University of Cambridge.]
8. Hessick, C. B. (2010). Disentangling Child Pornography from Child Sex Abuse. Washington University Law Review, 88, 853.
9. Al-Alosi, H. (2018). The Criminalisation of Fantasy Material: Law and Sexually Explicit Representations of Fictional Children. Routledge. <https://doi.org/10.4324/9780203701829> (select excerpts).
10. The Epstein Files. [Trigger warning: This is a portal containing emails, photos, videos, and other evidence released by the US Department of Justice in relation to the Jeffery Epstein investigation.]

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES (TENTATIVE)	WEEK(S)
<p style="text-align: center;">MODULE 1: PHENOMENOLOGY OF CSA</p> <ul style="list-style-type: none"> • Who is a child? • Definitions and scope of CSA. • Need for CSA to be a distinct social issue from general sexual violence. • A child’s agency... does it exist? 	Week 1

<p style="text-align: center;">MODULE 2: PSYCHOLOGICAL DIMENSIONS OF CSA</p> <ul style="list-style-type: none"> • Paedophilia and CSA. • Understanding grooming and its impact. • Psychological epidemiology of sexual violence on children: immediate and long-term. • Continuous CSA and memory distortions. • Familial abuse and disclosure rates. • Survivor responses to CSA. • Need for survivor-centric care. 	Weeks 2-4
<p style="text-align: center;">MODULE 3: LEGISLATING VULNERABILITY: ASSESSING THE FOUNDATIONS OF POCSO ACT</p> <ul style="list-style-type: none"> • The nature of POCSO Act. • The twin presumptions and strict liability. • Conundrum of mandatory reporting. Ethical concerns for medical professionals. • Child-friendly provisions and protection. • Grey area of consent: the Romeo-Juliet dilemma. • Potential reforms. 	Weeks 5-6
<p style="text-align: center;">MODULE 4: JUDICIAL PERCEPTIONS OF CSA</p> <ul style="list-style-type: none"> • The statistical anomalies: a male victim? A female offender? • Believability of the victims: the age factor. • Low conviction rates and the victims turning hostile. • (Almost) bizarre judicial biases. • Sentencing of CSA offenders. 	Weeks 7-8

<p align="center">MODULE 5: CHILD SEXUAL EXPLOITATION/ABUSE MATERIAL (CSEM)²</p> <ul style="list-style-type: none"> • Understanding the legal contours of CSEM. • Sexualising children in fiction – anime and its cultural impact. • Fictional CSEM – harm, offensiveness, and possible criminality. • IT Act provisions on CSEM. 	<p align="center">Weeks 9-11</p>
<p align="center">MODULE 6: CONTEMPORARY ISSUES AROUND CSA</p> <ul style="list-style-type: none"> • Institutional failures and CSA – case study: the Epstein files. • Digital space and sexual harassment of children. • Juvenile offenders of CSA. 	<p align="center">Weeks 12-14</p>
<p align="center">REVISION WEEK</p>	<p align="center">Week 15</p>

² While the term used in our statute is ‘child pornography’, there has been a rather unanimous viewpoint in academic and judicial discourse that we should move away from such phraseology because unlike most adult pornography, most CSEM lack any agency from the persons (children) involved in the depiction.