

Press Release

The print media has initiated a discussion by taking out of context, one section of the NCPCR's draft relating to the Protection of Children from Sexual Offences Bill which inappropriately seems to convey that NCPCR wants to promote promiscuity among little children.

To clarify, NCPCR's focus has been on child sensitive legislative framework. It has observed that the current criminal jurisprudence is designed for adults. The Indian Penal Code and the Criminal Procedure Code, as they stand currently, do not address sufficiently, the requirements of children. Hence, NCPCR has felt the necessity for a child friendly jurisprudence brought through the Bill for protection of children from sexual offences, thereby, addressing both substantive and procedural aspects from a child's perspective.

It is in the above direction, NCPCR has sought in the proposed Bill to ensure that offenders do not escape conviction by invoking consent of the victim as a defence. It therefore says that all sexual acts with a child below the age of sixteen is illegal irrespective of consent, and that consent in the case of children above sixteen is deemed to be vitiated if any of the nine circumstances such as: force, fraud, coercion, misrepresentation, impersonation etc. exists. However, it was thought appropriate to have an exception to the criminalization of sexual acts by two children in and around the age of 12 or 14.

The reason for this formulation is not to promote child sexual promiscuity or sexual aggression among children but rather to ensure that certain forms of innocent physical exploration of each other's bodies among small children of the same age group is not criminalized. Otherwise, it may lead to invoking criminal law and promote unnecessary institutionalisation (or incarceration) of the child. It must be acknowledged that child exploratory behaviour is quite normal and it is adults who pretend as if it is a rare social aberration. It is reminiscent of the logic that informed Penal law in India about Section 377.

Finally, it is reiterated that the importance of the proposed Bill is a step towards introducing substantive and procedural content for child jurisprudence.