PROFESSIONAL DEVELOPMENT 2026-2027

Training Report

Topic	: **POCSO and POSH**
Trainer/Agency	: Adv. Ishaan Kolhatkar
Date of the Training	: Saturday, 2nd May 2026
Timing	: 10:30 AM to 12:30 PM
Duration	: 2 hours
No. of participants	: Refer to Annexure 1
Venue	: Auditorium

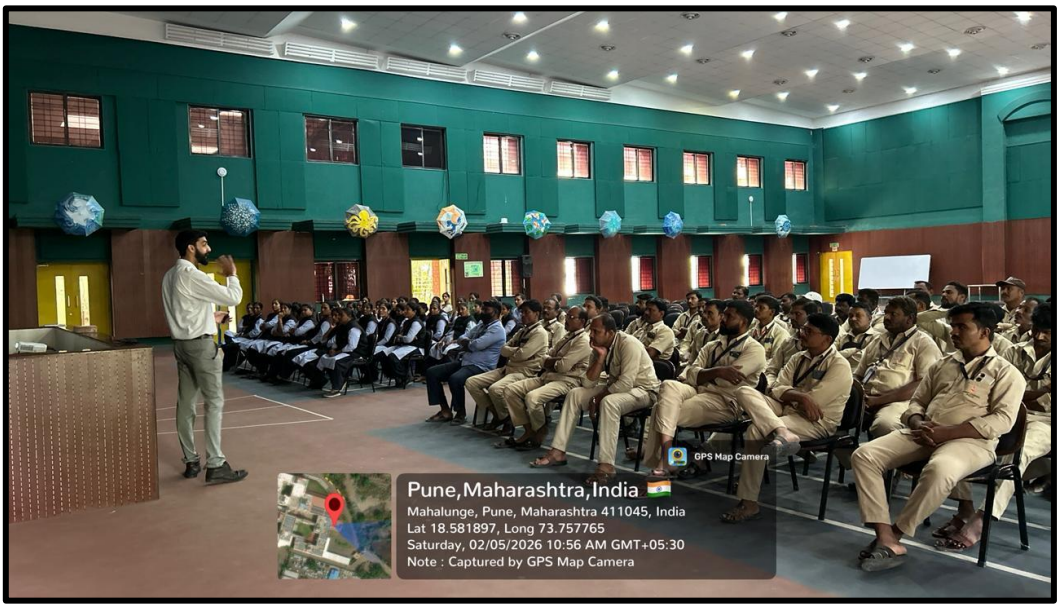
Objectives:

1. Introduce participants to the Protection of Children from Sexual Offences (POCSO) Act and its significance in safeguarding children from sexual abuse and exploitation.
2. Highlight the necessity of the POCSO Act 2020 in addressing gaps left by existing laws such as the Indian Penal Code (IPC), Information Technology Act 2000 (IT Act), and Juvenile Justice (Care and Protection of Children) Act 2000.
3. Provide insights into the formulation process of the POCSO Act, including its initiation in 2008, passage through the legislative bodies, and eventual enforcement in 2012.
4. Familiarize attendees with the primary objectives of the POCSO Act, which is aimed at protecting children under the age of 18 from various forms of sexual offences, including assault, harassment, and pornography.
5. Educate participants about specific offences covered under the POCSO Act, including penetrative and non-penetrative sexual assault, sexual harassment, and the use of children for pornographic purposes.
6. Emphasize the severity of punishments prescribed under the POCSO Act, which may include rigorous imprisonment up to life and fines, to deter perpetrators of child sexual abuse.
7. Discuss situations where an offence is considered aggravated under the POCSO Act, such as when committed by individuals in positions of trust or authority, in cases of gang assault, or when the offence causes physical or mental disability.
8. Detail the punishments under the POCSO Act for various offences, ranging from three to ten years of imprisonment, as stipulated in sections 4, 6, 8, 10, 12, 14(1), 17, and 18 of the Act.
9. Encourage participants to apply their understanding of the POCSO Act in their respective roles and communities to contribute towards creating a safer environment for children.

10. Foster awareness, understanding, and advocacy for child protection and the prevention of child sexual abuse among workshop participants and the broader community.

Synopsis:

On 2nd May 2026, Adv. Ishaan Kolhatkar conducted training on POCSO and POSH. The session aimed to raise awareness among educators, bus drivers, and lady attendants regarding these important legislations.





PROFESSIONAL DEVELOPMENT 2026-2027



Training:

During the presentation, Adv. Ishaan Kolhatkar provided an insightful overview of the POCSO Act, highlighting its significance in safeguarding children from sexual abuse and exploitation. He emphasized the necessity of the Act, noting that existing laws such as the IPC, IT Act 2012, and JJ Act 2000 were inadequate in addressing sexual offences comprehensively. Moreover, he underscored the absence of legislation protecting male children from sexual abuse before the enactment of the POCSO Act in 2012.

The genesis of the POCSO Act was traced back to its initiation in 2008, culminating in its passage by the Rajya Sabha on May 10, 2012. Following the President's assent on June 19, 2012, and subsequent approval by the Lok Sabha on May 22, 2012, the Act came into effect on November 14, 2012. Its primary objective is to shield children under the age of 18 from sexual assault, harassment, and pornography. The Act stipulates stringent punishments, including rigorous imprisonment for life and fines, for perpetrators of such crimes.

Offences Covered Under the Act:

- Section 3- Penetration Sexual Assault
- Section 5 – Aggravated Penetrative Sexual Assault
- Section 7 – Sexual Assault
- Section 8- Aggravated Sexual Assault
- Section 11- Sexual Harassment of a Child
- Section 13 – Use of a child for pornographic purposes

There is a new rule as Romeo and Juliet initiated for the age group 16 to 18 years related to consensual behaviour, but not yet been discussed.

The presenter also elaborated on what constitutes an aggravated offence under the POCSO Act. These include acts committed by individuals in positions of trust or authority, such as police, army, or security personnel, public servants, family members, and management or staff of educational, medical, or religious institutions, as well as staff of correctional facilities, protection homes,

observation homes, or any other place of custody or care and protection. Aggravating factors also include gang assault, victimization of children below 12 years of age, attempts to murder the child, forcing the child to strip or be naked in public, causing physical or mental disabilities, exploiting mentally or physically disabled children, and repeated offences.

The presenter provided detailed explanations of the punishments prescribed under the Act, which range from 3 to 10 years of imprisonment depending on the specific offence as defined under sections 4, 6, 8, 10, 12, 14(1), 17, and 18.







The presentation also emphasized the importance of promptly reporting offences to the Special Juvenile Police Unit (SJPU) or the local police, particularly in cases where a child requires care and protection. It was highlighted that the SJPU or local police must address such cases within 24 hours of receiving the report. Furthermore, media, studios, and photographic facilities are mandated to report any sexually exploitative material or objects involving a child to the SJPU or local police.

Failure to report an offence is considered a punishable offence, carrying a penalty of six months' imprisonment, a fine, or both. Additionally, it was discussed that if the responsible individual fails to report, they could face imprisonment for up to one year and a fine. False complaints intended to humiliate, extort, threaten, or defame an individual are also addressed under the Act, with penalties extending to six months' imprisonment, a fine, or both.

Regarding social media, it was emphasized that media outlets should refrain from disclosing the identity of the child, unless permitted by the special court.

The statement of a child is recorded at the child's residence by an officer not below the rank of PSI (Police Sub-Inspector), who should not be in uniform. It is ensured that the child does not come into contact with the accused during this process and that the child is not detained in a police station overnight.

The recording is conducted in the presence of the child's parents or any other trusted individual. Additionally, assistance such as a translator, interpreter, or special educator is provided as necessary. The recording is carried out using audio, video, or electronic means, and a report is submitted to the Child Welfare Committee within 24 hours.

In the case of a girl child, medical examination is conducted in the presence of her parents. If the parents are unavailable, the examination is conducted in the presence of a nominated woman head of a medical institution.

In the special court for speedy trial, specific procedures are implemented to ensure the well-being and comfort of children involved. These include providing frequent breaks for children during the trial, conducting in-camera trials to maintain privacy and confidentiality, allowing the presence of parents or relatives of the child for support, and ensuring that the child is not repeatedly called to testify.

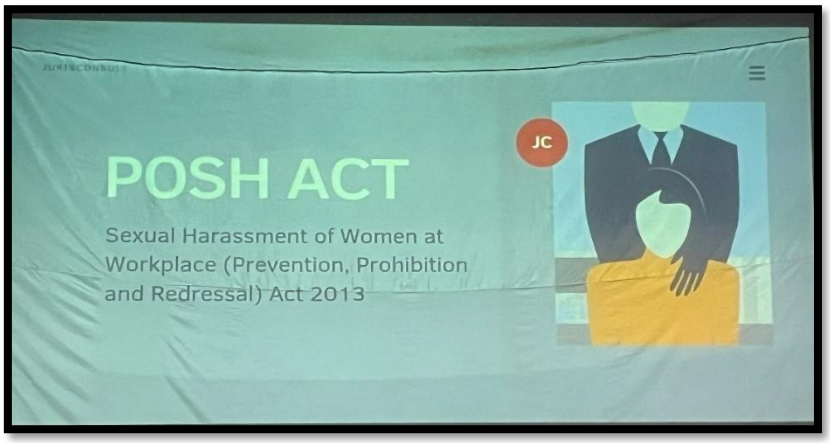
Moreover, aggressive questioning is prohibited, and the identity of the child is kept confidential to protect their privacy and dignity. If the offence is committed by a child, the case is handled by the Juvenile Justice (JJ) Act.

Indicators of child sexual abuse are broadly categorized into behavioural and physical signs. Behavioural indicators include self-harm, suicidal talk, reluctance to go home, and low self-esteem. On the other hand, physical signs may include sexually transmitted diseases, pregnancy, and complaints of pain or itching in the genital area. These effects can have long-term impacts on the child's well-being.

In addressing these issues, counsellors play a crucial role. Their support and guidance are vital in helping children cope with the trauma of sexual abuse and navigate its long-lasting effects.

Schools play a pivotal role in preventing such offences by prioritizing awareness and implementing protective measures. This includes ensuring familiarity with relevant acts and laws, such as child protection policies. Background checks of staff members are conducted to ensure the safety of children under their care. Additionally, school environments are designed to foster harmony and inclusivity, promoting a supportive atmosphere conducive to learning and well-being.

The presenter later delved into discussions surrounding the POSH (Prevention of Sexual Harassment) Act, shedding light on its significance and implications. The workshop participants gleaned several key insights, included



What Is Sexual Harassment?

Sexual Harassment is a form of discrimination and includes unwelcome attention of a sexual nature. It includes a range of behaviours from seemingly mild transgressions and annoyances to actual sexual abuse or sexual assault.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 ((POSH Act). Consistent with the Vishaka judgment, the Act aspires to ensure women's right to workplace equality, free from sexual harassment, through compliance with the above-mentioned three elements.

What Is the Workplace?

A workplace is "any place visited by the employee arising out of or during employment, including transportation provided by the employer for undertaking such a journey." As per this definition, a workplace covers both the organised and unorganised sectors.

Who Is covered under the workplace?

- Full-Time Employee
- Part-Time Employee
- Contractor Worker
- Temporary Workers
- Daily Wage Employees
- Students, Trainees & Interns
- Housekeeping
- Security
- Client Representatives
- Volunteers
- Customers or Visitors
- **Categories Of Sexual Harassment In the Workplace-**
- Generally, workplace sexual harassment refers to two categories-
- • Quid Pro Quo (literally 'this for that') - An implied or explicit promise of preferential/detrimental treatment in employment - Implied or express threat about her present or future employment status.
- • Hostile Work Environment - Creating a hostile, intimidating or offensive work environment - Humiliating treatment likely to affect her health or safety.

Duties Of Employers under the POSH Law-

- To meet every quarter, preferably.
- To discuss the awareness level in the organisation.
- To take care of rumours in the office, if any.

- To check and update the policy.
- Conduct the inquiry into any sexual harassment complaint.
- Prepare and assist management in submitting annual reports.

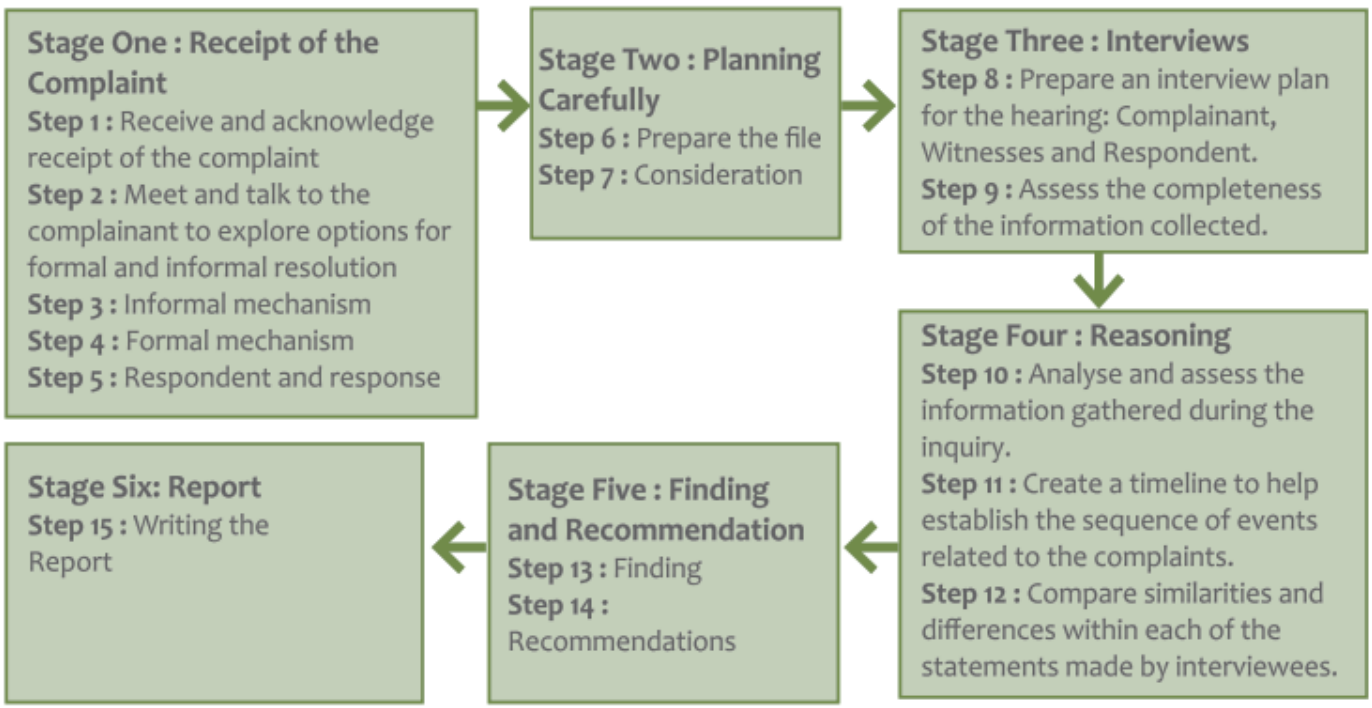
Constitutions of Internal Complaints Committee-

Every employer of the workplace shall, by order in writing, constitute a committee to be known as the Internal Committee (IC). In every establishment, if there are 10 or more employees, the Internal Committee is mandatory.

Types Of IC Members-

- **Presiding Officer –** The Presiding Officer is the chairperson of the IC and should be a female employee holding a senior position. This makes it easier for women to approach the IC with complaints.
- **Two Member –** Two or more members must be nominated as employee members of IC. They should have significant legal knowledge and have worked for a social cause or women's safety.
- **External Member-** The organisation should also appoint an external member to the IC who should be related to the organisation only for the work of the IC.

The Sexual Harassment Complaint Process-



Submission Of Annual Report-

The Appropriate Government is entrusted with the monitoring of the implementation of this Act and with maintaining the data on the number of cases filed and disposed of under it. In particular, the Act mandates submission of an Annual Report by the ICC/LCC to the employer/District Officer.

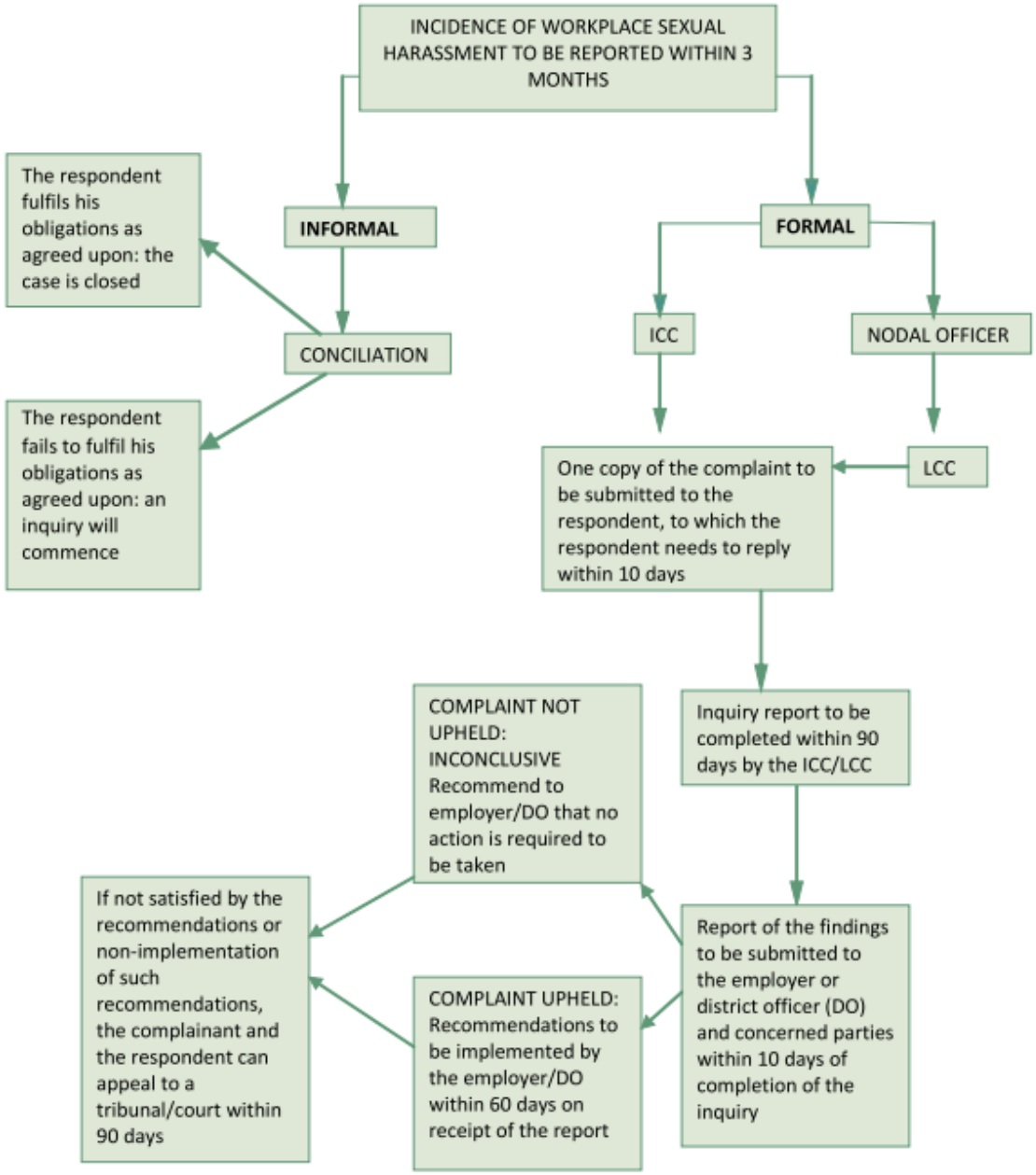
The District Officer will forward a brief report on the annual reports to the appropriate State Government. Such reports must include the following information:
a. No. of complaints received.
b. No. of complaints disposed of.
c. No. of cases pending for more than 90 days.
d. No. of workshops/awareness programmes carried out.
e. Nature of action taken by the employer/DO; the Report of ICC will be forwarded to the DO through the employer.

Penalties –
An employer can be subjected to a penalty of up to INR 50,000 for:
• Failure to constitute the Internal Complaints Committee.
• Failure to act upon recommendations of the Complaints Committee.
• Failure to file an annual report to the District Officer where required.
• Contravening or attempting to contravene or abetting contravention of the Act or Rules. Where an employer repeats a breach under the Act, they shall be subject to.
• Twice the punishment or a more severe punishment if prescribed under any other law for the same offence.
• Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities.

Key Responsibilities of the IC-
To effectively address workplace sexual harassment complaints, a Complaints Committee must first be aware of its key responsibilities, some of which are highlighted below:

1. Be thoroughly prepared.
2. Know the Act, Policy and/or relevant Service Rules.
3. Gather and record all relevant information.
4. Determine the main issues in the complaint.
5. Prepare relevant interview questions.
6. Conduct necessary interviews.
7. Ensure parties are made aware of the process and their rights/responsibilities within it.
8. Analyse information gathered.
9. Prepare the report with findings/recommendations.

INQUIRY PROCESS AT A GLANCE



Myths About Sexual Harassment –

1. Sexual Harassment is only physical.
2. It is okay if humiliations were not intended.
3. But it was only a one-off incident, I am sure it will never happen again.
4. Can not be of the same gender.
5. Unreasonable state of mind is excused.

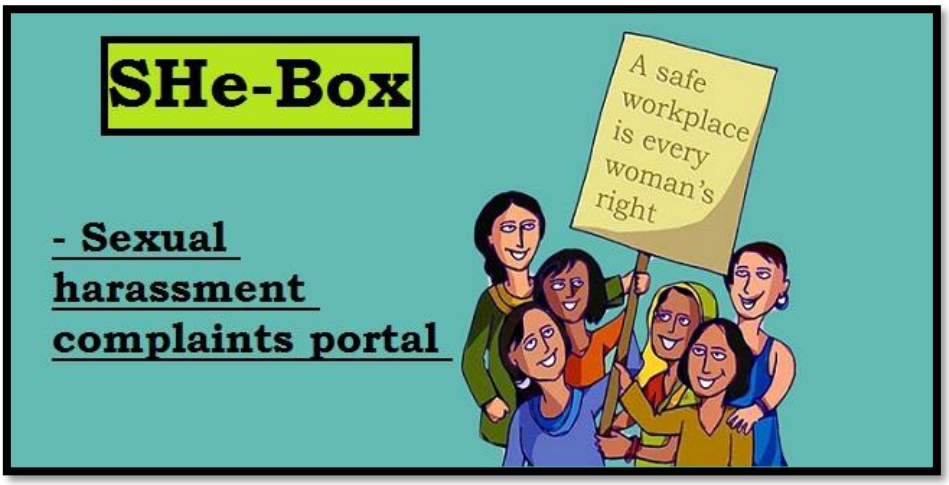
What is NOT Sexual Harassment –

1. Following up on work absences.
2. Requiring performance to job standards.
3. The normal exercise of management rights.

4. Work-related stress, e.g. meeting deadlines or quality standards.
5. Conditions of work.
6. Constructive feedback about the work mistake and not the person.

SHe Box-

This Sexual Harassment Electronic Box (SHe-Box) is an effort to provide a single window access to every woman, irrespective of her work status, whether working in organized or unorganized, private or public sector, to facilitate the registration of complaints related to sexual harassment.



Conclusion:
The session concluded with a request for feedback from support staff and educators regarding their comprehension of the POCSO and POSH acts.

