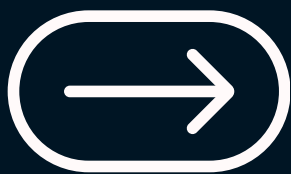


Building a Safer Tomorrow; SC Shares Recommendations for Child Safety

Just Rights for Children Alliance
& Anr. Vs. S. Harish & Ors.

(MANU/SC/1041/2024; 2024 INSC 716)



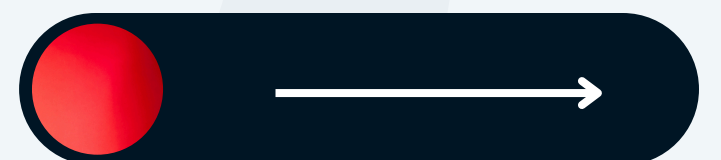
The Supreme Court on 23rd September 2024 held that any form of intangible or constructive possession of any child pornographic material will amount to “possession” under Section 15 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).



The Bench of CJI Chandrachud and J.B. Pardiwala overturned the judgment of Madras High Court wherein, the High Court quashed criminal proceedings against the accused stating that to constitute an offence under Section 14(1) of POCSO, a child must have been used by the person accused of pornographic purposes.

The Supreme Court further suggested few measures which can be implemented, in this regard, by the Union of India and Ministry of Women and Child Development:

- Parliament should amend the POCSO for the purpose of substituting the term “**child pornography**” that with “**child sexual exploitation and abuse material**” (CSEAM).
- Term “child pornography” shall not be used in any judicial order or judgment, and instead the term CSEAM should be endorsed.
- Implementation of comprehensive sex education programs to provide young people with a clear understanding of consent and the impact of exploitation.





- Support services to the victims and rehabilitation programs for the offenders are essential.
- Raising awareness about realities of child sexual exploitative material and its consequences through public campaigns.
- Early identification of at-risk individuals and implementing intervention strategies for youth with Problematic Sexual Behaviors (PSB).
- Schools should educate students about healthy relationships, consent, and appropriate behavior can help prevent PSB.
- Parliament to consider amending Section 15 (1) of POCSO to make it more convenient for the general public to report by way of an online portal.