

A Study on Impact of POCSO Act and its Challenges with Reference to Indian Society

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Abstract: *The Protection of Children from Sexual Offences (POCSO) Act is a legal framework in India that was enacted in 2012 to address the issue of sexual abuse and exploitation of children. The Act is designed to provide a comprehensive and effective legal framework for the protection of children from sexual offenses, including sexual assault, sexual harassment, and pornography. However, the implementation of the POCSO Act has faced several challenges. One of the primary challenges is the underreporting of cases of sexual offenses against children. Many victims and their families are hesitant to report such incidents due to fear of social stigma, lack of awareness, and inadequate support from law enforcement agencies. Another challenge is the slow and inefficient legal process. Delays in the investigation and trial of cases can lead to prolonged trauma for the victim and their families, and also increase the likelihood of the accused being released on bail or escaping punishment. children's rights and furthering the cause of protecting children against sexual abuse in conjunction with a related legislation to clamp down on child. The empirical research was carried out. The sample size was 200. The independent variable age, gender and educational qualification is used*

Keywords: Comprehensive law, gender neutral, non-bailable offenses, POCSO act, Stigma

I. INTRODUCTION

The evolution of the study on the Protection of Children from Sexual Offences (POCSO) Act and its challenges can be traced back to the increasing concern about child sexual abuse and the need for effective measures to protect children from this heinous crime. In response to the growing concern, the Indian government enacted the POCSO Act in 2012, which was a comprehensive legislation aimed at addressing the sexual abuse and exploitation of children. The Act provided for a wide range of offences, including sexual assault, sexual harassment, and pornography involving children, and set out a legal framework to protect children from sexual offences. However, despite the provisions of the POCSO Act, child sexual abuse continued to be a persistent problem, and the implementation of the Act faced several challenges. These challenges included a lack of awareness, insensitivity of the police and judiciary, delay in trials, non-availability of support services, and social stigma and shame. The Indian government has taken several initiatives to address the challenges faced by the Protection of Children from Sexual Offences (POCSO) Act and to improve its implementation. Some of the key initiatives are: Awareness campaigns: The government has launched several awareness campaigns to create awareness about the provisions of the POCSO Act and the rights of child survivors of sexual abuse. These campaigns aim to educate the public about the importance of reporting child sexual abuse and the support available to survivors. Strengthening the legal framework the government has taken steps to strengthen the legal framework to ensure the effective implementation of the POCSO Act. This has included the introduction of fast-track courts to speed up trials, the appointment of special public prosecutors, and the introduction of new technologies to improve the collection of evidence. Training and sensitization of law enforcement agencies the government has undertaken training and sensitization programs for law enforcement agencies, including the police and judiciary, to ensure that they are equipped to handle cases related to child sexual abuse in a sensitive and effective manner. There are several factors that affect the implementation of the Protection of Children from Sexual Offences (POCSO) Act and its challenges. Some of the key factors are Lack of Awareness one of the major factors affecting the implementation of the

POCSO Act is a lack of awareness about the provisions of the Act and the rights of child survivors of sexual abuse. This lack of awareness leads to under-reporting of cases, as well as a lack of understanding about the support available to survivors. Insensitivity of law enforcement agencies: Another major challenge faced by the POCSO Act is the insensitivity of law enforcement agencies, including the police and judiciary, in handling cases related to child sexual abuse. This insensitivity often leads to the re-traumatization of child survivors and a lack of support in the justice system. Delay in trials .The POCSO Act faces significant challenges due to the delay in trials, which can often last for several years. This delay can have a traumatic impact on child survivors and their families, and can also impact the effectiveness of the Act in bringing perpetrators to justice. Comparing the implementation of the Protection of Children from Sexual Offences (POCSO) Act with other countries or states can provide insights into the challenges faced by the Act and the approaches used to address these challenges. India and other South Asian countries: The POCSO Act is considered one of the strongest child protection laws in South Asia, however, it still faces significant challenges in its implementation. Some of the challenges faced by the POCSO Act in India and other South Asian countries include a lack of awareness about the provisions of the Act, insensitivity of law enforcement agencies, and a lack of support services for child survivors.

NEED FOR THE STUDY

The Protection of Children from Sexual Offences (POCSO) Act was implemented to safeguard minors from sexual abuse and exploitation. This study is crucial to assess the impact of the Act in achieving its objectives and identify the challenges faced in its implementation. By exploring societal attitudes, legal hurdles, and enforcement issues, the study aims to understand the effectiveness of the Act in protecting children. The findings will contribute to policy recommendations for strengthening child protection in India.

OBJECTIVE:

- To study about the necessity of the POCSO Act.
- To study the impact of the POCSO Act after its enactment and enforcement.
- To assess the contribution of POCSO Act in solving the cases of child sexual abuse
- To analyze the way in which pocso act can be further implemented effectively .

II. REVIEW OF LITERATURE

Honap, R., & Shetty, V. (2023) The POCSO ACT was enacted in 2012 with the main objective protecting children from sexual offences sexual harassment, pornography and constitution of Special Courts for trial of such offences. This paper seeks to review the effective implementation of the Act since its commencement a decade ago and also to highlight the lacunas and drawbacks in the application of the said Act with a view to recommend necessary changes for optimum achievement of its objectives.

Maity, S., & Chakraborty, P. R. (2023) The empirical analysis of the paper is conducted based on secondary data compiled from the National Crime Records Bureau. Our empirical results reveal that the POCSO Act has reduced the Growth rate of incidents of sexual offenses against children in India from 4.681% to -4.611. Moreover, our empirical results also reveal that by enhancing the quality of life it is possible to restrict the POCSO incidences across Indian states.

Vedanth, S. (2022) POCSO Act 2012 was enacted with the objective of protecting the most vulnerable category of humans which is Children from sexual abuse. This gender-neutral enactment has completed a decade since its birth which according to me requires assessment so as to understand whether the objectives have been fulfilled, if not the reasons for the same.

Kiran, M. S. (2022)The results of the study hint at the grave reality of lack of awareness among parents regarding the act however, what is relieving here is that, at the least the parents are aware of the concept of child sexual abuse and its consequences. The current scenario calls for the requirement of plentiful resources on awareness and application of child abuse prevention, public responsiveness and positive parenting.

Kulshrestha, P., & Kalra, K. (2022) A strict watch by the government accompanied by awareness campaigns for people is the need of time. One of the biggest drawbacks of the POCSO Act is fixing the age of the child at 18 under Section 2(d); leaving no scope of any flexibility. The age should be ascertained by examining the mental capacity of the child.

Pitre, A., & Lingam, L. (2022) India enacted a new child sexual abuse law in 2012 and made important changes to the rape law in 2013 to expand the definition of rape and sexual assault, introduce several reforms and improve gender sensitivity in rape trials. This paper explores how laws devised to address harm and extend protection to children play into dominant social norms and are in the service of protectionist and patriarchal control on young people and their sexuality.

Choudhry, V. (2021) India is home to 20% of the world's children and yet, little is known on the magnitude and trends of child maltreatment nationwide. The aims of this review are to provide a prevalence of child maltreatment in India with considerations for any effects of gender; urbanisation (eg, urban vs rural) and legislation (Protection of Children from Sexual Offences (POCSO) Act 2012).

Mohanty, (2021) The paper enumerates both the substantive part of the Act, where it talks about the various sexual offenses that is committed against the child victim along with their punishments and also the procedural part of the Act, which contains the procedure required to be followed to report the case with special mention to the process of medical examination of the victim.

Chaudhry (2021) The paper highlights the growing problem of sexual offenses on children in India and the changes and challenges the Indian Legal system faces after the advent of the POCSO Act, 2012, with its main aims being to break down the mainstream accomplishments of POCSO and the growing areas of concerns in its execution primarily dealing with child marriages and consensual intimacy among adolescents.

Nowsheen Goni. (2020) The present article is based on significant step taken by Government of India towards child sexual abuse. To compile the points, authors have collected literature from libraries and the internet. Many articles have been searched through NIM S University library, and through normal Google search, and Google scholar.

Ganesha, J. S. (2019) The paper wishes to say that there should be a serious, careful and continuous study of the obstacles in the implementation of POCSO Act. It is important to understand that how boys and girls face some crucial problems when reporting sexual abuse from people known to them. Most of the victims experience the terrific social humiliation and feelings of shame and guilt when they report that they are sexually assaulted.

Venkatesulu and Abdul Khalid (2019) researched the forensic study on child sexual under the POCSO Act. Children are the God given to humanity but among them are the most vulnerable sections in any society. Their sexual abuse is one of the most heinous crimes imaginable. This paper also represents a humble attempt to briefly highlight the awareness of the POCSO Act.

Renu, R., & Chopra, G. (2019) Child Sexual Abuse (CSA) is most heinous crime against children and in most instances, it is hidden in nature. It is the most underreported crime. The effect of CSA lingers across the lifetime of an individual. It is now being recognized as toxic stress which emotionally can harm the child irreparably. This paper presents studies on CSA in India.

Ali, B. (2018) The study further confirms that a large majority of perpetrators of sexual offenses against children are known to the victim, and that a large majority of the victims are girls. In an interesting development, the study analyses the low incidence of reported cases of sexual abuse against boys. Far from being uncommon, social attitudes may result in sexual offenses against boys not being perceived and treated with the seriousness it deserves.

Namboodiri, V. V. (2018) Many of us feel overwhelmed while handling a child abuse case in a busy outpatient unit. Though the Protection of children from sexual offenses act, 2012 is strictly in action now, it possesses a lot of imperfections which challenges its effective implementation. This article highlights the strengths of the act and at the same time reflects the ethical and legal dilemmas we usually encounter in our day to day practice.

Seth, R., & Srivastava, R. N. (2017) The author explains that it is a comprehensive law on sexual abuse, which expands the scope and range of forms of sexual offences, makes reporting of abuse mandatory and defines guidelines for the examination of victims. Pediatricians and health care professionals need to acquire necessary expertise for clinical evaluation of child sexual abuse, and its prevention, management and reporting.

Daundkar, B. B. (2016) The objective of this study is to bring out some shocking facts and its main finding in relation with sexual abuse which are- child sexual abuse cases under IPC 376, 377, 354 POCSO act 2012 were reported by 48%

children. Among them, 43% were male child and 54% were female child, 24% of child respondents faced severe forms of sexual abuse, 19% had been sexually assaulted and 57% reported other forms of sexual abuse.

(Marothiya, N.,2012) The present study is an attempt to assess the awareness regarding the POCSO Act among rural as well as urban primary school teachers (N=120) working in private schools of Ludhiana district of Punjab. A self-structured checklist to assess the awareness regarding POCSO Act (2012) and its provisions was used to collect the requisite information from the sample teachers.

Rautji, Lalwani, and Dogra (2005) researched the study of victims of sexual offenses in South Delhi. Introduction of all the crimes, sex related crimes are the most barbarous and humiliating. Women and children remain the most vulnerable group to this crime. The alarming rise in the rate of sexual assault world wide represents a major public health problem.

Emmert and Kohler (1998) researched data about 154 children and adolescents reporting sexual assault. Sexual assaults on girls occur at an alarming rate representing a significant public health problem, but difficulties in correctly identifying the problem, managing the child and reporting for legal purposes have been recognized.

III. METHODOLOGY

Research method:

The research method used here is Empirical research

Sampling method and size:

The sampling method done by the researcher is Convenient sampling with a sample size of over 200 responses collected in and around Chennai.

Independent variables:

The Independent variables are age, gender, educational qualifications, occupation, monthly income

Dependent variables:

The dependent variables are awareness about the pocso act , need for the act , how effective is the act being implemented, future scope of the act .

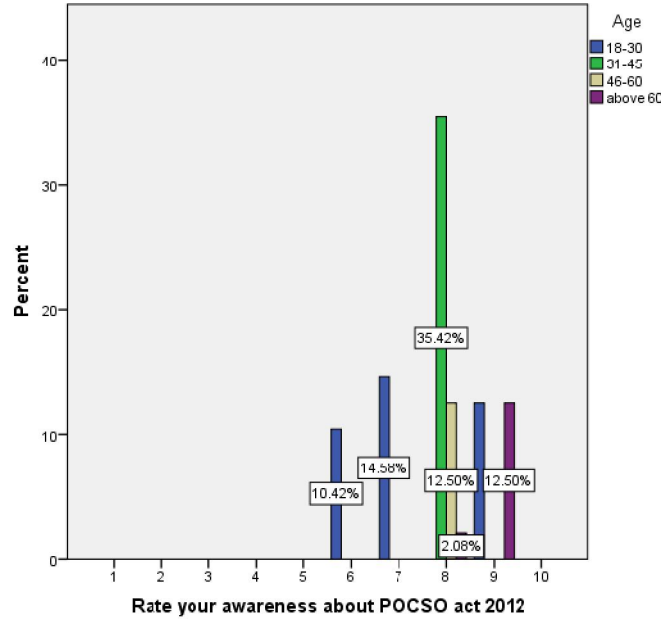
Statistics used :

The Statistics used here by the researcher is SPSS.

Study setting: 2 months

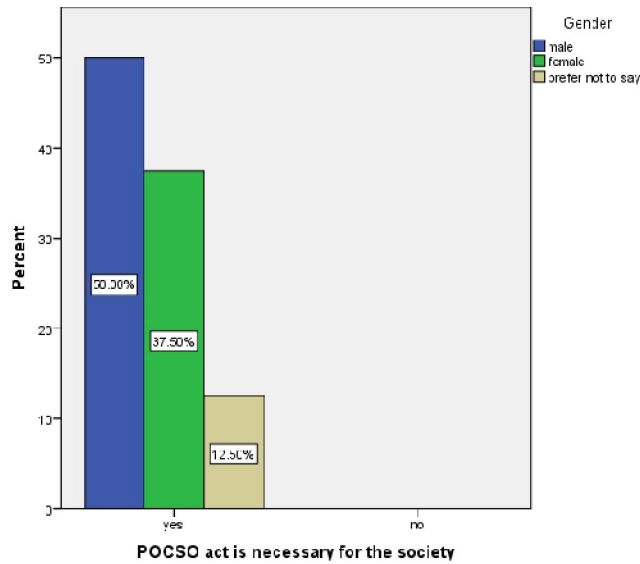
IV. ANALYSIS

FIGURE 1



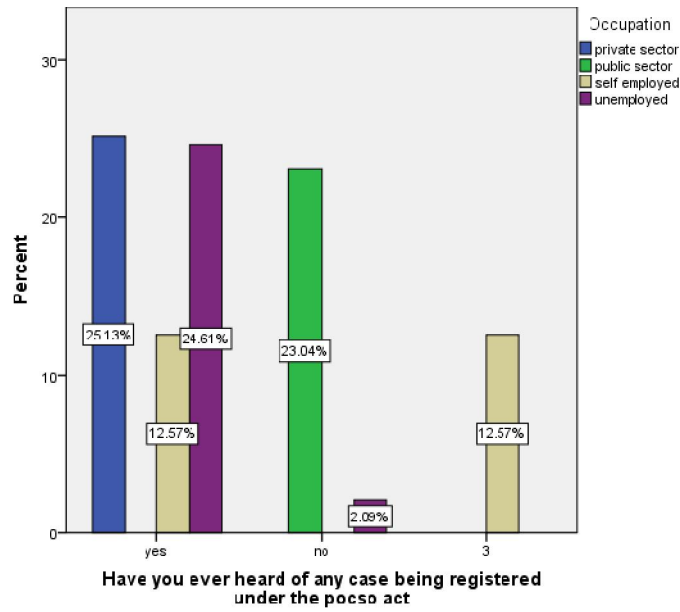
LEGEND: In figure 1 the independent variable age is compared with the dependent variable rate of your awareness about the pocso act

FIGURE 2:



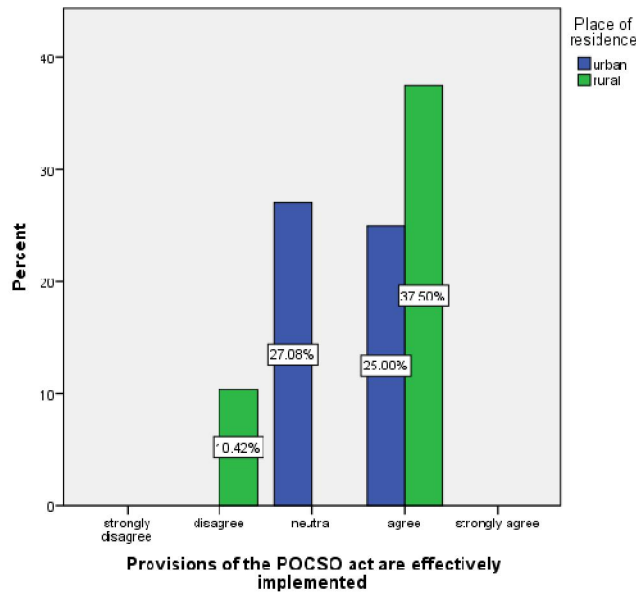
LEGEND: The independent variable gender is compared with the dependent variable pocso act is necessary for the society

FIGURE 3



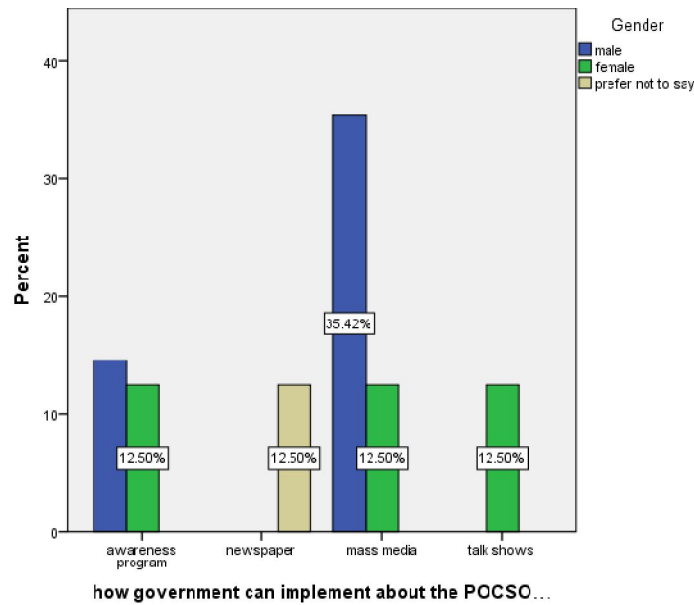
LEGEND: The independent variable occupation is compared with the dependent variable have you everheard of any case being registered under the pocso act

FIGURE 4



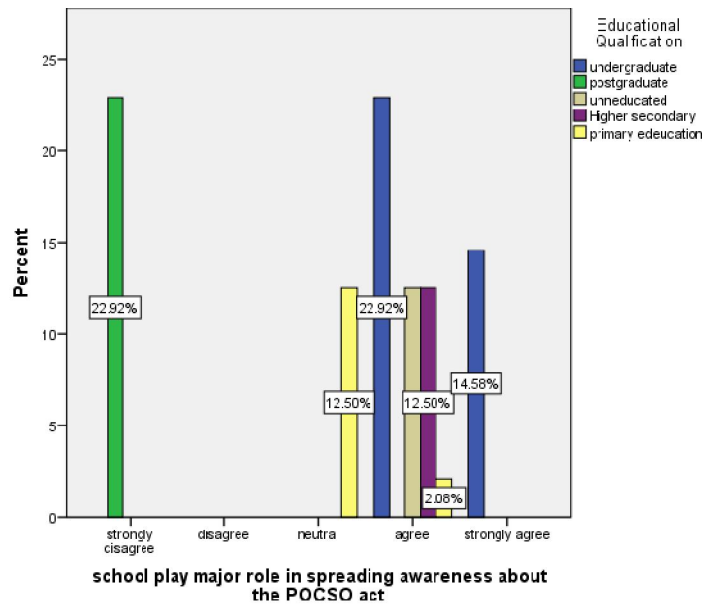
LEGEND: The independent variable place of residence is compared with the dependent variable provisions of the pocso act are effectively implemented

FIGURE 5



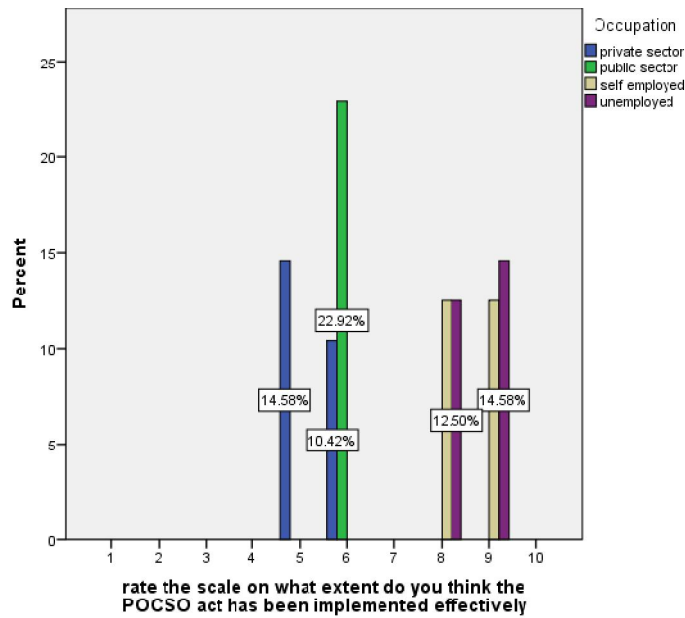
LEGEND: The independent variable gender is compared with the dependent variable how the government can implement the pocso act effectively

FIGURE 6



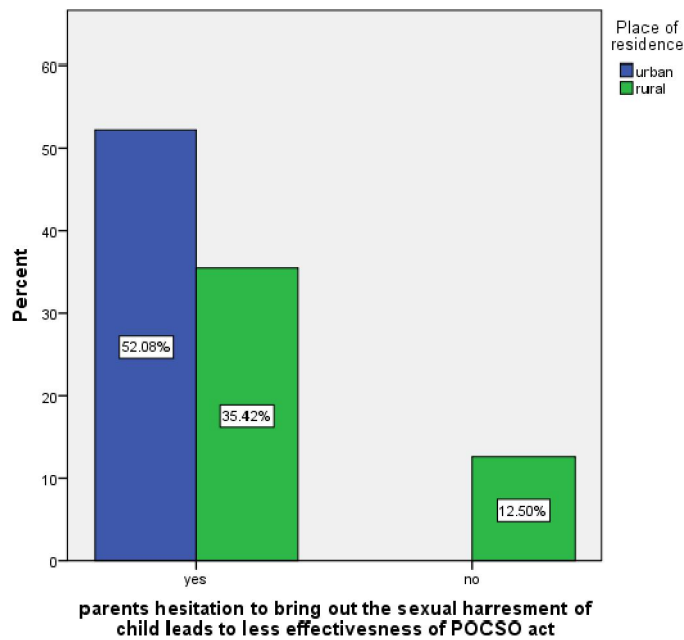
LEGEND: The independent variable educational qualification is compared with the dependent variable school play major role in spreading awareness about the pocso act

FIGURE 7



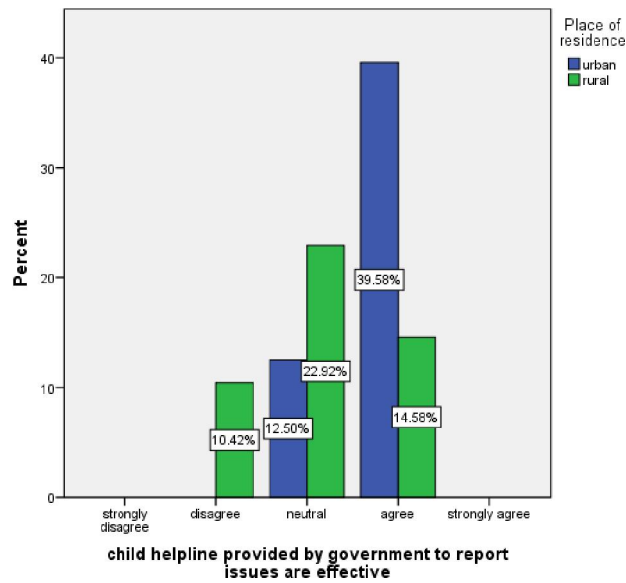
LEGEND: The independent variable occupation is compared with the dependent variable rate the scale on what extent do you think the pocso act has been implemented effectively

FIGURE 8



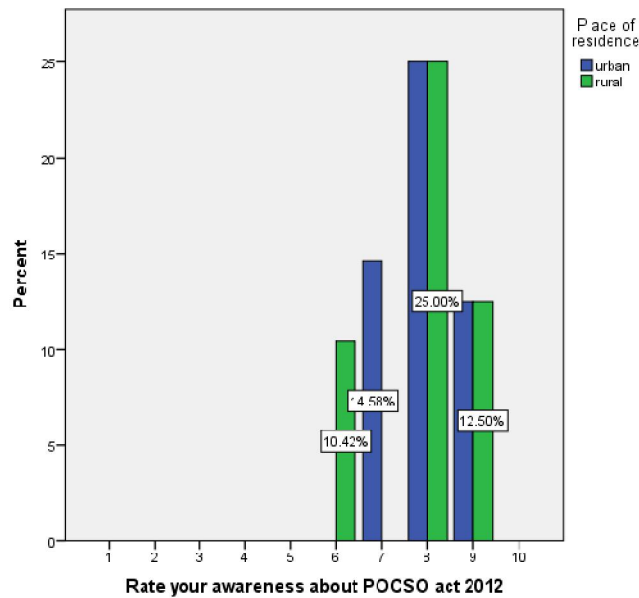
LEGEND: The independent variable place of residence is compared with the dependent variable parents' hesitation to bring out the sexual harassment of child leads to less effectiveness of pocso act

FIGURE 9



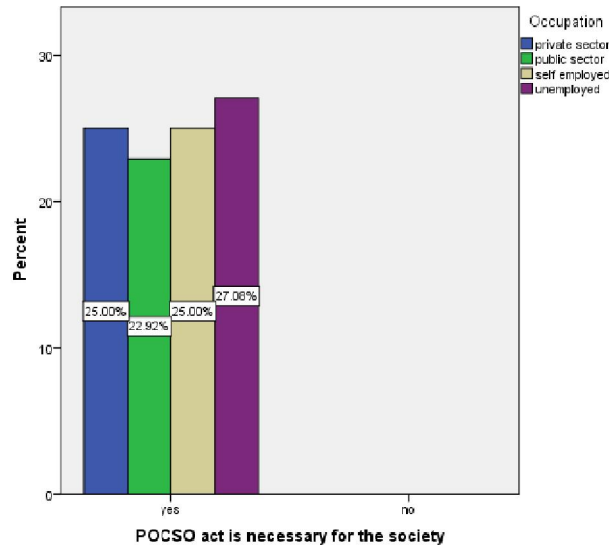
LEGEND: The independent variable place of residence to the dependent variable child helpline provided by the government to report issues are effective

FIGURE 10:



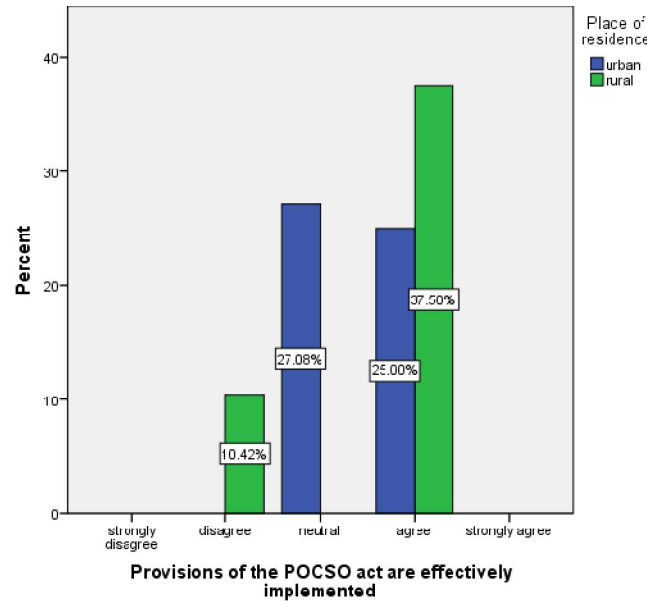
LEGEND: The independent variable place of residence is compared to the dependent variable rate of your awareness about the poCSO act

FIGURE 11



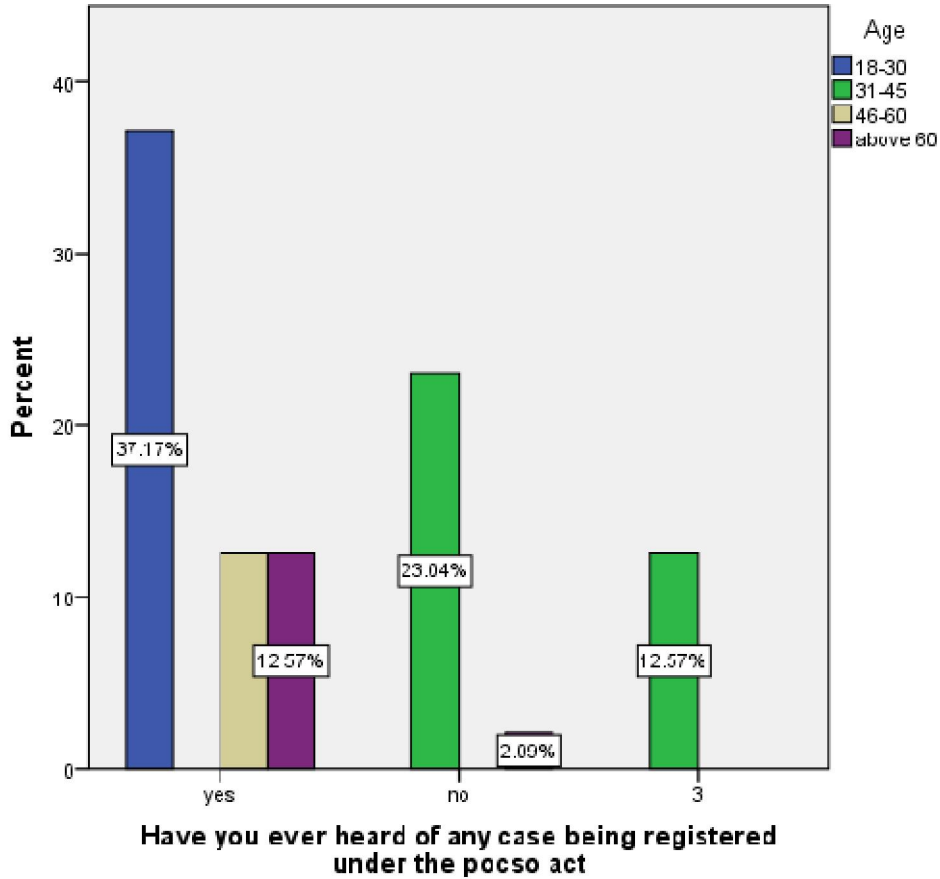
LEGEND: The independent variable occupation is compared with the dependent variable pocso act is necessary for the society

FIGURE 12



LEGEND: The independent variable gender is compared with the dependent variable Reason for increase in sexual violence against children

FIGURE 13



LEGEND: The independent variable age is compared with the dependent variable have you ever heard of any case being registered under the pocso act

FIGURE 14

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Age * child helpline provided by government to report issues are effective	192	99.5%	1	0.5%	193	100.0%

**Age * child helpline provided by government to report issues are effective
Crosstabulation**

Count

		child helpline provided by government to report issues are effective			Total
		disagree	neutral	agree	
Age	18-30	20	0	52	72
	31-45	0	68	0	68
	46-60	0	0	24	24
	above 60	0	0	28	28
Total		20	68	104	192

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	218.667 ^a	6	.000
Likelihood Ratio	274.081	6	.000
Linear-by-Linear Association	20.875	1	.000
N of Valid Cases	192		

a. 2 cells (16.7%) have expected count less than 5. The minimum expected count is 2.50.

Result : Using the chi square test it was found that p-value is lesser than 0.05, which shows that the null hypothesis is rejected and accepts the alternate hypothesis. There is significant relationship

FIGURE 15

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Occupation * school play major role in spreading awareness about the POCSO act	192	99.5%	1	0.5%	193	100.0%

Occupation * school play major role in spreading awareness about the POCSO act Crosstabulation

Count

		school play major role in spreading awareness about the POCSO act				Total
		strongly disagree	neutral	agree	strongly agree	
Occupation	private sector	0	0	20	28	48
	public sector	44	0	0	0	44
	self employed	0	0	48	0	48
	unemployed	0	24	28	0	52
Total		44	24	96	28	192

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	218.667 ^a	6	.000
Likelihood Ratio	274.081	6	.000
Linear-by-Linear Association	20.875	1	.000
N of Valid Cases	192		

a. 2 cells (16.7%) have expected count less than 5. The minimum expected count is 2.50.

Result :

Using the chi square test it was found that p-value is lesser than 0.05, which shows that the null hypothesis is rejected and accepts the alternate hypothesis. There is significant relationship

V. RESULT

In **Figure 1** the majority of responses was from the age group 31-45 (35%) than age group 46-60(12%). The response was 8 for the awareness about the Pocso Act . In **figure 2** the majority of responses were from male (50%) rather than females (37%) . The response was yes, the Pocso Act is necessary for society. In **figure 3** the majority of responses was from the private sector (25%) than unemployed (24%) , the response was yes they have cases being registered under the POCSO ACT . In **figure 4** the majority of response was from rural (25%) than urban (37%) the response was they agreed to the statement that pocso acts are effectively implemented. In **figure 5** the majority of responses was from male (35%) rather than females (12%) the response was through mass media the government can implement POCSO ACT more effectively. In **figure 6** the majority of response was from undergraduate (22%) than primary education (12%) and they agreed to the statement schools play a major role in spreading awareness about the pocso act. In **figure 7** the majority response was from the public sector (22%) than the private sector (10%)the response was 6 for the effective implementation of POCSO ACT . In **figure 8** the majority of response was urban (52%) than rural (35%) and the response was yes parent's hesitation to bring out the sexual harassment of the child leads to less effectiveness of POCSO ACT. In **figure 9** the majority of response was from urban (39%) than rural (14%) the response was to agree with the statement child helpline provided by government to report issues are effective. In **figure 10** the majority of response was from urban (25%) and rural (25%) the response was 8 for the awareness about the pocso act. **Figure 11** the majority of response was from unemployed (27%) rather than self-employed (25%) the response was yes for the question POCSO ACT is necessary for society. In **figure 12** the majority of responses were from male (50%) than females (25%) and the response was delinquency . In **figure 13** the majority of response was from age group 18-30 (37%) than age group 31-45 (23%) and the answer was yes they have heard cases being registered under the pocso act.

VI. DISCUSSION

In **Figure 1** the majority of responses was from the age group 31-45 than age group 46-60. The response was 8 for the awareness about the Pocso Act , since the rating is given 8 it can be concluded that people are aware about the act . In **figure 2** the majority of responses were from male rather than females . The response was yes, the Pocso Act is necessary for society this would be given because it helps reduce offense against children. In **figure 3** the majority of responses were from the private sector rather than unemployed , the response was yes they have heard cases being registered under the POCSO ACT . In **figure 4** the majority of responses were from rural rather than urban areas. The response was that they agreed to the statement that pocso acts are effectively implemented. It can be said that because there may be more cases registered under this act nowadays . In **figure 5** the majority of responses was from male

rather than female the response was through mass media the government can implement POCSO ACT more effectively because for mass media they would be lot listeners so it would easily reach the public In **figure 6** the majority of response was from undergraduate than primary education and they agreed to the statement schools play a major role in spreading awareness about the pocso act , school is play major role in students life so spreading it through schools will be more effective . In **figure 7** the majority response was from the public sector than the private sector the response was 6 for the effective implementation of POCSO ACT since people not satisfied with the pto per implementation they gave a rating of 6 .In **figure 8** the majority of response was urban than rural and the response was yes parent's hesitation to bring out the sexual harassment of the child leads to less effectiveness of POCSO ACT. They would think that the child's future will be spoiled if the case is being registered. In **figure 9** the majority of response was from urban rather than rural. The response was to agree with the statement that the child helpline provided by the government to report issues is effective. They would see some have registered cases using it. In **figure 10** the majority of response was from urban and rural. The response was 8 for the awareness about the pocso act it can be concluded that people are aware about the act . **Figure 11** the majority of responses was from unemployed rather than self-employed. The response was yes for the question POCSO ACT is necessary for society because it helps reduce offense against children. In **figure 12** the majority of responses were from male than females and the response was delinquency out of bad influence people do many things .

LIMITATION:

The study was purely based on the information received through the limited scope and purview of the survey. The study was relevant to the existing market scenario and the information, judgment and predictions of the respondents may differ accordingly with time, status, mind-set and situations

VII. SUGGESTION

Strengthen Awareness and Education Programs: Increase public awareness and education about the POCSO Act through community outreach, school programs, and media campaigns. This can help prevent crimes, encourage reporting, and ensure that children and their guardians are informed about their rights and the legal protections available.

Enhance Training for Law Enforcement and Judiciary: Provide specialized training for police officers, investigators, and judicial personnel to handle POCSO cases with sensitivity and efficiency. This can reduce delays, ensure proper evidence collection, and improve the conviction rates.

Establish Support Systems for Victims: Develop comprehensive support systems, including counseling, legal aid, and rehabilitation services, for victims and their families. Ensuring psychological and social support can help victims recover and reintegrate into society without stigma.

VIII. CONCLUSION

The POCSO Act only allows justice for education for children who are victims of sexual offenses but also takes into account the best interests and well-being of children. It recognises that boys can be victims of sexual violence as well. It defines a child as someone under the age of 18. The Indian Penal Code doesn't recognise that sexual assault can be committed on boys. It was found that the POCSO Act is very useful for the protection of children against sexual offenses with gender neutral. In keeping with the best International Child Protection standards, the said Act also provides for mandatory reporting of sexual offenses. Children who have been sexually abused are not only traumatized as a result of their experience. The number of cases registered for child abuse raised from 8,904 in the year 2014 to 14,913 in the year 2015, under the POCSO Act. Sexual offenses and kidnapping account for 81% of the crimes against the minor as preventive measures designed to ward off strangers (installing CCTV cameras and providing self-defense training) will be ineffective, as children do not know how to ward off unwanted sexual advances from their known relatives, acquaintances or workplace seniors they trust. It was found that the POCSO Act is very useful for the protection of children without any discrimination as it is a neutral act for both the boy as well as the girl children.

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