

A Decade of the POCSO Act, 2012: Issues and Challenges

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Abstract: *The Protection of Children from Sexual Offences Act, 2012 (POCSO Act), was enacted to provide a comprehensive legal framework for the protection of children against sexual abuse and exploitation in India. Over the past decade, the Act has played a crucial role in expanding the scope of child protection laws through gender-neutral provisions, child-friendly procedures, and the establishment of Special Courts for speedy trials. Despite these advancements, its implementation continues to face significant challenges. This paper critically examines the issues encountered in the enforcement of the Act, including underreporting of cases, delays in investigation and trial, low conviction rates, inadequate infrastructure, and lack of trained personnel. It also highlights socio-cultural barriers such as stigma, family pressure, and the complexities surrounding consensual adolescent relationships. The study further evaluates gaps in victim support mechanisms and instances of procedural lapses that may lead to revictimisation. By analyzing these concerns, the paper underscores the need for institutional strengthening, legal reforms, and increased awareness to ensure the effective realization of the Act's objectives. The study concludes that while the POCSO Act is a progressive step towards child protection, its success depends largely on addressing systemic and societal challenges*

Keywords: child sexual abuse, child protection laws, implementation challenges, , victim support, child-friendly justice

I. INTRODUCTION

Child sexual abuse remains one of the most serious yet underreported crimes in India, affecting children across all socio-economic and cultural backgrounds. Prior to 2012, the Indian legal system lacked a dedicated and comprehensive statute to specifically address sexual offences against children. Existing provisions under the Indian Penal Code were inadequate, as they neither recognized the full range of sexual offences nor provided child-sensitive mechanisms for reporting and trial.

The enactment of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) marked a significant legislative milestone in strengthening child protection in India. The Act was designed to address gaps in the legal framework by introducing a wide definition of sexual offences, recognizing both contact and non-contact forms of abuse, and ensuring gender-neutral protection for all children below the age of eighteen years. It further aimed to create a child-friendly judicial process by incorporating provisions such as in-camera trials, assistance of support persons, and the establishment of Special Courts for speedy disposal of cases. Over the past decade, the POCSO Act has contributed to increase reporting of child sexual abuse cases and greater public awareness of children's rights. It has also led to institutional developments, including specialized courts and procedural safeguards intended to reduce trauma for victims during the legal process. However, the effectiveness of the Act cannot be assessed solely by its legislative intent or rising case numbers. The real measure lies in its implementation and the extent to which it ensures timely justice and meaningful protection for children.



HISTORICAL BACKGROUND

Over the past decade, the **Protection of Children from Sexual Offences Act (POCSO Act)** has come to represent India's serious attempt to confront a problem that had long been hidden—child sexual abuse. Before 2012, there was no dedicated law to protect children from sexual offences. Cases were handled under the **Indian Penal Code**, which was not designed with children in mind. Many forms of abuse were either poorly defined or not recognized at all, and the legal system often failed to respond sensitively to young victims. The need for change became undeniable after studies and public discussions—especially those led by the Ministry of Women and Child Development—revealed how widespread abuse actually was. What shocked many was not just the scale, but the fact that most perpetrators were people known to the child. This broke the common myth of “stranger danger” and pushed lawmakers to act. When the POCSO Act was introduced in 2012, it marked a turning point. For the first time, India had a **child-specific, gender-neutral law** that clearly defined different kinds of sexual offences. It also focused on making the legal process less intimidating for children—through special courts, in-camera trials, and child-friendly procedures. Over the next ten years, the law began to change both awareness and reporting. More cases started coming forward, not necessarily because crime increased, but because silence began break. At the same time, this rise exposed weaknesses in the system—delays in trials, lack of trained personnel, and the emotional toll on victims navigating the justice system.

METHODOLOGY

This study on a decade of the **Protection of Children from Sexual Offences Act (POCSO Act)** is based on the **doctrinal method of research**, which focuses on analyzing laws, legal principles, and judicial decisions rather than collecting field data. In simple terms, this research relies on **existing legal materials**. The primary sources include the provisions of the POCSO Act itself, along with relevant sections of the **Indian Penal Code** and other related statutes. Important judgments delivered by courts, especially the **Supreme Court of India** and various High Courts, have been studied to understand how the law has been interpreted and applied over time. The research also makes use of **secondary sources** such as legal commentaries, research articles, government reports, and publications by institutions like the **National Commission for Protection of Child Rights (NCPCR)**. These sources help in understanding the practical functioning of the law and the challenges faced in its implementation. Through this method, the study examines how the POCSO Act has evolved over the past decade, how effective it has been in protecting children, and what gaps still remain. Instead of relying on surveys or interviews, the focus is on **critical analysis of legal texts and judicial trends**, making the research more theoretical and law-centered.

LITERATURE REVIEW

The **Protection of Children from Sexual Offences Act (POCSO Act)** has been widely discussed by scholars, researchers, and institutions over the past decade. Most of the literature agrees that the Act was a **necessary and progressive step** in India's legal system, as it created a **specific framework to address child sexual abuse**, which was earlier dealt with under general laws like the **Indian Penal Code**.

Early studies after the enactment of the law focused on its **strong legal structure**. Researchers appreciated that the Act clearly defined different types of offences, made the law **gender-neutral**, and introduced **child-friendly procedures** such as in-camera trials and special courts. Over time, literature began to examine how the law was working in practice. Reports and studies by institutions like the **National Commission for Protection of Child Rights** highlighted that while awareness about child sexual abuse had increased, there were still significant challenges in implementation. Researchers observed issues such as **delays in trials, lack of trained personnel, and low conviction rates**. Several legal scholars also analyzed the role of the judiciary, particularly the **Supreme Court of India**, in interpreting the Act. Some judgments were praised for expanding the scope of child protection, while others led to debates and criticism. This showed that the law is still evolving through judicial interpretation.

Recent literature, especially after the 2019 amendment, has focused on **stricter punishments and their impact**. While some authors support harsher penalties as a deterrent, others argue that punishment alone cannot solve the problem



without improving investigation, awareness, and support systems for victims. Overall, the literature over the past decade shows that the POCSO Act is a **strong and important legal tool**, but its effectiveness depends largely on **proper implementation, judicial sensitivity, and social awareness**. The studies collectively highlight both the **achievements and the gaps**, making it clear that continuous reform and improvement are necessary

ISSUES UNDER POCSO ACT 2012

Over the past decade, the POCSO Act has largely been seen as a strong and necessary law, but in real life its working has often been messy, uneven, and sometimes painfully slow. If you strip away the legal language and look at how people actually experience it—victims, families, police, and courts—a few recurring problems stand out. One of the biggest issues is delay. The law promises quick justice through special courts, but in reality cases often stretch for years. For a child and their family, that long wait can be emotionally exhausting. Over time, many lose faith in the process or feel pressured to move on. Another major concern is how investigations are handled. In many places, police still lack proper training to deal with child sexual abuse cases sensitively. Statements may be recorded in a hurried or stressful way, forensic evidence may not be collected properly or on time, and sometimes cases become weak simply because of poor early handling. There is also a tension built into the law itself around mandatory reporting. While it ensures abuse is not ignored, it can also create uncomfortable situations. Teachers, doctors, or counselors may feel forced to escalate cases even when the situation is unclear, and in some cases it can discourage children from opening up if they fear “formal action” immediately follows. A sensitive and widely debated issue is how the law treats adolescent relationships. Even consensual relationships between teenagers close in age can be criminalized under POCSO. Courts have sometimes had to deal with cases where the legal framework and social reality don’t sit comfortably together. Victim support is another weak point. Although the law talks about child-friendly procedures and protection, in practice many children still face stigma, lack of counselling support, or pressure from society and even families. Compensation and rehabilitation are also inconsistent and often delayed across states. Then there’s the challenge of capacity. Special courts are overloaded, forensic systems are stretched, and cyber-related child abuse cases have increased faster than law enforcement training and infrastructure. Even in serious cases, families sometimes push for compromise or withdrawal due to stigma, fear, or community influence, which weakens the intent of the law. So overall, the POCSO Act is strong on paper, but over the decade its biggest struggle has been implementation—how to turn legal protection into timely, sensitive, and effective justice on the ground.

CHALLENGES UNDER POCSO ACT, 2012

Over the past decade, the POCSO Act has been important in giving India a strong legal framework to deal with child sexual abuse. One of the biggest problems is delay. Another major issue lies in the early stage of investigation. If statements are not recorded carefully, if evidence is not collected properly, or if the child is not spoken to in a sensitive way, the case can become weak later in court. In many places, lack of specialized training for dealing with child victims adds to this problem. While it ensures that abuse is not hidden, it can sometimes create fear among professionals like teachers and doctors, who may report even uncertain situations to avoid legal trouble. It can also make some children hesitant to speak freely, knowing that anything they say may immediately trigger a formal legal process. A sensitive and widely discussed issue is how the law treats adolescent relationships. Even consensual relationships between teenagers close in age can fall under POCSO. Victim support is another area where gaps are often seen. Compensation and rehabilitation processes also vary widely across states and are often delayed. Special POCSO courts exist, but they are not evenly spread or adequately staffed in many regions. Judges and court systems are frequently overburdened, which leads to repeated delays and multiple hearings that can be distressing for child witnesses. Finally, there is the growing challenge of online abuse, which has increased rapidly in the last decade. Cyber grooming and exploitation cases have expanded, but investigative tools, digital forensics capacity, and trained personnel have not always kept pace with the speed of technological change.



SUGGESTIONS

Over the last decade, suggestions to improve the POCSO Act have mostly focused on fixing the gap between strong law and uneven implementation. In simple, human terms, the aim is to make justice faster, more sensitive to children, and more realistic in how cases are handled. One major suggestion is to actually make fast-track trials work in practice. Many experts also suggest reducing unnecessary adjournments so that hearings don't stretch for years and re-traumatize children. The important suggestion is improving police investigation quality from the beginning. This includes proper training in child-friendly procedures, like how to record statements without pressure, how to avoid repeated questioning of the child, and how to collect forensic evidence quickly and correctly. A strong first investigation is seen as key to preventing weak cases later. Another widely accepted suggestion is strengthening victim support systems. This means ensuring that every child has access to counselling, psychological care, and a support person throughout the trial. It also includes making sure compensation and rehabilitation schemes are not delayed and are applied uniformly across states. Many legal experts and commissions have suggested introducing a close-in-age exemption (often called a "Romeo-Juliet clause") so that consensual relationships between teenagers close in age are not automatically treated as criminal offences under POCSO. On the technology side, experts strongly recommend strengthening cybercrime infrastructure. Since online child exploitation has increased, there is a need for better digital forensics labs, trained cyber units in every state, and faster coordination with platforms to track offenders and remove illegal content. Another suggestion is better coordination between institutions—police, courts, Child Welfare Committees, hospitals, and schools. So, many child protection groups stress the importance of awareness and stigma reduction. When schools, families, and communities understand the law better, children are more likely to report abuse early, and there is less pressure for informal settlements or silence. The consistent suggestions over the decade are not about weakening POCSO, but about making it work better in real life—faster courts, better investigations, stronger child support, clearer handling of teenage cases, and stronger digital enforcement.

II. CONCLUSION

Looking back over the last decade, the POCSO Act stands out as one of India's most important child protection laws. It changed the way the country legally recognizes and responds to child sexual abuse, giving children a clear legal shield that didn't exist in such a structured form before. At the same time, its journey in practice shows a clear gap between intention and implementation. While the law is strong on paper, children and families often experience delays, uneven investigations, court backlogs, and varying levels of support depending on where they live. Over time, it has also become clear that child protection is not only about punishment, but about sensitivity, speed, and support. Issues like adolescent relationships, digital abuse, and social pressure have shown that the law must keep adapting to changing realities. In simple terms, the decade-long experience of POCSO shows this: the law itself is strong and necessary, but its success depends on how well the system around it—police, courts, and support services—actually works for children in real life.

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