

PROTECTING CHILDREN FROM SEXUAL OFFENCES - CHALLENGES AND ISSUES IN THE IMPLEMENTATION OF POCSO ACT, 2012

*Kanchal Gupta**
*Stuti Pandey***

I. INTRODUCTION

India has the largest population of children in the world, almost one-third of the child population of the entire world. As per the 2011 census data, nearly 43% of India's total population, around 472 million, comprises children below the age of 18 years, out of which one quarter of India's population is comprised of children as young as 0 to 14 years old.¹ India has the largest population of children in the world—almost one-third of the entire world's child population. As per the 2011 census data, nearly 43% of India's total population, around 472 million, comprises children below the age of 18 years, out of which one quarter of India's population is comprised of children as young as 0 to 14 years old. Our visionary founding fathers analysed the vulnerable condition of the children, so they embedded various Articles in the Constitution of India for their safeguarding. Article 15(3) empowers the state to create special provisions for the benefit of women and children; article 21A guarantees the fundamental right to education for all children aged 6–14; and articles 23 and 24 augment this protective legal structure. Article 23 focuses on broader human rights issues, such as prohibiting trafficking in human beings and forced labour. Article 39(f) of the Constitution of India mandates that states formulate policies to ensure that children are provided with opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.²

Not only does our Constitution protect children from being harmed, but it also protects them from being compelled to enter activities that are not suitable for their age or strength due to factors such as economic need. In spite of the safeguards for children that are provided by the Constitution, children continue to be a vulnerable population in our country and are victims of a number of crimes that are committed against them.³ Criminal acts committed against children, particularly those of a sexual nature, have a negative influence on the child who is the victim and leave them with a trauma that lasts a lifetime. In the last five decades, the number of sexual harassment cases against the children in India has increased drastically, as per the United Nations International Children's Education Fund research conducted from 2005 to 2013, which indicated that the prevalence of sexual abuse among Indian girls was 42%.⁴ In 2007, the Ministry of Women and Child Development released the Study on Child Abuse: India 2007. The study included a sample of 12,447

* Associate Professor, University of Petroleum and Energy Studies, Dehradun, India.

** Undergraduate Student, University of Petroleum and Energy Studies, Dehradun, India.

¹ Registrar General and Census Commissioner of India. (2011). *Census of India 2011: Primary Census Abstract*.

² Bharti Ali, "Sexual Abuse of Children and the Child Protection Challenge" in Enakshi Ganguly (ed.), *India's children continue to challenge our conscience 186* (HAQ: Centre for Child Rights, New Delhi, India, 2019).

³ S. Kumar, *Access to Justice and Sexual Violence against Children in India: An Empirical Study of the Reforms under the POCSO (Protection of Children from Sexual Offences) Act 2012* (2023) (Unpublished Doctoral dissertation, Birkbeck, University of London).

⁴ Government of India, "Study on Child Abuse: India 2007" 30 (Ministry of Women and Child Development, 2007).

children, 2,324 young adults, and 2,449 stakeholders from 13 states. The study examined several forms of child abuse, including physical abuse, sexual abuse, emotional abuse, and neglect of female children, across five evidence groups: children in familial settings, children in educational institutions, children in the workforce, children living on the streets, and children in institutional care.⁵

The principal conclusions of the study encompassed: 53.22% of youngsters indicated they had experienced sexual abuse. Of the total, 52.94% were male and 47.06% were female. Andhra Pradesh, Assam, Bihar, and Delhi exhibited the highest rates of sexual abuse across both genders, alongside the greatest frequency of sexual assaults. 21.90% of child responders experienced serious sexual abuse, 5.69% were sexually assaulted, and 50.76% reported other types of sexual abuse.⁶ Children in street situations, engaged in labour, and residing in institutional care exhibited the highest prevalence of sexual assault. The survey indicated that 50% of abusers are familiar to the child or in a position of trust and responsibility, and the majority of youngsters had not disclosed the issue to anybody.

There was no specific law that addressed sexual offences against children prior to the Protection of Children from Sexual Offences (POCSO) Act, 2012. The Indian Penal Code (IPC), 1860 (now the *Bharatiya Nyaya Sanhita* 2023) is the only substantive law that defines crimes and how to punish those who commit them. Although there were no specific provisions in the IPC that addressed sex offences committed against children, sections 322 (physical grievous hurt), 354 (outraging modesty of female), 375 (rape), and 377 (unnatural offences) were present and often applied in cases of sexual assault or harassment. However, the POCSO Act, 2012 and amendments to the IPC have significantly altered the nation's sexual crime regulations. The act was enacted to protect children from sexual assault, harassment, and pornographic crimes, as well as to provide a juvenile court system for cases involving these offences. In order to protect children throughout the legal process, the "best interest of the child" concept is above all other factors. There is no gender bias in the Act of 2012.⁷ It defines a minor as someone under the age of eighteen and protects all children from sexual abuse. Sexual abuse may manifest as a single incident or a pattern of behaviour over time. In addition to unwelcome physical contact, sexual abuse also includes the sexual exploitation of minors through actions or behaviours associated with pornography, which depicts young people promoting or indulging in prostitution.⁸ This research paper aims to analyse the Challenges and Issues in the Implementation of POCSO Act 2012 even after a decade of its implementation.

II. JOURNEY OF THE POCSO ACT

The enactment of the POCSO Act, 2012, was a culmination of various legislative efforts and advocacy. The process began in 2009 with the Ministry of Women and Child Development's (MWCD) draft Offences against Children Bill. By early 2010, child rights organizations, including Tulir Centre and HAQ, were consulted by the National Commission

⁵ Shantha Sinha, "Sexual Offences on Children—Principles of Child Jurisprudence and NCPCR" 19(3) *Journal of Indian Association for Child and Adolescent Mental Health* 239-242 (2023).

⁶ *Ibid.*

⁷ R. Sharma, "The Evolution of Child Protection Laws in India: From IPC Provisions to the POCSO Act" 8(2) *Indian Journal of Legal Studies* 112-130 (2015).

⁸ R.K. Handa and Shivani Goswami, "The Protection of Children from Sexual Offences Act (POCSO), 2012: The Precincts of the Law and Judicial Expositions" 7(2) *Journal of Victimology and Victim Justice* 191-204 (2024).

for Protection of Child Rights (NCPNR) and the Ministry of Law and Justice regarding the proposed legislation. Public pressure, intensified by women's rights organizations and protests like the *Ruchika Girhotra* case in 2010, further propelled legislative action. This led to multiple parallel drafting attempts: the Ministry of Home Affairs' Criminal Law (Amendment) Bill 2010 aimed to modify the IPC, CrPC, and Evidence Act for sexual offenses, including against juveniles. Simultaneously, the Ministry of Law and Justice and the MWCD each circulated their own distinct draft bills on child sexual offenses in July 2010. The NCPNR, reviewing the MWCD's initial draft, rejected it and developed a comprehensive alternative. Ultimately, the Protection of Children from Sexual Offences Bill, 2011, was introduced by the MWCD in the Rajya Sabha, leading to the Act and its Rules coming into effect on November 14, 2012. Following its passage, the Ministry of Health and Family Welfare drafted Guidelines for Medical Examination, and the MWCD formulated Model Guidelines under section 39 of the Act.

III. SALIENT FEATURES OF THE POCSO ACT

- i **Right to privacy:** The POCSO Act ensures the confidentiality of a child's identification in media and public contexts. According to section 23 of the Act, no comments or stories regarding any kid shall be permitted from any media source without possessing authentic or comprehensive information.⁹ The media is required to refrain from revealing the child's identity, which encompasses family members, neighbourhood, address, and other related details. If the media violates this clause, it shall be penalised for a minimum of six months, potentially extending to one year.¹⁰ It may also incur a fine or both. Section 24 of the Act imposes an obligation on police officers to refrain from revealing the child's identity during the documentation of the child's comments.¹¹
- ii **Investigation and trial completion:** Under the POCSO Act, Special Courts are mandated to record a child's evidence within 30 days of taking cognisance, and the trial must be concluded within one year from the date of cognisance. The proceedings shall be conducted in the presence of the child's parents or in camera to ensure a child-friendly setting. Assistance from educators and translators may be sought if deemed necessary for the trial. If the perpetrator is a minor, he shall be processed and adjudicated in accordance with the Juvenile Justice Act, 2015.¹²

⁹ V. Thangavel, "The Analysis of Research Review for the Protection of Children from Sexual Offences Act (POCSO)" (2023).

¹⁰ Sanjucta Kabasi and Shubhankar Kabasi, "The Rights of Minor Victims of Sexual Offences under the POCSO Act" 5(1) *Indian Journal of Law and Legal Research* 1 (2023).

¹¹ Veenashree Anchan, Navaneetham Janardhana, *et.al.*, "POCSO Act, 2012: Consensual Sex as a Matter of Tug of War between Developmental Need and Legal Obligation for the Adolescents in India" 43(2) *Indian Journal of Psychological Medicine* 158-162 (2021).

¹² Damini Chauhan, "An Analysis of POCSO Act, 2012" 3(1) *Indian Journal of Law and Legal* 1 (2021).



Picture 1: Showing The Salient Features of the POCSO Act

- iii **Penalty for utilising a child for pornography and sexual gratification:** If an offender exploits a child to satisfy his deviant desires and for pornographic purposes, he shall face imprisonment for five years.¹³ However, if he perpetrates the same offence subsequently, he shall be subject to a penalty of up to seven years and a fine. If an individual keeps, has, shares, transmits, or distributes pornographic material involving minors for commercial purposes, they shall be subject to imprisonment for three years, a fine, or both penalties.¹⁴
- iv **Significance to children's interests and welfare:** The POCSO Act sought to effectively combat crimes against children and establish a secure and protective environment for them. A female police officer, at least of sub-inspector level, shall, according to section 24 of the POCSO Act, document the kid's remarks at their residence or another location that is convenient for the child.¹⁵ The Act stipulates the performance of a medical examination on the kid, regardless of whether a complaint has been lodged against the accused.
- v **Reporting mandated by the POCSO Act:** The Act stipulates that every individual is obligated to report to the local police or Special Juvenile Police Unit when there is a suspicion that a crime has been perpetrated or is about to be perpetrated against a child. It is the responsibility of individuals as well as media outlets, hotels, hospitals, studios, and clubs to report cases. Failure to report the aforementioned shall result in a penalty of six months jail or a fine. Any anyone who disseminates harmful or misleading information shall be subject to a penalty of six months' imprisonment or a fine; however, a kid providing incorrect information shall not incur any punishment.

¹³ *Ibid.*

¹⁴ Nowsheen Goni, M. Goyal, *et.al.*, "A Questionnaire-based Study of Knowledge and Attitude in Healthcare Professionals about Child Sexual Abuse related to POCSO (Protection of Children from Sexual Offences) Act: A Cross-sectional Study" 15(1) *Indian Journal of Forensic Medicine & Toxicology* 1398-1405 (2021).

¹⁵ *Supra* note 3.

- vi **Public awareness of the Act by the Government:** Section 43 of the POCSO Act mandates the dissemination of information about the Act and its provisions by both the Central and State Governments to the general public. Awareness and publicity shall be conducted at regular intervals through various media, including television, radio, and print. Central and State government officials shall receive periodic training on the implementation of the Act's provisions.¹⁶ The authority to establish regulations and rectify anomalies in the POCSO Act shall reside with the Central Government. The National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights are responsible for overseeing the effective implementation of the Act.
- vii **Gender-neutral:** According to section 2(d) of the POCSO Act, 2012, a child is defined as any anyone under the age of eighteen. A victim under the Act may be either a male or female youngster. This regulation is gender-neutral and ensures the welfare and protection of children regardless of gender.

IV. LANDMARK CASES UNDER THE ACT

In *Ranjeet Kumar v. State of Himachal Pradesh and Ors*¹⁷, the Himachal High Court determined that an agreement aimed at preserving the peaceful family life of the married parties involved can lead to the dismissal of a case concerning child sexual maltreatment under the POCSO Act. It is essential for the judiciary to ensure that the victim's agreement was given freely and that the resolution does not serve as a way to circumvent accountability prior to concluding such matters.

In *State of Maharashtra v. Maroti*,¹⁸ the Supreme Court had observed that prompt and precise reporting of offences under the Act is essential, and it can be stated unequivocally that neglecting this duty would contravene the fundamental purpose of the Act. In the course of examining a case related to the POCSO Act, conducting a medical examination of both the accused and the victim can yield significant and essential insights. According to section 27(1) of the POCSO Act, it is imperative that a medical examination of a minor, who is a victim of an offence under the Act, is conducted in accordance with section 164A of the CrPC, regardless of whether a FIR or complaint has been lodged for the offence. We highlight the previously mentioned provisions to stress the critical importance of promptly reporting offences under the POCSO Act. This will enable the victim to undergo immediate examination, and if the offence was perpetrated by an unidentified individual, it will facilitate the prompt initiation of the investigation by the relevant agency, ultimately leading to the apprehension and medical assessment of the offender.¹⁹

In *Bachpan Bachao Andolan v. Union of India*,²⁰ the Supreme Court instructed the Principal Secretary to the Department of Women and Child Welfare Uttar Pradesh to convene a meeting, assess the facts, take necessary actions, and establish rules or guidelines concerning various matters. The Ministry of Women and Child Development of the Central

¹⁶ J.S. Ganesha, "Issues and Challenges in the Implementation of POCSO Act: A Review" 9(3) *International Journal of Social and Economic Research* 2 (2019).

¹⁷ 2023 SCC OnLine HP 1625.

¹⁸ (2023) 4 SCC 298.

¹⁹ Mukesh Yadav and Rakesh K. Gorea, "Medicolegal and Social issues of False implication and Abuse of Process of Law in POCSO Cases: A Critical Review" 10(1) *International Journal of Ethics, Trauma & Victimology* 28-31 (2024).

²⁰ 2023 SCC OnLine SC 1031.

Government was instructed to inform the NCPCR of the aforementioned judgement, which led to the NCPCR submitting an affidavit detailing the actions taken. Additionally, the state of U.P. submitted an affidavit revealing the supplementary guidelines established following the Court's order regarding the provision of a support person.

In the *State of Madhya Pradesh and Ors v. Bhupendra Yadav*,²¹ the Supreme Court determined that if witnesses in a child sexual assault case turn hostile during the trial and the complainant withdraws her allegations, the acquittal in the case cannot be deemed unblemished. In *State of U.P. v. Sonu Kushwaha*²², the Allahabad High Court determined that, under the provisions of the POCSO Act, the act of penetration of the penis into the mouth of a minor does not qualify as aggravated penetrative sexual assault. Consequently, the court overturned the judgment of the fast-track court that had initially addressed the case, resulting in a modification of the sentencing period. The high court concluded that the respondent was guilty of penetrative sexual assault, rather than aggravated penetrative sexual assault, following a contested ruling.²³ The Supreme Court determined that the respondent had perpetrated an aggravated penetrative sexual assault offence due to the assault on a minor under the age of 12. In this case, section 5(m) applies. The High Court has observed that the respondent's actions are categorised as penetrative sexual assault, which is unexpected. Consequently, by determining that the incident did not constitute an aggravated penetrative sexual assault, the high court committed a significant error. The evidence clearly indicates that the individual in question was under the age of 12 at the time the offence took place. Consequently, our sole option is to overturn the decision of the higher court in question and restore the ruling made by the trial court.²⁴

V. OFFENCE UNDER THE ACT

Under five main offences, chapter II of the Act thoroughly defines several sexual offences against children: Penetrative Sexual Assault (section 3), Aggravated Penetrative Sexual Assault (section 5), Sexual Assault (section 7), Aggravated Sexual Assault (section 9), and Sexual Harassment (section 11).²⁵ The Act removes legal uncertainty by separating penetrative from non-penetrative offences, therefore guaranteeing clarity. Penetrative sexual assault (section 3) entails penetration into any portion of a child's body with a minimum sentence of 10 years, extendable to life imprisonment, together with a fine meant for the victim's medical and rehabilitation expenditures. With a minimum punishment of 20 years, extendable to life imprisonment or even the death sentence, and an obligatory fine for the victim's welfare, severe Penetrative Sexual Assault (section 5) covers incidents involving police officials, public servants, or other severe conditions. Section 7, Sexual Assault, defines non-penetrative physical contact with sexual intent and carries fines and three to five years of incarceration.²⁶ Section 9, aggravated sexual assault, covers public servants or individuals in positions of trust and entails a minimum term of five years, up to seven years, together with a fine.²⁷ With a maximum penalty of three years and a fine, sexual harassment which covers

²¹ 2023 LiveLaw (SC) 810.

²² 2023 LiveLaw (SC) 502.

²³ *Supra* note 5.

²⁴ *Ibid.*

²⁵ Pradeep Kulshrestha and Kush Kalra, "Child Trafficking and Sexual Violence Against Children: Issues & Challenges" 4(1) *GIBS Law Journal* 1-10 (2022).

²⁶ *Ibid.*

²⁷ K. Sanoria, "Crime against Children: Aggravated Form of Sexual Offence under POCSO" 3 *Indian Journal of Law and Legal Research* 1 (2022).

verbal, visual, and physical acts meant for sexual gratification in Section 11 contains Apart from fines, the use of children for pornographic purposes (section 13) attracts a minimum sentence of five years, which rises to seven years for repeat violations.²⁸ This organised approach emphasises the legislative intention to fully handle sexual offences against children, therefore guaranteeing strict penalties and protection of victim rights.

Statutory Provision	Offence	Punishment	Additional Details
Section 3 (4)	Penetrative sexual assault	<ul style="list-style-type: none"> - Minimum 10 years, may extend to life imprisonment - Fine 	<ul style="list-style-type: none"> - Involves penetration into various parts of a child's body - Fine should be reasonable and used for victim's medical expenses and rehabilitation
Section 5 (6)	Aggravated penetrative sexual assault	<ul style="list-style-type: none"> - Minimum 20 years, may extend to life imprisonment or death - Fine 	<ul style="list-style-type: none"> - Includes cases involving police officers, public servants, and other aggravated circumstances - Fine must cover victim's medical and rehabilitation expenses
Section 7 (8)	Sexual assault	<ul style="list-style-type: none"> - Minimum 3 years, may extend to 5 years - Fine 	<ul style="list-style-type: none"> - Involves physical contact without penetration - Sexual intent is a key factor
Section 9 (10)	Aggravated sexual assault	<ul style="list-style-type: none"> - Minimum 5 years, may extend to 7 years - Fine 	<ul style="list-style-type: none"> - Covers assaults by police officers, public servants, and other aggravated cases
Section 11 (12)	Sexual harassment	<ul style="list-style-type: none"> - May extend to 3 years - Fine 	<ul style="list-style-type: none"> - Includes verbal, visual, and physical harassment for sexual gratification
Section 13 (14)	Use of child for pornographic purposes	<ul style="list-style-type: none"> - Minimum 5 years, may extend to 7 years on subsequent conviction - Fine 	<ul style="list-style-type: none"> - Involves using children in any media for sexual purposes - Additional punishments exist for specific acts in sub-sections

Table 1: Outlines statutory provisions, offences, and punishments given under Chapter II, POCSO Act

VI. CHALLENGE IN THE ACT

²⁸ Janice Du Mont, "Charging and Sentencing in Sexual Assault Cases: An Exploratory Examination" 15(2) *Canadian Journal of Women and the Law* 305 (2003).

- i The POCSO Act, despite several revisions, still has significant flaws, particularly regarding the issue of consent. The Act does not specify what should be done if a child or adolescent refuses to undergo a health screening, even if family members or investigators insist on it. It is advisable to obtain informed consent from parents for children under twelve, and from both the adolescent and parents for those aged twelve to eighteen. However, in life-threatening situations, immediate treatment should be provided regardless of consent issues.²⁹
- ii Another challenge arises with the medical examination of victims. The Act mandates that female child victims be examined by a female doctor, but also requires that urgent care be provided by any available medical professional. Additional legal provisions require immediate examination by the duty government medical officer.³⁰ The scarcity of female doctors often creates legal and practical complications in fulfilling these requirements.
- iii The provision of free medical care to victims is also problematic. While the Act requires hospitals to provide free treatment, limited resources or expensive procedures can strain healthcare facilities. In such cases, the state should cover the costs; otherwise, victims may receive inadequate or delayed care.³¹
- iv The laws concerning consent under the POCSO Act are excessively rigid and complex. The Act prohibits all sexual contact with children, regardless of consent, sexuality, marital status, or age. Some experts suggest that consensual sexual activity between adolescents, or between an adolescent and an adult, should not always be criminalized. However, the 2013 amendment to the Indian Penal Code sets the age of consent at eighteen, making any sexual contact with a minor statutory rape and increasing the number of reported sexual offences.³² Healthcare professionals are also required to report all medical terminations of pregnancy for those under eighteen.
- v There is a pressing need for education and training among professionals in medicine, education, law, and justice about the POCSO Act. Challenges include collecting and maintaining records and raising awareness among stakeholders. Comprehensive care requires that all involved parties receive adequate training, and medical students and primary care clinicians must learn child-friendly interviewing, evaluation, evidence collection, treatment for HIV/STDs, parental counselling, and follow-up procedures.
- vi Addressing child sexual abuse requires specialized skills because such cases rarely present clear physical evidence. Proper assessment involves specialized interviewing, thorough history-taking, and careful examination. Mental healthcare specialists should be involved during court proceedings and follow-up therapy to address psychological consequences, as child sexual abuse can have both short-term and long-term mental health impacts.³³ Counselling, family support, and rehabilitation are essential for the recovery of victims.
- vii Sentencing under section 10 of the POCSO Act presents another challenge, as it mandates a minimum five-year prison term without allowing courts to consider mitigating factors such as the convict's age or first-offender status. This rigidity may not always serve the interests of justice in every case.

²⁹ S. Maan, "Protection of Children from Sexual Offences: An Analysis of the POCSO Act, 2012" 4 *Indian Journal of Law and Legal Research* 1 (2022).

³⁰ *Ibid.*

³¹ A.P. Narayan, "Unveiling the POCSO Act: Expectations and Experiments" *Satraachee* 67.

³² *Supra* note 16.

³³ R. Renu and G. Chopra, "Child sexual abuse in India and the Protection of Children from Sexual Offences (POCSO) Act 2012: A Research Review" 6(2) *Integrated Journal of Social Sciences* 49-56 (2019).

- viii Underreporting and social stigma are persistent problems. Most cases of child sexual exploitation remain unreported due to feelings of shame, fear of re-victimization, and societal judgment.³⁴ The process of medical examination and court proceedings can be traumatic for victims and their families, discouraging them from seeking justice.
- ix Finally, contradictions between the POCSO Act and certain personal laws, which still permit child marriage, add to the legal confusion. Any future amendments to the law must address these inconsistencies to ensure better protection for children and clarity in legal proceedings.³⁵

VII. CONCLUSION AND SUGGESTION

A. Conclusion

More than a decade after the enactment of the POCSO Act, critical analysis demonstrates that the legislation has made significant strides in enhancing the legal protection of children against sexual offences in India. The establishment of specialised courts, the introduction of child-friendly procedural safeguards, and the gender-neutral scope of the Act represent notable legislative achievements. Nevertheless, a pronounced gap persists between the legislative objectives and the realities of implementation. Systemic barriers such as underreporting due to social stigma, procedural delays in investigation and trial, insufficient victim support services, and regional disparities in enforcement continue to undermine the Act's effectiveness. Additional challenges include ambiguities regarding consent, rigid sentencing provisions, and contradictions with personal laws, such as those permitting child marriage. These complexities impede the consistent application and overall efficacy of the Act. Therefore, while the POCSO Act provides a robust legal framework for child protection, its transformative potential can only be realised through sustained, multidimensional interventions that address these entrenched challenges.

B. Suggestions

To ensure that the POCSO Act's legislative promise is realised in practice, a comprehensive and multi-pronged approach is essential. The following recommendations are advanced in an academic spirit, integrating empirical findings and best practices:

- i **Comprehensive and Continuous Capacity Building:** Expand and institutionalise regular, integrated training programmes for all stakeholders—including law enforcement, judiciary, medical professionals, and support persons—emphasising child-sensitive approaches, evidence preservation, and trauma-informed care.
- ii **Structured, Age-Appropriate Awareness Initiatives:** Develop and implement educational modules on personal safety, online abuse, and healthy relationships for children in schools and community settings. Extend awareness and training to parents, teachers, and non-school environments such as coaching centres, recreational facilities, and transport hubs, thereby fostering a culture of vigilance and responsibility beyond the classroom.
- iii **Judicial Reforms and Legal Clarity:** The judiciary should establish clear, context-sensitive guidelines for cases involving consensual relationships between adolescents,

³⁴ Guru Prasad Singh and Mamta Sharma, “The Gender-Neutral Approach of the Protection of Children from Sexual Offences (POCSO) Act, 2012 in Safeguarding Children's Rights” 7(4) *International Journal of Law Management & Humanities* 559 (2024).

³⁵ *Ibid.*

ensuring that the law is not misapplied to criminalise consensual behaviour. Periodic review and amendment of statutory provisions are necessary to resolve ambiguities concerning consent and age thresholds, and to harmonise the POCSO Act with personal laws.

- iv **Strengthening Support Systems and Victim Care:** Institutionalise district-level support networks and ensure the availability of adequately trained support persons, counsellors, and rehabilitation specialists. Guarantee free, prompt, and holistic medical, psychological, and legal services for victims, with special attention to children from marginalised or vulnerable backgrounds.
- v **Infrastructure and Procedural Reforms in Special Courts:** Enhance the physical and procedural infrastructure of Special Courts to ensure child-friendly, non-intimidating environments. This includes separate waiting areas, use of video testimonies, and minimising direct contact between victims and accused.
- vi **Robust Monitoring and Data Systems:** Establish independent monitoring bodies at state and district levels to oversee case progress, identify procedural bottlenecks, and recommend corrective action. Standardise data collection and reporting mechanisms across Child Welfare Committees and Special Courts to facilitate evidence-based policy interventions.
- vii **Community and Civil Society Engagement:** Mobilise community leaders, civil society organisations, and local institutions in awareness campaigns and victim support. Encourage the formation of community-based child protection committees as first responders and advocates for children's rights.
- viii **Leveraging Technology:** Develop secure, child-friendly digital platforms for reporting offences, accessing support services, and tracking case progress. Utilise technology to facilitate remote testimonies and reduce the trauma associated with court appearances.
- ix **Special Focus on Marginalised and High-Risk Groups:** Tailor interventions to address the unique vulnerabilities of street children, children with disabilities, and those in institutional care or conflict zones. Develop specific guidelines and additional safeguards for these populations.
- x **Research and Policy Review:** Promote regular empirical research and policy analysis to assess the impact of the Act, identify emerging challenges, and integrate global best practices in child protection.
- xi **Parental and Community Workshops:** Introduce meaningful workshops for parents and interactive sessions for children to impart education about the POCSO Act, sex education, and reporting mechanisms, thereby reducing stigma and empowering families.
- xii **Adequate Resource Allocation:** Ensure sufficient funding and personnel for investigating agencies, Special Courts, and victim support services to expedite investigations and trials, and to ensure comprehensive care for victims.
- xiii **Victim and Witness Protection Mechanisms:** Develop robust victim and witness protection protocols, including safe housing, anonymity, and protection from intimidation or retaliation, to encourage reporting and participation in judicial processes.
- xiv **Integration with Child Welfare and Education Policies:** Align the implementation of the POCSO Act with broader child welfare and education policies to ensure a holistic approach to child protection, prevention, and rehabilitation.