

## **From Awareness to Enforcement: The Role of POCSO Act, 2012 in Child Abuse Prevention in India**

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### **Abstract**

The Government of India has passed the Protection of Children against Sexual Offences (POCSO) Act, 2012 to ensure the safety of the children exposed to sexual offences, a child-friendly legislation on both the victims and the legal justice. Although this is due to the noble intentions of taking this road, the route between how it is known and how it is applied in preventing child abuse is a tough path to be traversed in India. The following paper will look into details of POCSO Act, its purpose and content, its process of implementation and enforcement within India. It investigates into the functions of awareness campaigns and the problems of implementation, and the pitfalls and triumphs in the implementation of the law in the rural and urban settings. Lastly, the paper outlines the major obstacles in success of implementing policy like inadequacy of trained professionals, stigma in the society and delays in court and proposes solutions to them. Based on this analysis, the paper will be able to give a complete picture of how POCSO Act has assisted in prevention of child abuse and status in the future.

**Keywords:** POCSO Act, Child Abuse, Prevention, Awareness, Enforcement, India, Child Rights, Legal Framework

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## 1. Introduction

Sexual child abuse remains among the most widespread problems that children are facing in the world, and the case is not different in India. The increasing rate of child sexual abuse cases in the nation has necessitated there be a well loaded system of law to save the hapless children. Traditionally, cases of child abuse and most particularly sexual abuse in India went unreported and the culture and societal taboos usually remained silent to the victims and their relatives. However, there has been an increased urgency in the last few years to deal with these atrocities and the government along with the non-governmental organizations (NGOs) have taken more preventive and corrective approaches [1]. The Protection of Children against Sexual Offences (POCSO) Act, 2012 is one of such flagship legislative initiatives to deal with the increased incidences of child sexual offence and exploitation in India.

The POCSO Act, 2012, is one of the most significant steps to securing children rights in India. Its main aim is to grant a child under the age of 18 with a legal recourse against the sexual crimes where his/her dignity and physical and psychological integrity are guaranteed by an act of law. The Act is wide and it includes sexual assault, sexual harassment, and child pornography use. By so doing, it creates an effective system that addresses the prevention of such crimes (including reporting, investigation and prosecution of violators). In addition to that, it also requires child friendly practices so that there would not be additional trauma to the victims in the course of a legal process [2]. These special provisions are meant to suit the special needs of children in the justice process so that some special courts are instituted and child protection officers are provided.

Irrespective of such importance, the implementation of the POCSO Act continues to be full of pitfalls. Although the enactment of the Act was a giant stride to have a better protective environment to children, the enactment of the Act and subsequent enforcement of the same have brought about inconsistency with the provisions of its application in different states of the country.

This is one of the main issues of such a challenge since there is a paucity of awareness of the Act

in many cases and in particular the rural locations, which for the most part are also the most susceptible to abuse in the form of children. Going on awareness does help a little but it is not enough to counter the social stigma, illiteracy and cultural impediment that hinders giving an effective reporting and prosecution of abuses.

Furthermore, there are a lot of technical problems which complicate the introduction of the Act into practice. Lack of resources of skilled individuals such as law enforcers, legal practitioners who are specialized to consider delicate cases affecting children, has led to poor investigation and prosecution. The social stigma on child abuse also acts as a deterrence in which the victims and their families are not willing to open up to the problem; thus, not reporting the crime. The court system in India is also burdened with backlog of millions of cases, and it has become quite a frequent experience that the victims of a crime do not receive justice due to the sluggishness of the legal processes. These obstacles lead to the fact that it is hard to convert awareness into action and make certain that the provisions of the POCSO Act would be effectively put into practice.

It is the purpose of this paper to make a profound investigation of the role of the POCSO Act in preventing abuse of children and in particular the shift between raising awareness and implementation. As it will trace the efforts that have been undertaken by different stakeholders including the government agencies, the NGOs, the police and the judiciary, it will also outline the loopholes in the present implementation of the Act. Compare difficulties that are inhibiting the Act to become successful in fighting child abuse and guidelines that can enhance its application to achieve its ultimate goals are some of the issues that would be addressed in the paper as well. The aim of the exercise after all is to get a view of how India can get past awareness programs and establish a more efficient legal and social framework to child protection that delivers justice in a timely rate and a healthier environment of children.

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## 2. Overview of POCSO Act, 2012

Government of India (GOI) reacted to the rising number of child sexual abuse and exploitation by passing the Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act is an all inclusive law and deals with the challenges of protecting children by offering a strong procedure towards child protection against any sexual offenses. It has helped the matter of the legal protection of children in a big leap and provides certain provisions and procedures of prosecution and dealing of cases of child sexual abuse [3]. The main motive of the POCSO Act is to prevent children against the sexual offense and provide child-friendly legal procedure that does not stress the victim. The primary purpose of the Act is to guarantee that the process of the law is not used to harm children and children are made safe through their well-being considering every positive aspect of a child that may include safety, security and psychological well-being.

### Key Provisions of the POCSO Act

**Types of Sexual Offenses:** The POCSO Act categorizes crimes of sexual nature against children in a very elaborate manner. These crimes are meant to encompass a larger variety of crimes which children can be victimized to. The offences which fall under the Act and are key include:

- o Penetrative Sexual Assault: It is any form of penetrative sexual relationships, including consensual and compulsory ones, with a child.
- o Non-Penetrative Sexual Assault: This involves acts like touching inappropriately, fondling among other activities that involve sex but no penetration.
- o Sexual Harassment: The Act also covers sexual harassment in the form of words, gestures or even in deeds which are meant to be irreverent to the children as demonstrated by sexual gestures, suggestive remarks or even contact which is uncomfortable.

o **Pornographic Use of Children:** The use of children in creating, distributing, or exploiting child pornography has been made a crime through the Act and this is because special measures are needed to counteract the spread of the practice which is an ugly phenomenon.

o **Child Trafficking:** Child Trafficking is another form of child sexual abuse which is also included in this Act as a serious problem and the provisions to prevent child trafficking and prosecute such offence are also made in the Act.

This lengthy list of abusive acts makes sure that all sorts of abusive acts are covered by law, and perpetrators of such acts can hardly find a loophole in the law by citing imprecise definitions.

**Child-Friendly Procedures:** Among some of the most striking features of the POCSO Act is the fact that it concentrates on the child-friendly procedure that will minimize the trauma on the children throughout the legal proceedings [4]. The following are the safeguards stated in the Act:

o **Absence of re-traumatization:** Children should not be put under re-traumatization during the law process. This implies the legal process cannot engage children to remember or repeat the abuse in such a way that leads to more emotional traumas.

o **Sensitive and Trained Professionals:** The Act provides that child sensitive trained professional will be involved in the interrogation of children by trained police officers and legal officers who are also provided with skills to communicate with children in a friendly and non-threatening way. This assists in overcoming the likelihood of intimidation or confusion of the child so as to make the process go on smoothly.

o **Recording of Statements:** The Act permits the initial possible recording of the statement of the child and it must be recorded in the presence of support person. A trained officer takes the record of the child in a manner that causes minimum stress and this is usually not at the court.

o The In-camera trials: The POCSO- Act demands that the criminal proceedings to be done in a closed door fashion (in-camera) implying that the trial is inaccessible to any viewer and thus privacy and dignity of the child is secured during the trial proceedings. This also rules out chances of the case attracting the public gaze or making it a media property.

All these steps taken to favour a child are meant to make the legal procedure not another victimization on the side of the child. The priority given to the concept of sensitivity and protection increases the chances of children to volunteer to report on the case of abuse without being afraid of the process and the reason to believe that it will hurt them.

**Establishment of Special Courts:** With the overload of children abuse cases and to make the legal process faster, the POCSO act allows setting up of special courts to conduct trials in child sexual abuse cases. These are the courts that are to ensure that they are speedy in handling of a case and in delivering justice within reasonable time [5]. Some of the characteristics of these special courts encompass:

o Speedy trial: The POCSO Act requires that cases falling under this legislation be conducted in a year after the filing of charges. These prosecution quasi courts are used to reduce the time lag in trial process and make sure that cases are dealt with without any unwarranted adjournment. Such expediting of a case is vital because justice delayed can be justice denied and it is possible that due to the delays, witnesses and evidence can be lost.

o Child-Sensitive Infrastructure: The special courts have been modeled keeping in consideration the needs of children. This entails application of a child- friendly setting of the proceedings e.g. special rooms to make the child feel relaxed. The environment of these courts is not harsh hence it is very important in making the child feel safe and heard.

o Special Judges and Prosecutors: Judges and prosecutors handling child sexual abuse cases are given special training and are therefore specially trained in practicing the case. This makes the



law practitioners in question aware of the specific needs and deficiency of these cases. It also makes sure that the judges are conversant with the legal aspects of the sexual misuse of the children.

These special courts are intended to make the judicial system more effective in the handling of cases of child sexual abuse and they offer a much quicker and a child friendlier procedure in settling such classes of cases. These courts are however effective even after their formation since there is disparity in their performance in various regions because of poor infrastructure, untrained personnel and inconsistent guidelines regarding the application of the provisions.

### **3. The Role of Awareness**

Sensitisation campaigns have now become major instruments towards developing an effective preventive system of abuse of children in India. Since sexual abuse, as well as exploitation of children, is rampant, there is a need to educate the people, specifically, the children, about the nature of their rights and safeguards established by the law. These campaigns form a basis through which a culture of intolerance of child abuse culture is created. One such great legal measure is the Protection of Children from Sexual Offences (POCSO) Act, 2012 whose environmental standing largely depends on how people are aware of it [6]. Unless the citizens are educated about the law, its provisions, and the manner of reporting the alleged abuse, the effects of the POCSO Act will not be significant.

### **Government Initiatives and NGO Collaborations**

The Indian government has made major moves in creating an awareness by engaging in various activities. Among the most noticeable of them is the campaign of Beti Bachao Beti Padhao (Save the Girl Child, Educate the Girl Child) that is used to solve the problem of female infanticide, child marriage, and sexual abuse of girls. It has been campaigning on the necessity to create awareness on the issue of child rights such as sexual abuse even though its major focus has been on the issue

of protecting the girl child [7]. The campaign has contributed to eradicating the conventional gender discrimination and communities are being promoted to perceive girls as equal and due protection. The focus of education, empowerment and awareness of the government has played a key role in transforming the attitudes of the people towards protecting the children. Besides the efforts of the government, non-governmental organizations serve an instrumental role in creating awareness regarding child sexual abuse and the sections of POCSO Act. There are many NGOs who have various programs with direct activities on children and communities, which involve workshops/trainings/seminars on some recognizing and reporting abuse. These organizations tend to fill the gap between the activities of the government, and the communities, especially in remote as well as underserved locations, where the government could not reach the communities as well as expected.

### **Urban vs Rural Challenges**

In spite of such efforts, awareness campaigns have enormous difficulties especially when one makes comparisons between the urban and rural regions. Cities usually have an advantage of more infrastructure, access to education as well as technology. All these benefits facilitate the transmission of knowledge in diverse ways like through schools, media and street mobilizations [8]. Modern technology including smart phones and the internet is also readily available in cities and this helps to spread information on child abuse as well as on how to report such instances.

On a much sad note, that does not pass as a faster awareness, the rural places remain the victims of this race, because many reasons may cause this including absence of literacy, bad infrastructure and no access to media. The culture of silence concerning sexual abuse is also very intense in most rural areas. Underreporting of crimes is because of existence of social taboos, fear of victimization by the society and ignorance of legal right in place. Children in such localities would not realize their rights and the defense guaranteed by the POCSO Act and hence stand a higher risk of being abused [9]. Moreover, the rural society has limited contact with the mass campaigns or awareness



programs created using the internet, and so they are not part of the awakening in terms of child protection.

The situation is even complicated by cultural factors. Sometimes social stigmas and traditional beliefs work against admission of the occurrence of child sexual abuse in some rural settings. Such cultural beliefs may easily make it hard to come out or they may not recognize the problem even by the parents and the community. Therefore, the absence of knowledge as well as the existence of negative attitudes in the society are the soil in which the abuse can be continued.

### **Role of Schools and Media**

Schools have become one of the strongest vehicles of creating awareness considering the nature of problems existing in rural parts of the country. The school is very important in imparting knowledge to the students and their families on child protection and rights to legal action under POCSO Act [10]. Instruments in preventing this situation are many of the schools holding workshops and training of students, teachers and parents on the issue of child sexual abuse, its symptoms and measures to report it. Such initiatives serve to end the silence on the topic of abuse and remind children that they may speak up in case they have been the victims of sexual violence.

Schools will also be able to come up with indicators of abuse among the children as an early warning system. The intervention of schools in the prevention of child sexual abuse includes the education of children on their body autonomy, as well as need to report any incidence of sexual abuse they might experience. Also, educating children about the POCSO Act and accessing legal assistance will also equip the children with knowledge so that they can defend themselves and refer to lawyers when they need justice.

### **Media's Impact**

The use of social media and the traditional media has now emerged as a strong arm in transforming

the mindset of the masses with regard to the risks faced by the sexual abuse of children and the safeguard provided by the POCSO Act. Social media tools such as Facebook, Twitter and Instagram can be utilized as an excellent source of spreading information and creating awareness [11]. They enable the government agencies as well as the NGOs to contact many, which could even be the rural areas where they could not get other sources of media easily. The information and methods of reporting abuse or needing some assistance can be given out online and shared within a very short time and in the most effective ways, reaching out to remove the barriers of communication and the stigma.

Other types of media which are still vital in creating awareness are the television, radio and newspaper. Special reports and news on child sexual abuse indicate the significance of the POCSO Act and provide the victims with an opportunity to tell their stories. Such media resources are an important factor in promoting reporting, decreasing stigmatization and influencing the way the attitude towards child protection is represented by people. The media can aid in the development of child abuse prevention culture through continual airing of the appropriate materials.

Awareness is not sufficient even though it is playing a major role through schools and media. To have successful campaigns, they should be accompanied with community involvement, professional training groups and increased access to the support resources in order to provide legal, psychological assistance. Awareness programs should be adjusted to local realities and requirements and address the particularities of rural and underserved population. The breaking of the walls of stigma and illiteracy, and the social norms or taboo on child abuse greatly can be done through the awareness campaigns so that a more informed society can be developed which does not tolerate child abuse and where children are free to speak against it.

#### **4. Enforcement of POCSO Act**

Although Protection of Children against Sexual Offences (POSCo) Act, 2012 has outlined an

elaborate legal provision of addressing the protection of the children against sexual abuse, the challenge is how better to implement the law [12]. The situation created by the disparity between the introduction of the law and its actual realization is mostly the result of a systematic problem in many aspects of India. The monotony of the enactment of the Act is not even and hence, it can be greatly differentiated across states and regions, precisely because of the variations in resources, infrastructure, training and political will. Whereas the Act has been applied better in some states where there are clear results in prosecution of individuals and support to the victims of the crime, most states have been unable to overcome the major pitfalls.

Even after implementation of POCSO Act and constant devotion to spread its awareness, these entities which are involved in its implementation, such as the police, the courts, and child welfare committees have many issues that are blocking the full effect of the law. These are the issues that should be resolved and changed so that the POCSO Act would really oppose child sexual abuse in India.

### **Police and Courts: The Role of Law Enforcement in Investigating and Prosecuting Offenses**

The police have a major place in the steps pertaining to crimes investigation and reporting that come under the POCSO Act. As it is in the nature of the crimes, it is important that the police officers are appropriately trained to tackle the sensitive cases of children. The inability of the majority of the country to provide specialized training to the law enforcement personnel is on a large scale though. This lapse has in most cases resulted in mishandling of evidences, poor support of the victim and failure to reason with the feelings and emotions of the child.

**Training Problems:** Most of the police officers are not properly trained on cases of sexual abuse on children because this needs a tender approach so that the child would find safety. Inability to adhere to the proper procedures, including the use of a child-friendly interviewing approach or chain of evidence, by police officers leads to dismissal of cases because of technical faults.

Moreover, lack of understanding of the legal system of POCSO Act tends to bring misconception of the law causing the children to remain vulnerable.

- **Backlog and delay in investigations:** The other problem is that there is a backlog of investigations and a delay. Child sexual abuse cases sometimes require a lot of time before they get to be investigated due to lack of enough resources or proper people to do the investigation in the case of law enforcement. Investigations that take too long may bring about trauma to the child and also the case may become weak as far as evidence is concerned because it may disappear or become corrupt. These are also delays and they do not help to prosecute criminals fast and deliver justice to the victims [13].

Besides the police force, a court system has an important role to play in the provision of timely justice. Special courts under POCSO Act have been constituted to expedite cases of child sexual abuses, however; these courts also have enormous problems. Most of the fast-track courts have huge backlog cases and this creates slow speed of the verdicts; some trials even take years before a verdict is arrived at. Slowness in the legal system may demoralize the victim and their relatives who are left with no option other than dropping the case hence failing to attain justice.

### **Child Welfare Committees (CWCs): Essential for Victim Protection and Rehabilitation**

The Child Welfare Committees (CWCs) that are constituted in accordance to the Juvenile Justice Act are important forms in protection, rehabilitation and welfare of victimized children. CWCs under POCSO Act take the responsibility to ensure that children rights are not violated in the process of legal proceedings and that children should be kept safe, and their mental issues should be taken care of along with the availability of suitable support services like medical and psychological assistance [14].

- **Participation in Victim Support:** CWCs assist in location of victims of abuse, their immediate protection and support during a legal case. They also liaise with other bodies such as
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the healthcare agencies, the law enforcement agencies and attorneys so that a web of support is provided to the child.

- **Coordination Challenges:** Though this is very important, CWCs are not very effective since there are no resources available and lack of coordination among government departments. CWCs in most states lack the required staff, funds and in most instances the required infrastructure of dealing with child abuse cases that report to them. Besides, law enforcement, health services and other agencies usually lack cooperation hence delaying victim support and provision of services.

The issue is further fuelled by the problem of effective coordination of CWCs with other stakeholders; NGOs and local authorities being among them. The coordination loop hole may result in situations where the children are not rehabilitated in time or above all medical facilities are not provided in time as well as the legal process is not fast tracked the provisions of the POCSO Act.

### **Case Studies: Mixed Success in Enforcement**

#### **1. Kerala – A Success Story in Implementation [15]**

- **Region:** Kerala has been one of the more successful states in the implementation of the POCSO Act.
- **Key Achievements:**
  - Kerala has taken significant steps to improve the training of police officers, judicial staff, and social workers involved in child protection cases.
  - The state has established victim support centers that provide psychological support, medical assistance, and legal aid to child abuse victims.

- The implementation of special courts has led to timely verdicts, with the state seeing a significant number of cases being resolved within the stipulated time frame.
- The rate of conviction in child abuse cases has been notably higher in Kerala compared to many other states, which is attributed to the dedicated efforts in training and victim rehabilitation.
- Lessons Learned: Kerala's success highlights the importance of targeted training, specialized infrastructure, and community outreach to ensure the effective implementation of the POCSO Act.

## 2. Uttar Pradesh – Struggles with Enforcement [16]

- Region: Uttar Pradesh, one of the most populous states in India, has faced significant challenges in enforcing the POCSO Act.
- Key Challenges:
  - Backlog of cases: The state has been burdened with a massive backlog of cases under the POCSO Act. Many fast-track courts have not been able to handle the influx of cases in a timely manner.
  - Insufficient training for law enforcement: Police officers in many districts of Uttar Pradesh are often not adequately trained in handling child abuse cases, leading to mishandling of evidence and further trauma to the victims.
  - Social stigma and underreporting: A lack of awareness about the law, coupled with a strong social stigma surrounding child abuse, has led to underreporting of child abuse incidents.



- Impact: Many victims in Uttar Pradesh report feeling discouraged by the slow judicial processes and lack of victim support, leading to a failure to secure justice.

### 3. Delhi – Mixed Success with Child Protection Efforts [17]

- Region: Delhi, India's capital, has witnessed mixed results in the enforcement of the POCSO Act.
- Key Achievements:
  - Delhi has established specialized police units for investigating child abuse cases, which has helped streamline the reporting and investigation process.
  - The city has seen significant improvements in child protection awareness through government campaigns and NGO partnerships.
  - Fast-track courts have been relatively successful in delivering quick justice, especially in cases involving sexual exploitation and trafficking.
- Key Challenges:
  - Despite these efforts, social stigma and pressure from influential families continue to deter some victims from reporting abuse, particularly in high-profile cases.
  - Judicial delays, although reduced, are still evident in some child abuse cases, leading to delayed justice for victims.

### 4. Bihar – Regional Challenges and the Need for Awareness [18]

- Region: Bihar, one of India's poorest and most rural states, faces substantial barriers in implementing the POCSO Act.

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- Key Challenges:

- Illiteracy and limited access to media have created significant barriers in educating rural populations about the POCSO Act.
- Underreporting remains a significant issue, particularly in rural areas where child sexual abuse is often considered a family matter and kept out of the public eye.
- The lack of trained law enforcement officers and a delayed judicial process continue to hinder effective implementation.

The case studies from different states illustrate the mixed success in the enforcement of the POCSO Act. Kerala stands out as an example of how a well-coordinated approach, including training, victim support, and specialized courts, can yield positive results. However, states like Uttar Pradesh, Delhi, and Bihar face significant challenges, ranging from systemic delays to social stigma, that undermine the Act's full potential. These regional disparities underscore the need for a tailored approach to enforcement, particularly in areas where resources are limited, and awareness is low. Addressing these challenges will require targeted reforms, including better training, enhanced victim support, and greater public awareness, especially in rural regions.

## 5. Challenges in Enforcement

Despite the establishment of the **Protection of Children from Sexual Offences (POCSO) Act, 2012**, which was designed to safeguard children from sexual abuse, several **significant challenges** continue to hinder its effective enforcement. These challenges range from a lack of adequately trained professionals to the social stigma surrounding child abuse, and the persistent delays in the judicial process. Each of these issues contributes to a system that is slow to act and insufficiently supportive of the victims, making it harder for the law to achieve its intended objectives. Addressing these challenges is crucial for ensuring that the POCSO Act can function as a robust

mechanism for protecting children from sexual exploitation and abuse.

### **Shortage of Trained People**

Lack of educated personnel in the legal as well as law enforcement departments is one of the most pressing issues of the POCSO Act implementation which should be addressed. Child sexual abuse cases need to be handled too tactfully and specifically since the safety and well being of the child should be the prime question during the proceedings of the case. Nevertheless, most police officers, lawyers, and other judicial officers are underqualified in the aspect of management of such delicate cases [19].

- **Police Training:** The first point of call by a sexually abused child is always the police officer. It is thus important that they become trained on how to do the investigation of such cases in a way that is not really threatening nor insulting and also in a way that is likely to give them the evidence that they need. Sadly enough, not all police officers have a training in child psychology, and victim-centered methods of investigation. This may result in poor questioning thus may cause further harm to the victim or even may cause loss of important evidence which was not the intention. An example here is when ill interviewing techniques are used to interview the child and the child renegades his word or gets mixed up as to what he had to say thus the case in court loses credibility.
- **Judicial and Legal Training:** Similarly, judges and legal practitioners working on the cases under the POCSO Act should be trained to know about psychological consequences of sexual abuse against children. Inability to be emotionally sensitive and empathetic in the court process may lead to inappropriate conduct of the case including improper questioning, disregard of the emotional condition of a child and in some cases to dismiss the case due to technicalities. To achieve this special training is needed on the judicial officers to make them handle the cases of child abuse with the care and concern they require.

- **Psychosocial Support:** Outside law enforcement and the judiciary, the country also lacks well-trained psychosocial professionals that could provide judgment and psychological support to the victims of child abuse. Such experts are critical in advising that the psychological requirements of the child are catered in the course of the legal procedure. The child who is not provided with the necessary psychosocial assistance is likely to fail coping with the emotional trauma of abuse and legal prosecutions.

### **Social Stigma and Monthly Itching Reluctance to Disclose**

The question using social stigma against child sexual abuse is also playing a major part in preventing the implementation of the POCSO Act. Child abuse is typically a subject that has become a taboo in most communities particularly those living in the rural regions. All these are culturally bound because there is a high probability of downplaying or covering such events as a result of fear of shame, rejection of the society and being judged. It is through this stigma that families fail to report abuse because they fear the social impacts of coming out to report the abuse of a child in their family [20].

- **Fear of Retaliation-**The victim together with their relatives may also fear the wrath of the abuser or whoever is related to him or her. Victims can be threatened into keeping quiet especially when the offender is a member of the family or that of the community, a relative or a figure in the community. The threat of reprisal may be particularly acute in small populations, where group solidarity is a plus, and people may fear being excluded by reputable members in case they disclose abuse. This fear is usually a cause of a culture of silence in which the victim is the silent sufferer and the abuser goes on with his or her evil ways.
- **Distrust in the Law Enforcement:** In certain situations, there exists the distrust in the law enforcement bodies. The victims could plunge into the idea that the police will not help them with their complaint or the ineffectiveness of their protection. Such a dearth of trust may be augmented by shortness of skilled individuals or an inappropriate reaction by officials so that a family thinks

that justice will not be delivered. This makes numerous cases not to be reported, which makes the circle of battering go on without restrictions.

- **Pressure of Society / Silence:** Most of the societies also have some form of cultural unwillingness to face the issue of child sexual abuse owing to a family-oriented culture of maintaining issues in the family. Victims might not present themselves because of this pressure to keep the family honor and preserve the image of the community. Survivors are usually unable to reveal their abuse due to social pressure even in situations where they know their rights. There are no social conditions encouraging to report child sexual abuse because there is no social acknowledgment of the latter as a critical crime.

### **Justice backlog and justice delay**

Delay in justice is another primary issue of the implementation of the POCSO Act since there are a lot of pending cases which are pending in the internment system. It is known that the judicial system of India is very lethargic, child sexual abuse as well would not be an exception.

- **Backlog of Cases:** There has been an enormous number of cases and very few courts, as well as judicial staff, to attend to this, which has created a backlog in the cases filed under POCSO Act. Even though an accommodation is made of fast-track courts in cases of child sexual abuse, most of the courts are overloaded such that hearings are delayed. The backlog thwarts justice promptly and the victims and their relatives end up waiting years before justice can be given to their cases.
- **Long Litigations:** The fact that litigations take time to be concluded is a negative effect that may affect the victim. Children can be subjected to multiple traumatic experiences of reliving the trauma that they experienced in the process of extensive legal proceedings. The psychological burden of being left with no justice after such years may frustrate the victims hence resulting to an emotional burn out and hopelessness in continuing the case. In most cases, the person on the case

is in a position to take advantage of the system red tape where he can either be granted bail or even not convicted on lack of witnesses or being the evidence become weak.

- Compensation and Rehabilitation on a delayed basis: To add to all this, there are also delays in settling the cases which also reflects in terms of delayed compensation and rehabilitation of the victims. The victims who have already suffered the trauma of abuse in most instances are barred of receiving the financial and emotional support because of slow judicial speed.

## **6. Conclusion**

Protection of children from sexual offences (poCSO) act 2012 is a revolutionary piece of legislation that gives an all encompassing outline to guard against sexual abuse of children in India. Although articles in the Act are critical like being child-friendly in the legal process as well as special courts, the implementation of the Act has been encountered with many difficulties. These are shortage of trained practitioners, stigma attached to the situation of abuse, unwillingness to report, and court backlogs. Although awareness campaigns have helped increase the visibility of the issue of child abuse and the POCSO Act, they have their flaws as rural areas need to be addressed, their cultural taboos being too strong to push forward the implementation effectively, and with access to resources being low there, awareness campaigns are not perceived universally. The cases pending to be heard and delays in the judicial process also deny the victims the due justice at the right time. To make the success of POCSO Act a reality, more about training the law enforcers and judicial officers, developing an infrastructure of child welfare committees, and also to ensure speedy disposal of judicial cases, need to be looked into. Furthermore, outreach in rural communities should also aim to achieve removal of obstacles in the forms of illiteracy and stigmatization. A more detailed attention to the concept of enforcement as well as development of a responsive legal environment means that India will be able to achieve major progress in the sphere of prevention of child abuse and will be able to give proper and timely justice to the victims of child abuse that will allow providing a more secure atmosphere to children overall.



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