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An Analytical Study of the Impact of the Protection of Children from Sexual Offences Act, 2012 and its Challenges in the Light of the Rights of Children, with special reference to Various Judicial Pronouncements

VIPIN VAIDY*

ABSTRACT

This paper studies the Protection of Children from Sexual Offences Act, 2012. This Act was brought in as a special law dealing with the issue of child sexual abuse, a crime that was earlier addressed by the general provisions of the Indian Penal Code, 1860. The law defines offences with the child as the central point, treats both boys and girls as potentially vulnerable, and provides for Special Courts so that trials can be conducted with the needs of child witnesses in mind. Since then, the legislation has been interpreted by courts across the country, and a number of landmark decisions have determined its ambit. This paper offers an overview of the features of the Act, an analysis of the relevant decisions that have defined the scope of the legislation, and an examination of two main problems encountered during its implementation: the difficulty with the age-of-consent provision, which does not differentiate between a predatory adult preying on a child and two adolescents of roughly equal age who are willingly in a relationship; and the implementation problems, where the procedural safeguards promised in the Act, such as exclusive Special Courts, specialised staff, and time-bound trials, have not been effectively provided for. Some reforms to address these problems while maintaining the essence of the protection offered to the child are suggested at the end.

Keywords: *Protection of Children from Sexual Offences Act, child sexual abuse, age of consent, adolescent sexuality, child rights, Special Courts, Section 29 presumption.*

I. INTRODUCTION

The Protection of Children from Sexual Offences Act, 2012 (“the Act”) was enacted in India as a separate statute governing child sexual abuse. Prior to its introduction, issues concerning child sexual abuse were dealt with under the general provisions of the Indian Penal Code, 1860. The

* Author is a Student at Amity University Madhya Pradesh, India.

Act criminalised offences in terms of the victim's childhood, designated both males and females as potential victims, and included provisions for the constitution of Special Courts to hold trials in a manner sensitive to child witnesses. Over the last decade, the courts in India have interpreted and applied this legislation, and a number of leading judgments have laid down interpretations defining and limiting its ambit. The present paper explores the significant features of the Act, traces some prominent judgments that have been instrumental in interpreting the law, and examines two concerns that have arisen in its application in practice. The first concern relates to the age-of-consent provision, which does not provide different treatment for cases where the victim is an adolescent consenting of his or her own free will and the difference in age between the two persons does not exceed five years; the second concerns implementation, since most of the procedural safeguards assured in the Act, such as exclusive Special Courts, expert staff, and fixed trial timelines, have not been effectively implemented. Suggestions for reform that address these problems without encroaching upon the protective scope of the Act are then presented. The Act addressed a real gap by creating a standalone statute focused specifically on sexual offences against children.¹

Three main changes were introduced by the Act from the previous legal position. The first is a concrete, fixed definition of the term "child" as anyone who is less than eighteen years of age, thereby leaving no doubt as to who is protected by the law. The second is a graded range of sexual offences that better accounts for the diversity of harms to which children are subjected in the real world. The third is an innovative trial procedure that seeks to minimise the problems encountered by child witnesses in giving their testimony, including the expeditious recording of testimony and the requirement that the trial be completed within a reasonable period of time. This was an enormous improvement on the existing legal provisions and was widely welcomed by the public and by experts upon its introduction.

However, over a decade after the Act came into force, some very grave problems have emerged. Data recorded by the National Crime Records Bureau show that the number of cases registered under the Act has risen consistently each year, but conviction rates have not kept pace, and there is a vast accumulation of pending cases before the courts throughout the country. Apart from these statistical issues, there are two deeper, fundamental problems that this paper aims to

¹ The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India) [hereinafter POCSO Act]. The Act came into force on 14 November 2012 and was the first dedicated, gender-neutral statute in India addressing child sexual abuse, consolidating offences previously scattered across the Indian Penal Code, 1860.

address. The first concerns a gap in the way the age-of-consent provision operates in reality, especially in relation to adolescents close to each other in age. The second is one of implementation: the institutions and resources envisioned by the law for the actual delivery of the services it requires have not been put in place in most parts of the country.

This paper argues that there is no need for an outright replacement of the POCSO Act with a new law. The core structure of the law is robust, and the courts have predominantly read it consistently with its protective intent. The reforms needed are of two kinds: the first would involve a narrowly tailored legislative amendment aimed at addressing the prosecution of consensual adolescent sexual relations under the Act, and the second would entail building the institutional capacity required for the Act to meet its stated objectives.

II. THE SCHEME OF THE ACT AND THE RIGHTS IT SECURES

To understand what the POCSO Act achieved, it is useful first to understand what was missing from the law before it was enacted. The provisions of the Indian Penal Code that applied to sexual offences were framed primarily around adult female victims and male offenders. This meant that male child victims had very limited recourse under the old law, and the various forms of sexual harm that did not amount to rape were treated as minor offences that did not carry serious penalties. The POCSO Act changed this by creating a set of offences specifically designed to cover the range of sexually abusive conduct that children experience.

The Act organises sexual offences against children into a graded structure. At the top of the hierarchy is penetrative sexual assault and its aggravated form, which carries the most severe penalties. Below that is sexual assault, which covers sexual touching that does not amount to penetration, along with an aggravated version for cases involving offenders in positions of trust or authority, or cases involving very young or disabled children. Sexual harassment forms a lower category and covers non-contact forms of abuse such as words, gestures, and exposure to obscene material. This graded structure is an important feature of the Act because it ensures that the seriousness of the punishment is proportionate to the seriousness of the conduct, and it prevents the kinds of abusive behaviour that fell through the gaps in the old law from going unpunished.²

One of the most important design features of the Act is that it is gender-neutral with respect to both victims and offenders. Under the Act, a victim can be a boy or a girl, and an offender can

² POCSO Act §§ 3–12 (defining and graduating the offences, with the aggravated categories attracting heavier punishment).

be of any gender. This was a significant departure from the earlier legal framework, which was structured around the idea that sexual offences were committed by men against women. The change meant that abused boys were, for the first time, given adequate recognition and protection under Indian criminal law.

The other major design feature is the fixed age of consent. The Act defines a child as anyone below eighteen years of age, and this definition means that a court cannot inquire into whether a particular child understood or agreed to what happened.³ The rationale for this approach is that if consent could be raised as a defence in every case, offenders would routinely try to produce evidence that the child had agreed, and the child would effectively be put on trial for her own victimisation. By drawing a firm line at eighteen, the Act prevents this from happening. As discussed in Part V, however, this same provision creates difficulties in cases involving adolescents, and finding a solution to that problem is one of the central challenges discussed in this paper.

Considered alongside the constitutional provisions on the right to life and personal dignity under Articles 14, 15(3), and 21 of the Constitution of India, and India's obligations under the United Nations Convention on the Rights of the Child, ratified in 1992, the POCSO Act can fairly be described as the statutory expression of a child's right to be protected from sexual exploitation. The overall design of the Act reflects a coherent rights-based approach and represents a significant step forward in the protection of children in India.

III. THE CHILD-PROTECTIVE MACHINERY AND THE STATUTORY PRESUMPTIONS

The POCSO Act goes beyond simply defining offences and prescribing punishments. A significant part of the Act deals with the procedure to be followed when a case is reported and tried, and these procedural provisions are designed to ensure that the legal process does not cause additional harm to the child. The underlying principle is that a child who has already been subjected to abuse should not have to undergo unnecessary distress as a result of being involved in the legal proceedings.

From the point at which a complaint is made, the Act tries to make the process as non-threatening as possible for the child. The statement of the child is to be recorded at the child's residence or at a place of the child's choice wherever this is possible, and the officer recording the statement is to be in plain clothes rather than in uniform. Where the victim is a girl, the

³ POCSO Act § 2(1)(d) (fixing the definition of "child," which removes any scope for a consent inquiry in respect of a minor).

statement is to be recorded by a woman officer, and the same account should not have to be repeated multiple times to different officials.⁴ The medical examination of the child is also to be conducted in the presence of a parent or trusted person. The thinking behind these provisions is practical as well as protective: a child who is questioned in a safe and familiar environment by a sensitive officer is more likely to give a reliable account than one who is questioned in a police station in a formal and intimidating setting.

At the stage of trial, the Act requires cases to be heard by Special Courts, which are meant to conduct proceedings in a manner that protects the child from further trauma. The child is not required to confront the accused face to face and can give evidence from behind a screen or through video conferencing. Cross-examination is controlled by the court so that the child is not subjected to aggressive questioning directly from defence counsel, and proceedings are held in camera to the extent possible.⁵ The Act also places time limits on the trial process, requiring the child's evidence to be recorded within thirty days of the Special Court taking cognizance of the case, and requiring the trial to be completed within one year. These time limits exist because delay is particularly harmful in cases involving child witnesses: a child's memory of traumatic events can be affected by the passage of time, and prolonged legal proceedings place an ongoing burden on the child and the family.

The Act also contains two statutory presumptions that shift the burden of proof in a significant way. Under Section 29, once the prosecution establishes the foundational facts of the offence, the court is required to presume that the accused committed the offence. Under Section 30, once the foundational facts are established, the court is required to presume that the accused had the required mental state. In both cases, the burden of rebutting the presumption lies on the accused.⁶ These presumptions are a departure from the ordinary rule in criminal law that the prosecution must prove every element of the offence beyond reasonable doubt. The justification for the departure is that child sexual abuse typically occurs in private, without witnesses, and

⁴ POCSO Act §§ 24–27 (governing the manner of recording the child's statement, the role of the Special Juvenile Police Unit, and the conduct of the medical examination, all framed to reduce the trauma of the process).

⁵ POCSO Act §§ 35, 33(5) (requiring the child's evidence to be recorded within thirty days and the trial to be completed, as far as possible, within one year of cognizance, and protecting the child from being recalled repeatedly to testify).

⁶ POCSO Act §§ 29–30 (presuming, once the foundational facts are established, that the accused committed the offence and possessed the culpable mental state, leaving the burden of rebuttal on the accused).

requiring the prosecution to prove every element without any assistance from presumptions would make it extremely difficult to secure convictions in most cases. At the same time, the presumptions have been criticised on the ground that they are inconsistent with the presumption of innocence. The courts have attempted to address this tension by holding that the presumptions can be invoked only after the prosecution has established a credible evidential foundation.

Another important provision is the mandatory duty to report under Section 19. Any person who has reason to believe that an offence under the Act has been committed, or is likely to be committed, is legally required to report this to the appropriate authorities, and failure to do so is itself a punishable offence under Section 21.⁷ This provision is intended to break the pattern of abuse being concealed within families and institutions. It places a legal obligation on professionals such as doctors and teachers, who are in a position to detect abuse and who might otherwise avoid reporting it.

IV. THE ACT IN THE COURTS: A SURVEY OF THE PRONOUNCEMENTS

Since the POCSO Act came into force, it has been interpreted and applied by courts at all levels of the judicial hierarchy. The body of case law that has developed over the past decade is important for understanding what the Act means in practice. Looking at the major decisions, two broad tendencies can be identified. The first is that courts have generally refused to adopt narrow or technical interpretations that would undermine the protective purpose of the Act. The second is a more recent and cautious trend, in which courts have expressed concern about cases that fall at the edges of the Act's coverage and that the Act was arguably not designed to address.

Perhaps the most widely discussed decision under the POCSO Act is the Supreme Court's ruling in *Attorney General for India v. Satish*.⁸ This case arose out of a Bombay High Court decision holding that groping a child over her clothing did not amount to sexual assault under Section 7 of the Act because there was no direct skin-to-skin contact between the accused and the child. The Supreme Court set aside this reasoning and held that the test for sexual assault under the Act is whether the act constitutes sexual contact of the kind described in Section 7, not whether there was direct skin contact. The Court emphasised that adopting a narrow interpretation of the

⁷ POCSO Act §§ 19, 21 (casting a duty to report on any person with knowledge or apprehension of an offence, and punishing failure to report).

⁸ *Attorney General for India v. Satish*, (2022) 9 S.C.C. 1 (India), reversing the skin-to-skin reasoning of the Bombay High Court and holding that the absence of direct physical contact does not take an act of groping outside Section 7.

kind applied by the High Court would defeat the purpose of the Act and would effectively allow an accused to escape liability on a technicality. This decision is significant because it establishes clearly that the Act is to be read broadly and purposively in order to give full effect to its protective objective.

Another important decision that reflects the spirit of the POCSO Act, even though it was decided partly under the Indian Penal Code, is the Supreme Court's judgment in *Independent Thought v. Union of India*.⁹ In this case, the Court was asked to consider whether Exception 2 to Section 375 of the Indian Penal Code, which had the effect of excluding sexual intercourse between a husband and his wife from the definition of rape even where the wife was between fifteen and eighteen years of age, was constitutional. The Court held that this exception was inconsistent with the POCSO Act, which treats all persons below eighteen as children regardless of marital status, and read down the exception so that it would not apply to wives below eighteen. The judgment is significant because it shows that the principle underlying the POCSO Act, namely that a person below eighteen is to be protected regardless of her circumstances, has been accepted by the Court as a matter of constitutional importance.

The courts have also developed a body of case law dealing with the procedural aspects of the Act. In *Nipun Saxena v. Union of India*, the Supreme Court laid down detailed guidelines for the protection of the identity of victims of sexual offences, including child victims under the POCSO Act, and addressed the functioning of support persons and one-stop crisis centres.¹⁰ In *Alakh Alok Srivastava v. Union of India*, the Court issued directions requiring the establishment of Special Courts under the Act and mandating that pending cases be disposed of within fixed time frames.¹¹ The consistent thread in these decisions is that where there is more than one

⁹ *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800 (India). The Supreme Court read down Exception 2 to Section 375 of the Indian Penal Code to the extent that it permitted sexual intercourse with a wife between fifteen and eighteen years of age.

¹⁰ *Nipun Saxena v. Union of India*, (2019) 2 S.C.C. 703 (India), on the protection of the identity of victims of sexual offences and the framework for support persons and one-stop centres.

¹¹ *Alakh Alok Srivastava v. Union of India*, (2018) 17 S.C.C. 291 (India), where the Supreme Court issued directions on the establishment of Special Courts and the time-bound disposal of cases under the Act.

possible interpretation of a provision, the court should prefer the interpretation that better serves the interests of the child.¹²

However, not all recent decisions have followed this expansive approach. In several cases, High Courts have expressed concern about the use of the POCSO Act to prosecute consensual relationships between adolescents who are close in age. In *Vijayalakshmi v. State*, the Madras High Court observed that the Act was intended to protect children from predatory adults, not to criminalise the romantic relationships of adolescents, and urged that such cases be handled differently from cases involving genuine child abuse.¹³ These decisions reflect a growing judicial discomfort with the way the Act operates in a particular category of cases, and this is the issue examined in depth in Part V.

V. THE HARDEST PROBLEM: THE CONSENTING ADOLESCENT

The most difficult issue in the practical application of the POCSO Act arises in cases where the Act is used to prosecute a young person for engaging in a sexual relationship with another person who is close in age and where both parties regarded the relationship as consensual. The Act provides that a person below eighteen years of age cannot consent to any sexual act, and this provision was designed to protect children from adults who might seek to rely on the claimed consent of a minor in order to avoid criminal liability. In the context for which it was designed, this is a sound and necessary provision. The difficulty arises when it is applied in a mechanical way to situations that are qualitatively different, namely cases involving two adolescents in a relationship with each other.

The typical scenario in these cases is as follows. Two young people, often with only a small age difference between them, are in a relationship. The relationship comes to the attention of the girl's parents, who disapprove and file a complaint under the POCSO Act. Because the girl is below eighteen, her consent is legally irrelevant, and the boy, who may himself be barely eighteen or may also be a minor, is charged with an offence that carries a mandatory minimum sentence of several years' imprisonment. The girl, who is nominally the protected party under the Act, becomes the witness in a prosecution that she does not support and that she may actively

¹² *State of Maharashtra v. Maroti*, (2023) 4 S.C.C. 298 (India), on the liberal and purposive construction to be given to provisions intended to protect children.

¹³ *Vijayalakshmi v. State*, 2021 SCC OnLine Mad 317 (India), where the Madras High Court urged that consensual relationships between adolescents close in age ought not to be dealt with under the Act with the same severity as predatory abuse.

oppose.¹⁴ The result is that the Act, which was enacted to protect children, ends up harming two young people whose conduct, while technically falling within the definition of an offence, is far removed from the kind of predatory abuse that the Act was designed to address.

The reason this problem is so difficult to solve within the existing framework is that the age-of-consent provision is framed as an absolute rule. There is no exception in the Act for cases where both parties are adolescents, and courts therefore have no statutory basis on which to acquit a young person whose conduct satisfies the elements of the offence. Judges who are uncomfortable with these prosecutions can exercise discretion in areas such as bail and sentencing, and in some cases proceedings have been quashed where the parties have subsequently married or where it has become clear that the complaint was not genuinely motivated by concern for the welfare of the child. However, these are ad hoc responses that depend on the particular judge and the particular circumstances of the case; they do not represent a principled solution to the problem.

The Law Commission of India considered this issue in its Report No. 283 of 2023 and examined whether the age of consent should be lowered or whether a close-in-age exception should be introduced into the Act.¹⁵ The Commission ultimately decided not to recommend either of these changes. The main reason was a concern that any reduction in the age of consent, or any exception based on the ages of the parties, would be exploited by adult offenders seeking to characterise their conduct as falling within the exception. The Commission instead recommended that judges be given guided discretion to take the circumstances of adolescent cases into account at the sentencing stage. This is a reasonable response to the problem, but it has not been implemented, and the situation therefore remains as it was before the Commission reported.

This paper takes the view that the current position is unsatisfactory. Leaving the resolution of these cases to the individual discretion of judges means that outcomes vary considerably depending on the court in which a case happens to be heard. A carefully drafted legislative

¹⁴ The phenomenon of the consenting adolescent prosecuted as an offender has been documented in a series of High Court decisions and in empirical work of research organisations studying the operation of the Act in trial courts.

¹⁵ LAW COMM'N OF INDIA, REPORT NO. 283: AGE OF CONSENT UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 (2023) (declining to recommend a reduction in the age of consent, while suggesting guided judicial discretion in sentencing for a narrow class of consensual adolescent cases).

provision that is limited to genuinely consensual relationships between adolescents who are close in age, and that contains adequate safeguards to prevent misuse, would provide a more principled and consistent solution. The concerns raised by the Law Commission about the risk of exploitation are legitimate and must be taken into account in drafting any such provision, but they do not justify leaving the law in its current state.

VI. THE GAP BETWEEN THE STATUTE AND THE SYSTEM

Even setting aside the problem of the consenting adolescent, the POCSO Act faces a significant challenge in terms of implementation. The Act contains detailed provisions about how cases are to be investigated, how trials are to be conducted, and how child witnesses are to be protected. But the effectiveness of these provisions depends entirely on whether the required institutional infrastructure is in place, and in many parts of the country it is not.

The Special Courts that the Act requires to be established are the central element of this infrastructure. The Act envisages that each district will have at least one court dedicated exclusively to trying POCSO cases, staffed by judges and officials trained to handle matters involving child witnesses. In practice, the number of designated Special Courts is insufficient to deal with the volume of cases filed, many of the designated courts also handle other categories of cases and cannot give POCSO matters the exclusive attention they require, and there is a large and growing backlog.¹⁶ The Supreme Court has had to intervene on multiple occasions to direct the establishment of additional courts and the disposal of pending cases within specified time limits.¹⁷ The fact that such directions have been necessary is itself an indication of the extent to which the system falls short of what the Act requires.

The time limits in the Act are among the features that are most consistently not complied with. The requirement that the child's evidence be recorded within thirty days and that the trial be completed within one year is not being met in the majority of cases.¹⁸ NCRB data show that cases routinely take much longer than one year to resolve, and pendency in POCSO cases has

¹⁶ The shortfall in the number of designated Special Courts against the volume of pending matters has been noted repeatedly in orders of the constitutional courts and in reports of agencies charged with monitoring implementation.

¹⁷ See *Alakh Alok Srivastava v. Union of India*, *supra* note 11, where the Court had to keep issuing directions on the establishment of courts and the time-bound disposal of cases.

¹⁸ POCSO Act § 35 (thirty days for the child's evidence and one year, as far as possible, for the whole trial).

been increasing year on year. This is problematic because delay has real and negative effects: the reliability of a child's testimony diminishes with the passage of time; the child victim and the family may become less inclined to pursue the prosecution as time goes on; and the case may not reach trial, settling to the child victim's disadvantage in some instances. These factors go some way toward explaining the low rate of conviction per case filed. There are also severe inadequacies in the provision of the services prescribed by the Act: support persons meant to assist child victims in the proceedings are not available in all districts, one-stop centres intended to provide medico-legal and psychological support under one roof have not been established in all regions, and developmentally sensitive interviewers are rare.

The legislative response to these problems has so far been limited mainly to increasing the severity of punishments. The 2019 amendment to the Act introduced the death penalty for the most serious category of offences and increased the penalties for other offences.¹⁹ There is little evidence that increasing the length of sentences addresses the core problems of detection, investigation quality, and trial delay that are responsible for the low conviction rate. Research on deterrence in criminal law generally suggests that the certainty of punishment is a more effective deterrent than its severity. Investing the resources that have gone into raising sentencing levels into building the courts, training the personnel, and establishing the support services that the Act requires would be likely to produce better outcomes for child victims.

VII. CONCLUSION AND SUGGESTIONS

The POCSO Act, 2012 represents a genuine and important advance in the protection of children from sexual abuse in India. Before it was enacted, there was no dedicated legal framework for child sexual abuse, and the existing law left many forms of harmful conduct unaddressed. The Act filled this gap, and the courts have, on the whole, interpreted it in a manner consistent with its protective purpose. The decisions discussed in Part IV show that the judiciary has been willing to give the Act a broad reading in order to prevent technical arguments from being used to defeat its objectives.

At the same time, the analysis in this paper has identified two significant problems that need to be addressed. The first is the application of the Act to consensual relationships between adolescents who are close in age. The second is the failure to build the institutional infrastructure

¹⁹ The Protection of Children from Sexual Offences (Amendment) Act, 2019, No. 25, Acts of Parliament, 2019 (India), introduced the death penalty for aggravated penetrative sexual assault and enhanced several other punishments.

that the Act requires. Neither of these problems requires the Act to be fundamentally reconsidered; what is needed is targeted legislative and administrative action.

On the first problem, this paper recommends that Parliament enact a provision giving courts guided discretion to treat cases involving genuinely consensual conduct between adolescents who are close in age differently from cases involving predatory abuse by adults. The Law Commission of India has already recommended an approach along these lines. The provision would need to be carefully drafted to prevent misuse, but the absence of any such provision leaves the law in an unsatisfactory state in which outcomes depend on the individual judge rather than on any principled legal standard.

As for the second problem, the government needs to invest heavily in building the infrastructure that the Act requires. That means establishing exclusive Special Courts in all districts where the workload is sufficient; training the judicial officers and investigators who handle POCSO cases; and developing one-stop centres across India together with the provision of support persons for child witnesses. Otherwise the procedural protections in the Act remain merely symbolic for most victims.

Reforms should also concentrate on detection and conviction rates in POCSO cases rather than on enhancing punishments. A speedy trial culminating in conviction will be far more helpful to a child victim, and far better at deterring future offences, than a protracted case culminating in an acquittal. The resources currently spent on strengthening penalties could be directed toward the development of investigation and trial procedures.

Finally, the statutory presumptions should be retained, but they should be applied by the courts with the same caution and prudence that the judiciary has so far demonstrated. Given the private nature of the offences, the presumptions are an important and necessary part of the scheme, but they must not be applied unless the prosecution has laid a cogent factual foundation. The courts must insist on this; otherwise the Act will secure a protection that undermines the right to a fair trial for the accused.

In sum, the POCSO Act is a landmark piece of legislation with considerable achievements in protecting child victims in India. There are some lacunae in its legislative structure, but the reforms needed are not fundamental in nature. What is required is legislative attention to one particular aspect, adequate institutional backing, and a shift in focus toward speed and effectiveness rather than severity of punishment. These reforms would help to fulfil the Act's promise to child victims.

VIII. BIBLIOGRAPHY

Statutes and Rules

- The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).
- The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).
- The Protection of Children from Sexual Offences (Amendment) Act, 2019, No. 25, Acts of Parliament, 2019 (India).
- The Protection of Children from Sexual Offences Rules, 2020 (India).
- INDIA CONST. arts. 14, 15(3), 21, 39(f).

Cases

- *Alakh Alok Srivastava v. Union of India*, (2018) 17 S.C.C. 291 (India).
- *Attorney General for India v. Satish*, (2022) 9 S.C.C. 1 (India).
- *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800 (India).
- *Nipun Saxena v. Union of India*, (2019) 2 S.C.C. 703 (India).
- *State of Maharashtra v. Maroti*, (2023) 4 S.C.C. 298 (India).
- *Vijayalakshmi v. State*, 2021 SCC OnLine Mad 317 (India).

International Instruments and Reports

- Convention on the Rights of the Child, Nov. 20, 1989 (ratified by India in 1992).
- LAW COMM'N OF INDIA, REPORT NO. 283: AGE OF CONSENT UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 (2023).
- MINISTRY OF WOMEN & CHILD DEV., GOV'T OF INDIA, STUDY ON CHILD ABUSE: INDIA (2007).
- NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA (Ministry of Home Affairs, Gov't of India, annual reports).
