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# Recent Development on POCSO Act: An Analytical Study

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## ABSTRACT

*India's Protection of Children from Sexual Offences (POCSO) Act, enacted in 2012, seeks to safeguard minors from sexual abuse through comprehensive provisions, including child-friendly investigations, special courts, and strict penalties. Recent amendments address emerging digital threats and aim to expedite justice. Aligned with international standards under the UNCRC, the Act mandates reporting by key stakeholders, reinforcing a societal commitment to child safety. However, challenges persist, such as trial delays, low conviction rates, underreporting, and limited child-friendly infrastructure. Strengthening public awareness, infrastructure, and training for legal personnel is essential to ensure that POCSO effectively protects India's most vulnerable.*

**Keywords:** POCSO; Children sexual offences; Implementation challenges of POCSO; POCSO Act Amendments

## I. INTRODUCTION

In recent years, it has been a number of such awareness campaigns that have aided in strengthening the implementation of the POCSO Act's provisions by sensitizing communities regarding their children's rights and the safeguards available to them. These programs seek to educate children and their parents about the dangers of abuse and the resources available to help them [1]. As for everything else, with the introduction of the POCSO Act, Indian society has noticeably progressed in terms of child protection. It is designed not only to punish the perpetrators of such crimes but to also create an environment free from abuse and fear by providing a multi-pronged approach to dealing with child sexual abuse matters. As society matures, so does the necessity for the Act [2]

### Meaning/Definition:

To ensure children below the age of eighteen years from sexual abuse, harassment and exploitation, the Indian Parliament enacted the POCSO ACT; Protection of Children from Sexual Offences Act, 2012<sup>3</sup>. Criminal Act defines following act against children as unlawful:

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sexual assault, including Rape and other forms of sexual activity involving a minor sexual molestation, and sexual harassment, and the use of children in pornography. To the extent of the Act of inquiry and trial, the child should be protected, including video-recording the testimony of the child in a well-protected environment, and excluding the public from accessing the trial session. Secondly, it opens Special Courts to facilitate cases with complicated complications and offers nasty consequences like fines and life imprisonment to the offenders. [3]

Also, under the Act, anybody who is aware of such abuse is under obligation to report it; any person who fails does so at his or her own peril. The POCSO Act in its broad perspective aims at protecting children's right and their dignity by addressing cases of sexual offenses professionally.

The year 2012 saw passage of the Protection of Children from Sexual Offences (POCSO) Act in India which can be taken as legal endeavour to star protection to children from sexual abuse and exploitation. [4, 5]

### **1. Implementing the POCSO Act Better: New Amendments, Upcoming Changes, and**

**Child-Friendly Strategies:** Some recent changes made to the POCSO Act indicate a policy to enhance the performance of its implementation as well as unfold emerging questions. I can also state about planned changes in the Act that the goal is to simplify the legal frameworks further with regards to expediting the trials and at the same time raising the penalties for violators. [6, 7]

### **2. Strengthening POCSO Act: Child-Friendly Approaches, Digital Safeguards, and**

**Enhanced Victim Support:** Also, effort has been made to educate and sensitize police force as well as the judiciary regarding the required practice to adopt while handling a case of POCSO – child friendly approach. This program endeavors to ensure appreciation and awareness on court procedures concerning adolescent persons. Also, the progress of the digital technology asks questions on adding the modifications into the Act to prevent online sexual assault, referring to the need to adjust legal measures to the modern threats. Besides the above mentioned legal actions, many non-governmental organizations as well as many government bodies are striving continuously in order to enhance victim support organizations to provide essential counselling and rehabilitation to the victims. [8, 9, 10]

### **3. Advancing Child Protection in India: The Impact and Evolution of the POCSO Act:**

Taken together, these achievements suggest a serious interest in enhancing child protection in India and in delivering justice which will not merely be delivered but will also be done

appropriately for the population's most vulnerable part. The newly enacted legislation in India to fight the awful phenomenon of child sexual abuse is the Protection of Children from Sexual Offences (POCSO) Act which was enacted in 2012. As for the Act, it has been subject to numerous significant amendments in the recent years in an effort to enhance its efficiency and to take into view shifting panorama of threats posed to children. [11, 12]

**4. Key Reforms in the POCSO Act: Expedited Justice and Stricter Penalties for Enhanced Child Protection:-**

The essential changes include the measures that were adopted as well as the reforms that specify the actions that lead to quick legal procedures and provide severe penalties for all violators. Some of these amendments seek to try accelerate the delivery of justice so as reduce the pain and confusion that most children go through when they are subjected to lengthy court cases. [13, 14]

**5. Building Capacity for Child-Friendly Justice: Training Law Enforcement and Judicial Personnel in POCSO Cases :-**

Likewise, there has been conscious effort in enhancing acquaintance and capacity of development for the police force, judicial system and other actors involved. Similarly, utmost attempts are being made to sensitize and train designated police officers, Judicial officers and other personnel working in – POCSO cases. This project demonstrates that what is required is child-friendly approach which can work effectively with the children in handling victims. It tries to ensure that these professionals possess the skills needed to negotiate through the havoc caused by child utterance and the mental impact of abuse enhance case solving and charging. [15, 16]

**6. Adapting the POCSO Act for the Digital Age: Addressing Online Abuse and Emerging Technological Challenges:**

The emergence of new digital technology has brought new challenges in protection of children's and there are discussions regarding improvement of the legislation in the light of new challenges of online sexual abuse and exploitation in the form and content of POCSO Act. Since the inception of digital technology there are new challenges to safeguard the child rights and hence there is discussion on the amendment of the POCSO Act to reckon the online sexual abuse or exploitation. Since children are finding themselves with technology devices and computers and the internet is fast becoming an avenue for children to fulfill their needs and interact, the legal system must incorporate offenders in the social networking, online gaming, etc.. This has made some people call for complete overhauls that contain strict provisions on cyber abuse apart from guaranteeing the works for the Act as society continues to evolve as well as technology advances. [17, 18]

## **II. INTERNATIONAL PERSPECTIVE OF POCSO**

The POCSO Act which enshrines principle's that are contained in the United Nations Convention on the Rights of the Child (UNCRC) to which India is a signatory is in accordance with international endeavors to protect children from sexual related abuse and exploitation. The UNCRC obliges countries to adopt policies that safeguards the power and freedom of children to care and be protected and receive assistance not to be abused in any form. Like other countries, there is the Children's Act from the United Kingdom or the Child Protection Act from the United States of America; the POCSO Act covers these responsibilities by putting in place a legal system that defines child sexual abuse as unlawful and for a child-friendly trial. Other child rights organizations from throughout the world also uphold best practices in consonance with the Act in the line of requisite reporting, special courts and protection of the victims. While lauding the comprehensiveness of India's POCSO legal approach, the related reports of Child protection organization from other parts of the world assert that for such laws to yield desired results, there needs to be better implementation mechanisms as well enhanced public awareness. With POCSO continuing a global trend, India's commitment to reducing the threat level for children worldwide and ensuring nascent compliance with global standards is evident. [19, 20 , 21, 22]

- **Human Resources Charter and POCSO**

This is achieved through the integration of the POCSO Act into an organization's Human Resource Charter more especially to firms who manage organizations that engage with children or possess child safeguarding polices. For an organization creating a demonstrable commitment regarding child protection, their HR Charter, which is the basic blueprint of their Corporate Culture and HRM policies and practices should not be inconsistent with the POCSO Act. It is complemented by the need to develop proper reporting procedures for suspected cases of child abuse, develop strict code of conduct that addresses different forms of exploitation or abuse of children, strictscrutinization on conducts of employees especially those who come into contact with children. That is why in order to enhance the existing awareness of legal requirements and precautionary measures that need to be taken to protect the children, the companies should also periodically remind their staff about POCSO Act. Child protection regulations such as; To ensure that reports regarding abuse of children are dealt with gently, the following must be included; protection committees, whistleblower procedures. Besides compliance with the law, such measures will help organizations foster responsibility and protect children's rights: including POCSO requirements in the HR Charter.

[23, 24, 25]

- **Constitutional references regarding POCSO:**

The POCSO Act is built on substantial sections of the Constitution of India for the protection of children's rights as well as their welfare. Being with the provisions of article 15 (3) which empower the state to make special laws for children, laws such as POCSO can therefore be used in the interest of children. Children have the right not to be harmed, abused or exploited this has been provided for in article 21 which also protects life and personal liberty. Children cannot be abused anyway and should be protected in order to attain their proper ages, this is in accordance with Article 39(e) and (f) of the Directive Principles of State Policy. Inasmuch as the Article 21A recognizes the right to education, it fosters, in a rather concealed way, the protection of children by linking education to safety. As the sexual offenses become a crime while delivering justice through children-oriented judicial means, POCSO Act safeguards rights of children and represents the spirit of these provisions in the Constitution of India. By doing this, POCSO also maintains and supports the state's responsibility of preventing the abuse and harm of its youngest population. [26, 27]

- **Challenges in recent development of POCSO Act:-**

Some of the challenges which have come up and which impact the POCSO Act are as follows The POCSO Act has faced a number of problems in implementation because of the following issues that have emerged. The present and future safety of children from sexual offenses remains very limited due to societal situations and continued flaws in the execution of an otherwise comprehensive law. Several factors can be pointed out; the first of them is the time needed for trials to be completed. recent developments in its implementation. The protection of children from sexual offenses is hampered by societal circumstances and enduring problems with the law's implementation, notwithstanding its comprehensive character. [28, 29]

1. **Delay in Justice:** The length of time it takes for trials to be completed is one of the main issues. There is not enough provision of judges as well as the Courts get swamped with work to such an extent that at times there ensues a delay in the trials of cases even though the POCSO Act calls for provision of special hearings Sessions Courts. For children who are victims and are waiting to be served justice, this is recurring trauma. [30, 31]
2. **Low Conviction Rates:** Currently the conviction rates under the POCSO Act still remain low, mainly due to improper collection of evidence or investigation or due to

lack of goodwill between judiciary and the police. It is very common to find that the prosecution loses its case mainly because the victim was the main witness, and there were no strong forensic or medical evidence. [32, 33]

3. **Underreporting:** Sexual offenses continue to be underreported despite obligatory reporting laws. Especially in rural and impoverished populations, cultural intuitions and expectations, shame and fear of the consequences and social reactions, as well as family's influence often prevent the ones who suffered or knows somebody who did from reporting the crimes. [34, 35, 36]
4. **Misuse of the Act:** The POCSO Act has sometimes been misused, therefore leading to frivolous charges, this especially after the teen partner is in a consensual relationship. These cases distract focus and occupy the courts. [37, 38, 39]
5. **Lack of Child-Friendly Infrastructure:** Despite a protocol on child sensitive investigation and trial currently being in place, many police stations and court infrastructure and staff are ill prepared to handle especially sensitive child related cases. In the case of the juvenile victims, that could lead to further secondary abuse throughout the court process. [ 40, 41, 42]
6. **Digital Crimes and Child Pornography:** Since the use of social networks became widespread, the outreach of child sexual abuse and other forms of sexual exploitation of children has increased. These cybercrimes evolves and becomes complex making it a challenge for the POCSO's present legal formulation to deal and prevent effectively. [43, 44, 45]
7. **Awareness and Implementation:** Despite awareness programs some people are still unaware of provisions of the POCSO Act including many in rural areas. Since the mechanisms of the work with cases should be handled delicately and in compliance with the Act's provisions, the law enforcement and court staff should receive further training too. [46, 47, 48]

These challenges reveal that to be sure that the POCSO Act meets its goal of protecting minors against sexual abuse and exploitation strong implementation procedures, better infrastructure, and better knowledge in the general public are needed. [49, 50, 51]

### III. CONCLUSION

Therefore, it can be concluded that even if the POCSO Act is an efficient structure of legislation designed to protect minors against the sexual offenses, there are several factors that are a barrier to its efficiency. It emerges that the Act's goals are hampered by low conviction

rates; lack of reporting; delayed justice; and abuse; and again, there is evidence that victims' legal processes are hindered by unsuitable procedures for children and weak organisational foundations. Some of the challenges lawmakers face include entering a different level of complexity arising from increased cases of computer crimes. All it means that policing, the government, justice system, and the society in its totality must come up with solutions to these problems. If staff has to get more trained, if forensic features have to be enhanced, if more people have to be made aware of the new law, if infrastructure has to be developed, then only the purpose and goal of POCSO Act, which is to safeguard children's rights and provide early justice, can be served. [52, 53, 54, 55]

What has been witnessed in recent times in the development of the POCSO Act only go to show that despite the fact that the law developers have been very diligent in their work, and the law they produced was good intentioned there is still a lot that can be done and should be done to enhance effectiveness of this act on the ground. Failure to fast track trials, the low conviction rates, scantiness of sexual offense reports undermine Act efficiency and deny justice to many victims. Abuse of the law creates a legal nuisance and diverts focus from genuine cases most especially in the cases of teenage consensual relations. It is also an issue as well because most of the nation's hospitals may lack sufficient educated staff and proper infrastructure to deal with child victims in a sensitive manner, and as a result the children engaged often suffers from increased trauma. [56, 57, 58, 59]

The problems are aggravated by the increase in cyber threats and risks of children's abuse online and hence the need to have the Act evolves with time and technologic leaps. Community sensitisation remains weak especially in hard to reach, rural and sometimes even urban regions where many people are too embarrassed to report such issues due to stigma and culture. These problems suggest that for law to be well understood and properly implemented there is need for enhancements in legal structures, enhanced training of legal personnel as well as students, and legal education within communities. [60, 61, 62, 63]

The following shortcomings have to be addressed if POCSO Act is to deliver the intended objectives accurately. It will be necessary to strengthen charges with forensic capacities, to modernize the legal processes to ensure the delivery of justice as soon as possible, and, finally, request technology to cease the sexual mistreatment through the internet. The effectiveness of the Act will also be complements with changes of society's awareness, where protection of a child is on the highest level. In this way, the POCSO Act will be in a good position to shield the youths to protect children, who forms the most important and vulnerable citizens of the society from the vices of sexual exploitation and abuse. [64, 65, 66, 67]



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