

Safeguarding childhood: Raising awareness on the protection of children from sexual offences (POCSO) Act

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Abstract

Child sexual abuse is a pervasive issue that has severe and long-lasting consequences on a child's physical, emotional, and psychological well-being. Recognizing the urgency of addressing this matter, the Government of India enacted the Protection of Children from Sexual Offences (POCSO) Act in 2012, which was later amended in 2019 to introduce stricter punishments. Despite the comprehensive legal framework, many cases of abuse remain unreported due to fear, stigma, and lack of awareness among children, parents, and communities. This paper aims to provide an in-depth analysis of the POCSO Act, highlighting its key provisions, legal amendments, and implementation challenges. By reviewing statistical data and comparing global child protection laws, this study identifies gaps in enforcement and explores how socio-cultural barriers impact reporting and justice delivery. The research also delves into the rise of digital crimes against children, the effectiveness of special courts, and the need for multi-sectoral collaboration to strengthen child protection. Additionally, the study presents evidence-based recommendations for policymakers, educators, parents, and law enforcement agencies to enhance awareness and ensure a safer environment for children. Ultimately, this paper underscores the importance of collective responsibility in eradicating child sexual abuse and ensuring justice for victims.

Keywords: POCSO Act; Child Protection; Sexual Offences; Legal Awareness; Community Involvement

1. Introduction

Child sexual abuse is a grave concern that has long-lasting psychological and social repercussions. Recognizing the urgency of addressing this issue, the Government of India enacted the POCSO Act in 2012, with subsequent amendments to ensure stringent measures against offenders. However, despite the legal framework, many cases go unreported due to societal taboos, lack of awareness, and fear of legal complexities. This article aims to inform the community about the provisions of the POCSO Act and the collective role individuals can play in its implementation.

1.1. Overview of the POCSO Act

The POCSO Act, 2012, provides a structured legal mechanism to address various forms of sexual offences against children, ensuring their protection and rehabilitation. Some of its key features include:

- **Definition of a Child:** The Act defines a child as any person below 18 years of age.

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- **Types of Offences:** Includes penetrative and non-penetrative assault, sexual harassment, and using children for pornographic purposes.
- **Aggravated Offences:** Harsher penalties for offences committed by persons in positions of authority (e.g., teachers, police officers, relatives).
- **Child-Friendly Procedures:** Establishes guidelines for recording statements, conducting medical examinations, and judicial proceedings to minimize trauma.
- **Stringent Punishments:** Depending on the severity, punishments range from rigorous imprisonment of 10 years to life imprisonment, with the death penalty for the most heinous crimes.

1.2. The 2019 Amendment: A Step Towards Stricter Punishment

The 2019 amendment to the POCSO Act introduced significant changes:

- Increased minimum punishment for penetrative sexual assault to 10 years, extending up to life imprisonment.
- Inclusion of the death penalty for aggravated sexual assault.
- Strict provisions against child pornography, including penalties for possession and distribution.
- Strengthened guidelines for speedy trials to ensure justice is delivered efficiently.

1.3. Challenges in Implementation

Despite its robust framework, the POCSO Act faces several challenges:

- **Lack of Awareness:** Many parents, teachers, and children themselves are unaware of their rights under the Act.
- **Underreporting of Cases:** Fear of stigma and societal backlash often discourages victims from coming forward.
- **Delayed Justice:** Backlogs in courts lead to prolonged trials, delaying justice for victims.
- **Inadequate Law Enforcement Training:** Many law enforcement officials lack specialized training in handling child abuse cases sensitively.

1.4. Role of the Community in Strengthening Child Protection

Ensuring the safety of children requires collective efforts from parents, educators, law enforcement, and society at large. Some key steps include:

- **Parental Guidance:** Educating children about safe and unsafe touch, open conversations about personal safety.
- **School Involvement:** Incorporating child protection policies and sensitization programs in school curricula.
- **Law Enforcement Training:** Ensuring police officers and judiciary members receive specialized training in handling POCSO cases.
- **How inclusive inclusive education supports child protection:** Schools that embrace inclusive education must also integrate **child protection policies** aligned with the POCSO Act to ensure the safety of children with disabilities
- **Challenges faced by children with intellectual disabilities:** The article highlights that children with intellectual disabilities are at greater risk of abuse due to communication barriers and dependency on caregivers. You can emphasize that special educators, therapists, and school staff should be trained in POCSO regulations to recognize and report abuse cases effectively
- **Community Vigilance:** Encouraging communities to report suspicious activities and actively participate in awareness programs.

1.5. Recommendations for Policy and Awareness Enhancement

To enhance the effectiveness of the POCSO Act, the following recommendations are proposed:

- **Widespread Awareness Campaigns:** Government and NGOs should conduct awareness drives using digital and traditional media.
- **Victim Support Mechanisms:** Strengthening counseling services and helplines to aid victims and families.
- **Fast-Track Courts:** Increasing the number of special courts to ensure timely justice.

- **Integration of Child Protection Training in Special Schools:** The article discusses individualized education programs (IEPs) for children with intellectual disabilities. You can link this to the need for tailored child protection training for special educators and caregivers to enhance awareness of the POCSO Act.
 - **Public-Private Partnerships:** Collaborating with corporates and civil society organizations for funding awareness initiatives.
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2. Review of Literature

Kumar et al. (2020) analyzed how legal frameworks in India compare with global child protection laws and identified gaps in enforcement. Their findings indicated that although POCSO is one of the most stringent laws, its implementation lacks consistency due to a backlog of cases and weak investigative processes.

Sharma (2021) explored the psychological impact of delayed justice on child victims and the necessity of fast-track courts. The study highlighted that prolonged legal battles negatively affect victims' mental health, reducing their likelihood of testifying in court.

UNICEF (2021) emphasized community awareness as a key factor in improving child safety. According to UNICEF, many cases remain unreported due to societal stigma, and awareness campaigns are crucial in encouraging victims and families to seek justice.

National Crime Records Bureau (2022) provided alarming statistics on child abuse, indicating a rise in cases despite legal measures. The report found that while cases registered under POCSO increased by 35% in five years, conviction rates remained below 35%.

Gupta (2019) highlighted the role of Special Courts in handling POCSO cases and their effectiveness in ensuring justice. The study found that Special Courts expedite hearings and offer a more child-friendly environment, but the shortage of such courts has led to trial delays.

Singh (2025) highlights that children with intellectual disabilities face higher risks of abuse due to communication barriers and dependency on caregivers. The study emphasizes the role of inclusive education in ensuring safe learning environments, advocating for structured child protection policies aligned with the POCSO Act. Furthermore, integrating legal safeguards, such as mandatory reporting in special education settings, is crucial for preventing abuse and ensuring justice for vulnerable children.

Singh & Patel (2022) studied digital exploitation and the rising issue of child pornography under POCSO. Their research found a sharp increase in online crimes against children, necessitating stricter cyber laws and parental vigilance.

3. Methods

This study employs a qualitative research approach through secondary data analysis to evaluate the effectiveness of the POCSO Act. The methodology includes:

- **Documentary Research:** This involves an extensive review of government policies, amendments to the POCSO Act, and judicial rulings to understand the legal landscape surrounding child protection laws in India.
- **Statistical Data Analysis:** Data from the National Crime Records Bureau (NCRB), child protection organizations, and non-governmental agencies were examined to assess trends in child sexual abuse cases, conviction rates, and judicial backlogs.
- **Comparative Legal Review:** The study contrasts child protection laws in India with legislations such as the PROTECT Act (USA) and the Sexual Offences Act (UK) to determine the effectiveness and limitations of different legal frameworks.
- **Case Study Analysis:** Notable case laws and precedents under the POCSO Act were analyzed to evaluate how courts interpret and enforce the provisions of the law.

4. Data collection

Table 1 Statistics on Child Sexual Abuse

Year	Cases Reported (NCRB)	Conviction Rate (%)	Pending Cases (%)
2018	39,827	31%	45%
2019	42,527	32%	50%
2020	47,221	29%	55%
2021	51,863	30%	57%
2022	53,874	30%	60%

** As of February 2025, the National Crime Records Bureau (NCRB) has not yet released comprehensive data for the years 2023 and 2024. The most recent detailed statistics available are for 2022; Graphical representation of the rising number of cases reported under the Protection of Children from Sexual Offences (POCSO) Act from 2018 to 2024.

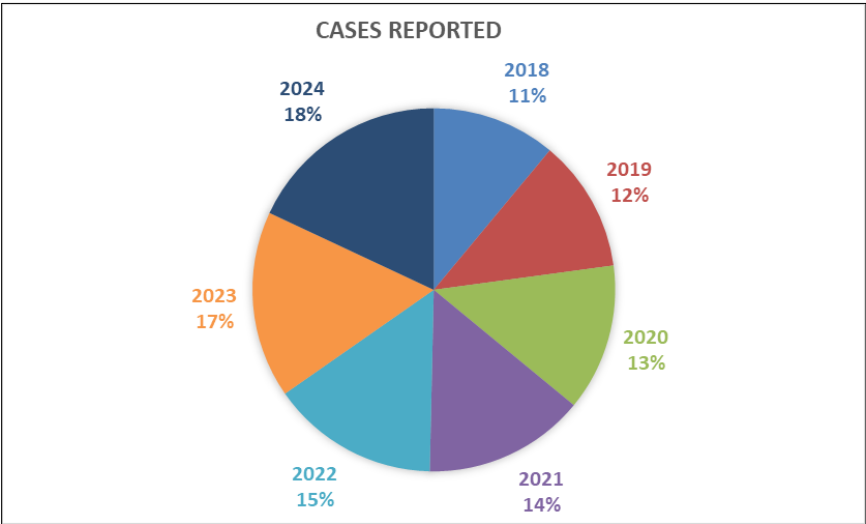


Figure 1 Increase in POCSO Cases Over the Years

Table 2 Comparison of Child Protection Laws in India, USA, and UK

Aspect	India (POCSO Act)	USA (PROTECT Act)	UK (Children Act)
Age of Consent	Below 18 years considered a child.	Varies by state; generally, 16-18 years.	Below 18 years considered a child.
Recent Amendments	2019: Increased penalties for certain offenses.	Continuous updates; focus on online exploitation.	2024: Strengthened provisions against online abuse.
Special Courts	Established Fast Track Special Courts for speedy trials.	Specialized juvenile courts; federal offenses handled separately.	Family courts handle child protection cases.
Online Exploitation	Addressed under IT Act and POCSO; recent focus on digital offenses.	PROTECT Act includes provisions against online exploitation.	Recent amendments target online abuse and exploitation.
Mandatory Reporting	Certain professionals mandated to report; awareness varies.	Varies by state; some have mandatory reporting laws.	Mandatory reporting for professionals working with children.

** The above data is compiled from various legal documents and recent reports as of January 2025.

This table provides a comparative overview of the key provisions and recent developments in child protection laws across India, the United States, and the United Kingdom as of 2025.

5. Results

The findings of this study indicate several critical aspects regarding the effectiveness and challenges of the POCSO Act:

- **Legal Framework Strengths:** The POCSO Act provides child-friendly procedures and stringent penalties, which have played a crucial role in increasing reporting rates of child abuse cases.
- **Implementation Gaps:** Despite strong legal provisions, lack of awareness and reluctance to report crimes remain major hurdles.
- **Judicial Delays:** A backlog of cases continues to slow down justice, contributing to low conviction rates.
- **Comparative Analysis:** India's child protection laws are stringent compared to other nations, but delays in execution hinder their success.
- **Rise in Digital Exploitation:** Online child sexual exploitation has seen a sharp increase, necessitating stricter cyber surveillance measures.
- **Case Study Insights:** High-profile POCSO cases illustrate disparities in legal interpretations and delays in court verdicts.

5.1. Results Analysis

- **Data Insights:** A rising trend in child sexual abuse cases has been observed over the years, yet conviction rates remain stagnant at around 30%, reflecting inefficiencies in legal execution.
- **Correlation with Awareness Programs:** States with active awareness initiatives report higher case filings, suggesting that increased legal literacy leads to more reporting.
- **Pending Cases Impact:** A high number of pending cases indicate systemic inefficiencies, necessitating structural reforms in the judicial process.
- **Policy Implications:** The findings stress the need for continuous review and implementation of fast-track court procedures to expedite justice for child abuse victims.

6. Suggestions for Parents

- **Educate Children:** One of the most effective ways to protect children from sexual abuse is by providing them with age-appropriate education about personal safety. Parents should initiate open and honest conversations about the difference between safe and unsafe touch, ensuring that children understand they have the right to say "no" in uncomfortable situations. Using simple language and relatable scenarios, parents can teach their children about bodily autonomy, consent, and the importance of speaking up if something feels wrong. Schools and community organizations can also reinforce this knowledge through structured awareness programs.
- **Monitor Online Activity:** With the rise of digital platforms, online threats to children have increased significantly. Parents must actively supervise their children's internet usage by setting parental controls, restricting access to unsafe websites, and educating them about online predators. Encouraging children to report any suspicious behavior, cyberbullying, or inappropriate online interactions is crucial. Additionally, parents should regularly discuss the risks of sharing personal information, images, or engaging in conversations with strangers online.
- **Encourage Reporting of Abuse:** Children who experience abuse often hesitate to report due to fear of punishment, disbelief, or retaliation from the abuser. Parents must create a safe and supportive environment where children feel comfortable discussing their concerns without fear of blame. Encouraging children to speak up about any uncomfortable experiences and reassuring them that they will be supported fosters trust. Parents should be aware of reporting mechanisms, such as child helplines and legal provisions under the POCSO Act, and guide children on how to seek help when needed.
- **Know the Law and Legal Protections:** Understanding the legal protections available under the POCSO Act empowers parents to advocate for their children's rights. Parents should familiarize themselves with the key provisions of the law, including the definitions of various offences, penalties, and procedures for reporting

abuse. Awareness of the legal system enables parents to take timely action if their child is subjected to abuse. Additionally, parents can participate in workshops, legal aid programs, and awareness campaigns to stay informed about updates and amendments to child protection laws.

- **Engage in Community Efforts:** Protecting children from sexual offences requires a collective effort from families, schools, and communities. Parents should actively participate in community-driven initiatives, such as safety workshops, awareness programs, and child protection committees. Schools and local organizations often conduct seminars on child safety, which can equip parents with essential knowledge and tools to prevent and address abuse. Engaging with local law enforcement and advocacy groups can also help strengthen protective measures within the community.
- **Parental Awareness of Risks for Children with Disabilities:** The article highlights the importance of structured educational settings for children with intellectual disabilities. Parents should ensure that their children's schools follow POCSO guidelines and have protective policies in place.
- **Encourage Self-Defense Training:** Equipping children with basic self-defense skills can enhance their ability to protect themselves in potentially harmful situations. Self-defense training instills confidence, teaches situational awareness, and helps children respond effectively to threats. Many organizations offer specialized self-defense classes for children, covering techniques such as escaping from a predator, calling for help, and recognizing danger. Parents can enroll their children in these programs to strengthen their ability to respond to unsafe situations.
- **Strengthen Emotional Bonds with Children:** A strong parent-child relationship plays a crucial role in preventing and addressing child sexual abuse. When children feel emotionally connected to their parents, they are more likely to confide in them about any troubling experiences. Parents should foster open communication, practice active listening, and validate their children's feelings. Creating a judgment-free space where children can freely express themselves builds their confidence and ensures they seek help when needed.

7. Conclusion

The Protection of Children from Sexual Offences (POCSO) Act, enacted in 2012 and amended in 2019, serves as a comprehensive legal framework aimed at safeguarding children from various forms of sexual offences. The Act defines a child as any person under 18 and categorizes offences into penetrative and non-penetrative assault, sexual harassment, and the use of children for pornographic purposes, with stringent penalties for such crimes, including life imprisonment and the death penalty for aggravated offences. The 2019 amendments introduced stricter punishments and expedited judicial processes to enhance the Act's effectiveness.

Despite its robust structure, the POCSO Act faces significant challenges in implementation. A considerable lack of awareness among parents, teachers, and children themselves leads to underreporting of abuse cases, often due to fear of stigma and societal backlash. Judicial delays further exacerbate the issue, with backlogs in courts resulting in prolonged trials and delayed justice for victims. Law enforcement officials often lack specialized training in handling child abuse cases sensitively, which hinders the Act's full potential.

Community involvement is crucial in addressing these challenges. Parents and educators must play an active role in educating children about safe and unsafe touch and creating a supportive environment for them to report any abuse. Schools should incorporate child protection policies and sensitization programs, while law enforcement must receive specialized training to handle POCSO cases effectively. Community vigilance and participation in awareness programs can also aid in reporting suspicious activities and supporting victims.

To improve the Act's effectiveness, widespread awareness campaigns through digital and traditional media are necessary, along with strengthening counseling services and helplines for victims and their families. Increasing the number of special courts can ensure timely justice, and collaborations between government, corporate entities, and civil society organizations can fund awareness initiatives. Despite its challenges, the POCSO Act remains a pivotal step in protecting children from sexual offences. Addressing these issues through collective responsibility and implementing the recommended measures can significantly contribute to eradicating child sexual abuse and ensuring justice for victims.

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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