

Legislative and Legal Study about POCSO Act, 2012

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The Protection of Children against Sexual Offences (POCSO) Act, 2012 is the result of the harsh reality of child sexual abuse in India. It is the first comprehensive law in India that deals with the sexual offences committed against a child. This article aims to cover every legal aspect of the POCSO Act, 2012. While reading this article one will be able to know why India required the POCSO Act. Further, it would be seen that the scope of POCSO is not only limited to rape but also extends to other forms of sexual offences-including sexual assault, sexual harassment and exploitation of children for pornography. This Article has also covered the punishment for the offences covered under POCSO Act to ensure justice to the victims. In addition to it, it also provides information on how sometimes the Act can be misused for its benefits and how the Act is still lacking in certain areas making the implementation of the Act inefficient.

Key Words: POCSO, sexual abuse, sexual assault, sexual harassment, pornography.

I. Introduction:

Childhood is meant to be one of the sweetest memories for a child but some people take away their sweetest memory and turn it into horrifying reality and those people may not always be strangers but can also be your loved ones. It was once said by Ken Hill that “Childhood is a promise that is

never kept”⁵⁵ which is true. Parents do always promise to keep their child and their childhood secure but even their efforts fail when some other’s people malicious intention towards their child gets heavy. Children can not only be secured by the parent and therefore at that time they need some legal interventions to secure their child and have the support of law when their child’s rights are violated or they suffer any kind of abuse.

Child abuse was and is a harsh reality in India as millions of children faces violence whether it is physical or sexual or psychological or neglect which results in harm to the child’s health, survival, development and dignity. Coming to Child sexual abuse, in India, has been mostly ignored over a long period and was certainly came into acknowledgement when the Parliament enacted the law POCSO which is an acronym for Protection of Children against Sexual Offences (POCSO) Act, 2012.

II. What was the need of POCSO Act, 2012?

India being a home to millions of children is still not a safe place for them as many of them are the victims of child abuse who have no one to listen to them as no one is ready to talk about it being considered of the fact that it will lower down their reputation in the society and if they have someone to listen to them they are not ready to believe it that their relatives could do any such thing and prevent them from speaking it to anyone else leading to more and more cases of child sexual abuse. The first child sexual abuse study was conducted by the NGO called Recovery and Healing from Incest (RAHI) in 1998 in which 600 English speaking middle class and upper-class women were surveyed. The results showed that almost 76 per cent of them were abused in childhood out of which 60 per cent were abused by their family member.⁵⁶ Another research was conducted in Chennai in 2006 by the NGO Save the Children and Tulir in

⁵⁵ S.aatif, *Loopholes in POCSO*, <http://www.legalservicesindia.com/article/2440/Loopholes-in-POCSO.html> (last visited Nov. 5, 2021).

⁵⁶Ishita Bhatnagar, *Child Sexual Abuse in India*, LEGAL SERVICE INDIA, <https://www.legalserviceindia.com/legal/article-4985-child-sexual-abuse-in-india.html> (last visited Nov. 5, 2021).

which there were 2211 child participants out of which 847 were boys and 1364 were girls. The statistics showed that 42 per cent of the total participants faced one or more forms of child sexual abuse out of which 48 per cent of victims were boys and 39 per cent of victims were girls.⁵⁷ In 2007, a survey was conducted by the Ministry of Women and Child Development which covered the whole nation in which 12,447 children participated from 13 states. The results showed that almost 53.22 per cent of the total children were subjected to one or more forms of child sexual abuse out of which 52.94 per cent were boys whereas 47.06 per cent were girls.⁵⁸ Concerning the above-stated surveys, it could be understood that many children in India face sexual offence and not only girls but also sexual offences have been committed against boys that too in large numbers. Many parents don't report these offences considering their reputation and those who want to be not able to do so because there was no such law that deals with these sexual offences. Before POCSO, only Indian Penal Code was there but that too only deals with rape and not any other form of sexual offences. Also in IPC, there was no provision for boys who become the victims of sexual offences. Even if an offence is reported and lodged by the police, the trials take a long period till the case is finally disposed and during the trial, the child may be called repeatedly to give the testimony and in that period the child may revisit the trauma that she has faced. Therefore, it was important to bring such a law that not only recognizes girl children as the victim of sexual abuse but also recognizes that boys can be victims too and their needs without making them revisit the traumas.

Another reason that the need for POCSO arose was that on 11th December 1992, India accepted the Convention on the Rights of Child that was adopted by the United Nations

⁵⁷ Tulir CPHCSA, *Doesn't every child count: Study on prevalence and dynamics on Child Sexual Abuse in Chennai*, Tulir, 8 (2006).

⁵⁸ Dr. Loveleen Kacker et al., *Study on Child Abuse- India*, Ministry of Women and Child Development, Government of India, 74 (2007).

⁵⁹ INDIA CONST. art. 15, cl. 3.

General Assembly. When India became a signatory to this convention, it gave the responsibility to the state to protect the children from becoming a victim of sexual abuse and protect them from being forced to engage in any kind of sexual activity and provide them safe childhood. As a result of concern towards the children to protect them from any kind of sexual abuse, the Protection of Children against Sexual Offences (POCSO) Act, 2012 was introduced and came into force on 14th November 2012.

III. What makes POCSO Act, 2012 different from other Acts?

In India, the essence of every statute lays in the grundnorm for India i.e. the India Constitution. POCSO Act, 2012 essence lies in Article 15(3) of the Indian Constitution where the State has been given power to make special provisions for the welfare of children.⁵⁹ Being a comprehensive law, POCSO provides justice to the children who became the victims of sexual abuse and also look after the interests and well-being of the child.⁶⁰ POCSO is a gender-neutral Act and it covers both girls and boys who are less than 18 years of age and recognised the fact that boys can also be victims of child sexual abuse. There is no doubt that that the enforcement of POCSO has been a major step forward in securing the rights of children and at the same time providing the children with a safe childhood.

When a sexual offence is committed against a child then the child does not suffer only in terms of physical state but his or her mental state also gets affected and in such conditions, it is necessary to have such measures so that the child does not revisit the traumas that they have suffered. POCSO Act has made the justice system child friendly for those who have been the victims of sexual offence and provides for the

⁶⁰ *No lowering of age limit to 16 from 18 for serious POCSO cases: What it means, challenges of preventing child sexual abuse*, FIRSTPOST, (2021), <https://www.firstpost.com/india/no-lowering-of-age-limit-to-16-from-18-for-serious-pocso-cases-what-it-means-challenges-of-preventing-child-sexual-abuse-9881001.html> (last visited Nov. 5, 2021).

procedures that are sensitive and responds to the need of the children. POCSO has provided that in case a sexual offence has to be reported then the child doesn't need to come to the police station rather the FIR can be lodged at the victim's residence or any other place of child's convenience by the police and if possible by a woman officer who is not below the rank of Sub Inspector under Section 24 of the Act. At the same time the police officers are directed to not be in uniform so that the child does not get afraid seeing them.

It is not always important that the person who has intent to commit a sexual offence against a child becomes successful in doing so and the same is used as a reason to save them. POCSO does not let go such person free and it recognizes that if a person has intent to commit a sexual offence and has been unsuccessful in doing so for whatever reasons he is still liable for punishment under POCSO for an attempt to commit an offence under Section 18 of the Act. Also, POCSO has recognized abetment of sexual offence under Section 16 of the Act and the person committing such offence shall be liable to punishment under Section 17 of the Act.

It is important for every child that his right to privacy and confidentiality is protected so that it leads to the proper development of the child. Every child's right must be respected by every person through all stages of a judicial process when a child is involved in a case. To ensure the child's privacy POCSO has established special courts where child well-being is given the utmost priority by sensitively conducting the trial proceedings. POCSO Act respects the privacy and confidentiality of a child and thus directs the special courts to take testimony either privately via video-link, or behind screens and conduct trials in front of a camera given under Section 36 and 37 of the Act, so that the child cannot see the accused at the time of testifying and revisit the trauma. It also prohibits media from disclosing the identity of children who have been victims of sexual abuse without the permission of the special court under Section 23 of the

Act. It provides for child-friendly procedures for the reporting, recording of evidence, investigation and trial of offences in lieu with international guidelines which are the Convention on the Rights of the Child that was accepted by India on 11th December 1992.⁶¹

Generally, prosecution have to prove that the offence has been committed against the victim but the POCSO Act shifted the burden of proof on the accused. It makes sure that the child who has been a victim of the sexual offence does not have to suffer again proving the fact that he or she has been subjected to sexual offence by the accused. The onus to prove that the accused is innocent lies only on the accused and until the accused is proven innocent he is presumed to be guilty under Section 29 of the Act. It is important that the accused should be having culpable mental state at the time of committing the offence covered under the POCSO Act. When a case is brought to the court under POCSO Act it is presumed by the court that the accused was having the mental state to commit the offence which can only be denied if the accused can prove it beyond the reasonable doubt that he was having no such mental state to commit the offence. Also while conducting these trials, courts ensure speedy disposal of the case for which the POCSO Act provides that the evidence of the child has to be recorded within 30 days after the commission of the crime under Section 35 of the Act. At the same time, it directs the Special Court that if possible, completes the trial within 1 year ensuring justice to the victim.

As a citizen of India, everyone must fulfil their responsibility and the POCSO Act makes us realize our responsibility. It directs us to report cases of sexual offences against children to the police to which we have been a witness. It makes us our legal duty that if we are acknowledged of the fact that the child has been a victim to sexual offence then we should report it to the police without any delay under Section 19 of the Act. If a person fails to report or record the sexual offence

⁶¹*Child Abuse in India*, HELPLINE LAW, (2021), <http://www.helplinelaw.com/employment-criminal-and->

labour/CAII/child-abuse-in-india.html (last visited Nov. 5, 2021).

committed against a child then he or she is liable for punishment.

POCSO does not only aim to provide justice to the child but it also recognises the fact that it is not easy for any child or the parents to go through this journey of providing justice to the child. Keeping in mind the difficulties faced by the child and his family, the POCSO Act provides experienced and professional individuals to assist the child at the pre-trial and trial stage under Section 39 of the Act. Also, it has been made mandatory for a Child Welfare Committee to appoint a Support Person who can assist the child throughout the investigation and trial process.

IV. Sexual Offences covered under POCSO Act, 2012:

Protection of Children against Sexual Offences (POCSO) Act, 2012 is the result of the initiative that was headed by the Ministry of Women and Child Development which has now become the landmark law to protect children from any kind of sexual abuse.⁶² Before POCSO there was no such act that provided for the protection of children against sexual offences. It was enacted to criminalise a range of criminal acts which not only includes rape but also sexual assault, sexual harassment and pornography that have been committed or may be committed against children less than 18 years of age. POCSO Act aims to protect the children from both physical and non-physical forms of sexual abuse and therefore this Act has covered a wide range of sexual offences that includes any offence that constitutes complete or partial penetration; non-penetrative sexual assault; stalking of a child; showing children pornography or using the child for pornography.

As in the Indian Penal Code, the only sexual offence included was rape but in POCSO the term rape has not been used for sexual offences and also does not restrict sex to just penetration. With the enactment of the POCSO Act, the term

penetrative sexual assault has been given a broader view so that the accused who has committed an offence have no loophole left to save them and the broader view includes oral sex, as well as, insertion of an object of any kind into anus, mouth or vagina, in addition to penile sex given under Section 3 of the Act. Before the enactment of the POCSO Act, sexual offences against children were covered under the Indian Penal Code where numerous accused were let go free or they were booked under less severe sections under the IPC such as outraging the modesty of a woman because many offences were not specially covered under IPC due to which accused always finds a way to save them. One of the similar instance can be noticed in the case of *State v Pankaj Choudhary*⁶³, where the accused under this case was prosecuted only for outraging the modesty of a woman for digital penetration of the anus and vagina of a 5-year-old child and not for the rape because the prosecution failed to prove the fact that digital penetration is considered as rape because the High Court was of the opinion that digital penetration was not recognised as an offence under the India Penal Code and therefore the accused could not be prosecuted for the offence of rape. This case was before the enactment of the POCSO Act but now, the legislature by adding the penetrative assault that includes various kinds of penetration including the digital penetration under the POSCO, 2012 have made a step towards protecting the children in India and providing them with a safe childhood.

POCSO does not only covers penetrative sexual assault but also criminalises a range of acts that are considered as sexual assaults that fall short of the act of penetration but involve physical contact having sexual intent under Section 7 of the Act. In addition, POCSO has also further categorised penetrative sexual assault and sexual assault into aggravated penetrative sexual assault under Section 5 and aggravated sexual assault under Section 9. An aggravated offence is constituted when it is committed by a person who is in a position of trust and authority of a minor or are the members

⁶² *Id.*

⁶³ CRL. A. 813 of 2011.

of society such as police officers, doctors, public servants, etc. Further, if aggravated penetrative and sexual assault has been committed then the person who has committed an offence calls for more severe punishment.

By the enactment of the POCSO Act, the legislature had tried to include every sexual offence that is likely to be committed towards the children making the act comprehensive and the same is done to protect children from various kinds of sexual offences as they are one of the most vulnerable sections of the Indian Society. It includes offences such as “rape, gang rape, grievous bodily harm, threaten with firearms or substances of corrosive nature, assault of a child under 12 years of age, or one who is physically or mentally disabled, impregnating a minor, or assaulting a pregnant child knowingly, or infecting the child with HIV⁶⁴.” POCSO Act has also gave a broader view to sexual harassment which includes that “if a person with sexual intent repeated or constantly stalking, watching or contacting a child either directly, through electronic media or other means thus, including incidents of child harassment via sexting or cyberspace”⁶⁵ then it should be considered as sexual harassment under Section 11 wherein the question in relation to whether the sexual intent was present or not is a question of fact that need to be decided by the court.

V. Punishment under POCSO Act, 2012?

When a person commits a sexual offence or attempts to commit a sexual offence then such person should be held strictly liable and is bound to receive the punishment for the crime he or she has done. POCSO reaches out to the victims of sexual abuse and provides them justice by punishing the wrongdoers. POCSO covers punishment for each sexual offence that has been covered under the Act.

Whenever a person commits a penetrative sexual assault then he or she is liable to serve the sentence which is not less than

seven years and can be extended to life imprisonment at the discretion of the court along with the fine under Section 4 of the Act. In case a person commits non-penetrative sexual assault then he or she is liable to serve the sentence which is not less than three years and the court can extend it to five years at its discretion along with the fine under Section 8 of the Act.

When an aggravated penetrative assault or aggravated non-penetrative assault has been committed by a person who was in a position of trust and authority of a minor or are the members of society such as police officers, teachers, etc., then they are liable to serve more severe punishment because they are the ones on whom the society believes for everyone’s safety. According to POCSO, if an aggravated penetrative assault is committed then the wrongdoer is liable to serve rigorous imprisonment for a term which shall not be less than 20 years and can be extended up to life imprisonment along with a fine or can be penalised with death under Section 6 of the Act. In case of aggravated sexual assault, the wrongdoer shall be sentenced to imprisonment for a term not less than five years but can be extended to seven years along with a fine under Section 10 of the Act.

POCSO also provides punishment to the wrongdoer for the sexual harassment under Section 12 of the Act, committed against a child and prescribes a punishment of 3 years along with a fine. Also, the Act punishes a person who stores pornographic material involving a child and prescribes a punishment of imprisonment that may extend to three years or with a fine or with both imprisonment and fine as punishment.

Also under POCSO Act, Section 42 provides for an alternative punishment according to which if a person commits an act or omission that constitutes an offence under POCSO and also under other laws then the person who is found to be guilty of such offence shall be liable to the

⁶⁴ Jyoti Belur & Brijesh B. Singh, *Child sexual abuse and the law in India: a commentary*, Crime Sci 4, 26 (2015).

⁶⁵ *Id.*

punishment under the law that provides punishment which is greater in degree.

VI. Can POCSO Act, 2012 be misused?

Everyone will agree that POCSO Act has been the best initiative till now in the field of preventing child sexual abuse. It is solid legal machinery that brings justice to the victims but sometimes it is also necessary to observe that the Act is not been misused. It has been evident that in certain situations the POCSO Act has been misused. There are situations when children are made to file false allegations against an innocent person as they are acknowledged of the fact that the accused have the burden to prove they are innocent. If the accused is not having sufficient evidence to prove that he is innocent then he may end up getting punishment due to those false allegations that portray him or her as a heinous offender and destroy his or her reputation in society. These false allegations are made with the purpose of either seeking revenge or influencing other cases pending in the court like property disputes or matrimonial disputes or any other dispute in which the prosecution is having direct benefit through the false allegations reported under POCSO Act.⁶⁶ Whatever may be the reason for filing false allegations but it is not right to drag an innocent person in a false case as it is the opposite of ensuring justice and this call into question the sanctity of the Act itself.⁶⁷

There are many cases in which the existing property dispute became the factor for filing false allegations under POCSO Act. One of them is Shamsher Singh Verma v State of Haryana⁶⁸ in which the court observed that there might be a possibility that the allegations raised against the accused might be false and that the accused should be allowed to adduce the evidence that was in a form of recorded conversation through which it can be revealed that the complaint filed under IPC and the POCSO Act was just to

⁶⁶ Neha Antony, *Misuse of POCSO- False Allegations*, CRCNLU, (2021), <https://www.crcnlu.org/post/misuse-of-pocso-false-allegations> (last visited Nov. 5, 2021).

⁶⁷ *Id.*

subdue the accused in a property dispute if the accused was right in its place.

Not only property disputes but sometimes complaints are also filed to influence the existing matrimonial disputes that usually involve the question of the custody of the child. In the case of Jaseer Aboobaker v State of Kerala⁶⁹, it was argued by the accused that the prosecution have filed a false complaint so that the accused who was the father of the victim does not get the visitation rights. After observing the arguments of both sides and looking at the record of the accused, the court thought that the argument made by the accused that the serious allegations have been levelled against the accused to secure a favourable order in the petition for custody that is pending before the Family Court cannot be ignored. When we are talking about getting custody how can we forget the famous case of Indian Television Actor Pearl V Puri who was in limelight in before past few months as he was charged under Section 376AB of IPC and Section 4, 8, 12, 19 and 21 of the POCSO Act, 2012 on the basis of the complaint filed by the victim's father. It was claimed by the victim's mother that this complaint is filed just to get the custody of her child. Pearl V Puri got bail in this case but it will still take some time to know whether or not he is involved in this crime but it did became the topic of discussion as this case involved famous Indian Television Actor.

Another case that I would like to cite is related to the question that whether the case filed was done with a good motive or there was an intention to seek money out of the case. The case I'm referring to is Debu Majumder v The State of West Bengal.⁷⁰ In this case, the suit was filed against the appellant under Section 10 of the POCSO Act. In this case, the victim's parents alleged that their daughter who was 5 years old at the time of the suit filed went to their grandfather's (appellant)

⁶⁸ Criminal Appeal no 1525 of 2015.

⁶⁹ Bail Appl. No. 5068 Of 2018.

⁷⁰ C.R.A. 360 of 2016.

house where she was returning she was crying and when asked the reason she told that the appellant gave her the logence even though she didn't want to take and then she was taken to the roof where the appellant touched her vagina and sucked it. During the examination in chief, the victim stated the same statement that her mother alleged but later on during the cross-examination the victim. Also, when the wife of the appellant was made to sign the FIR, she did not know what she was signing as the FIR terms were not read to her and she further stated that the victim's mother asked them to give Rs 2 Lakhs. Further, the officer-in-charge who recorded the statement of the victim also stated in crystal clear terms that the victim may have or may not have been tutored. Also, during the medical examination, the doctor did not find any injury or mark or touch to the vagina. Many other pieces of evidence were brought to the court but were not focused upon. The advocate of the appellant argued that the learned judges relied on the weak evidence and also did not observe the contradicting statements of the prosecution witnesses and led to the failure of justice due to which the appellant got punished with five years of rigorous punishment along with a fine of ten thousand rupees out of which he had already served four years.

The High Court further held in this case that the learned trial judges did not deal with the defence witnesses and directly held the defendant liable under Section 29 of the POCSO Act. It was further stated that there were witnesses from the defence side that were rebuking the prosecution's claims but the learned trial judges did not observe the same. In addition to it, the court observed the evidence on the record and concluded that the appellant is not liable under Section 10 of the POCSO Act and that the minor victim girl was just being used to get the money from the appellant. the court further held that it is important to deal with the POCSO cases strictly but at the same time, the judges should be observing the witnesses of both sides so that no mistake can be made while delivering justice. The High Court then held the appellant not

guilty of the charge under Section 10 of the POCSO Act and was acquitted.

The judge of the High Court further cited "I express my mind with deep concern that this is one of the glaring examples of misuse of the provisions of Protection of Children from Sexual Offences Act, 2012 under which offence stands on a graver footing. So the learned Trial Judges ought to be very careful while recording order of conviction as the evidence should be in consonance with probabilities and consistent with other evidence but mere suspicion is not proof, and suspicion, however strong, cannot take place of proof and is not sufficient to warrant conviction."⁷¹

It can be observed that sometimes children have been made a weapon to seek revenge from either family members or any other known person or to make an influence on other pending cases. While putting false allegations on an innocent person, the parents themselves forget that these false complaints will eventually take effect on their child's health and hence will lead to emotional trauma. Therefore, it was necessary to have such provisions that deal with the punishment for the misuse of the POCSO Act so that no one can make children their weapons for their benefit.

It is recommendable that while drafting the POCSO Act, 2012, the legislators have considered the possibility of false allegations that may be raised after the Act is enacted. POCSO Act provides provision for the punishment for those who file false allegations or give false information. It has been provided under Section 22 of the Act that whosoever files a false complaint other than a child to humiliate, extort or threaten or defame then such person shall be punished with imprisonment up to six months or with fine or with both. The POCSO act confers responsibility on every person to report the sexual offences committed against a child but if any person provides any false information against a child or a false complaint acknowledged of the fact that it is false then

⁷¹ *Id.*

such person shall be punished with imprisonment up to one year or with fine or with both.

VII. Pitfalls of POCSO Act, 2012:

POCSO Act, 2012 has been a major step for curbing the menace of child sexual abuse but even though the Act has been enacted there are still some factors that are making impossible of the implementation of the Act in the most effective way as it should be. In the past few years, child sexual abuse cases have been on the rise. According to the report ‘Crime in India 2020’ published by the National Crime Records Bureau, the crime reported was close to 1.34 lakhs out of which the rate of child sexual abuse was 38.8 per cent of the total whereas in 2019 the rate of child sexual abuse was 35.5 per cent.⁷² It can be seen that the case of child sexual abuse have increased by 3.3 per cent even after the implementation of the POCSO Act, 2012 which shows that there is no fear in the minds of the would-be criminals of the punishment they will face because of which children are still facing sexual abuse.

POCSO directs the State Government that after the consultation with the Chief Justice of the High Court, it should designate one Sessions Court as a Special Courts to conduct trials for the cases reported under POCSO to ensure speedy trial. Also, if a Sessions Court has been notified as a Special Court by the Commissions for Protection of Child Rights then it will be considered as Special Court under POCSO Act, 2012. Therefore, it can be expected that every district would have its special court to deal with child sexual abuse cases so that speedy trials can be ensured but in reality, it is all different.

When the cases are recorded the trials have to be conducted and disposed of as soon as possible providing justice to the victims. POCSO Act directs that the testimony of the victim be recorded within 30 days and the trial is disposed of within

one year so that the victim doesn’t have to come back to the court repeatedly and can go back to his or her normal life. Even after this direction, in many cases trials usually take more than a year because courts are already overburdened with work and the government fails to establish special courts in all the districts of the country. The failure to establish special courts lead to the delay in the disposal and pendency of the cases reported under the POCSO Act, 2012.

Another pitfall POCSO experience is that sometimes the judges who are appointed to deal with the cases of child abuse are not experts in this area or some may lack sensitivity training that is required in these cases as they are not provided additional training by the government. This leads to the inefficient and ineffective disposal of child sexual abuse cases as the judges often see these cases as an additional burden or they are not well equipped to deal with such cases. Not only the judges but sometimes police officers also lack the sensitivity that they are required to maintain at the time of investigation and as a result, the victim might suffer through emotional trauma making it even harder for the child to move on.

VIII. Conclusion:

In India, child sexual abuse has been a harsh reality and hence the POCSO Act, 2012 was introduced to curb the same. Indeed POCSO has been a major step towards preventing child sexual abuse and providing children with a safe childhood and a safe environment. It was mandatory to have an Act that aims to ensure the healthy physical, emotional, social and intellectual development of the child because they are the future of our country. Not only does it acknowledge many forms of sexual offences that are not covered previously in any act but it also provides for stringent punishment to the one who does wrong to the child by committing sexual abuse against the child. The fact that POCSO has been the first Act to deal with sexual offences

⁷² Vol 1, *Crime in India- 2020*, NCRB, 311-316 (68th ed. 2021).

against a child is true but merely the enactment of the Act is not enough and the implementation is also necessary keeping in mind that the Act is not been misused. The Government has to look after the implementation of the Act in which POCSO is lacking. There are still many pitfalls that POCSO is facing and until these pitfalls are removed, POCSO cannot be implemented in the way it has to be. To implement the POCSO Act efficiently and effectively one needs to ensure that there are dedicated and coordinated efforts between the executive and judiciary system so that justice can be ensured victims of child sexual abuse. If the POCSO Act is not implemented efficiently, then the wrongdoers will not be afraid of committing sexual abuse against a child. Therefore, POCSO Act has a long way to go till the time victims of child sexual abuse come to zero and every child is safe in India enjoying their blissful childhood.

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