



JUSTICE FOR THE YOUNG: UNDERSTANDING THE DISTINCTIVE FEATURES OF THE POCSO ACT

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Abstract: Child abuse has emerged as a critical socio-legal concern in contemporary India, affecting children across homes, schools, and public spaces. Particularly alarming is the heightened vulnerability of children with disabilities especially those with mental disabilities who experience abuse at nearly four times the rate of their non-disabled peers. Such violence is not merely an individual tragedy but a profound violation of societal and constitutional values, undermining the fundamental rights to life, liberty, and protection that the State is duty-bound to uphold. Prior to the enactment of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Indian legal provisions addressing sexual offences against minors were limited and embedded within the broader framework of the Indian Penal Code (IPC), which lacked child-centric definitions and failed to comprehensively capture various forms of sexual abuse. As a result, many abusive acts including non-penetrative assault, sexual harassment, and exploitation remained legally ambiguous and underreported. The introduction of the POCSO Act marked a significant legislative shift, offering a specialized, structured, and child-focused framework that clearly defines and criminalizes a wide spectrum of sexual offences against children. This paper examines the socio-legal landscape of child sexual abuse in India, the limitations of Pre-POCSO legal mechanisms, and the transformative role of the POCSO Act in strengthening child protection and advancing justice for vulnerable minors.

Keywords: Child abuse, Socio-legal issue, Children with disabilities, mental disabilities, Vulnerability, Sexual offences, Indian Penal Code (IPC), Pre-POCSO limitations, Protection of Children from Sexual.

I. INTRODUCTION

Child abuse has become a widespread socio-legal issue in contemporary India. Children face abuse not only in their homes but also in schools and public spaces. Among them, children with disabilities, particularly those with mental disabilities, are reportedly abused at significantly higher rates, nearly four times more than their non-disabled peers. This issue goes beyond individual harm; it is a violation against society as a whole. In today's social environment, children are increasingly vulnerable to various forms of crime. It is, therefore, a fundamental duty of the State to ensure their protection and uphold their rights to life and liberty.¹

Before the enactment of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Indian legislation provided limited recognition of sexual offences specifically targeting children. The Indian Penal Code (IPC) addressed such offences primarily through three sections: Section 376 (rape, defined as non-consensual sexual intercourse), Section 354 (assault or criminal force intended to

¹ Sushil Kumar Rohilla, *Sexual Offences Against Female Child in India: Emerging Issues & Challenges*, 2 Int'l J. Legal Res. & Stud.3 (2017).

outrage the modesty of a woman), and Section 377 (unnatural offences, encompassing acts such as anal sex, homosexuality, and bestiality).

However, these provisions were not child-centric and failed to account for a broad spectrum of abusive conduct toward minors. Consequently, various forms of child sexual abuse, including non-penetrative acts, sexual harassment, and exploitation, were neither adequately defined under the law nor systematically recorded, even in cases where such incidents were reported. In response to increasing public awareness and advocacy around child protection, the Government of India introduced the POCSO Act, 2012. This comprehensive legislation specifically criminalizes a wide range of sexual offences against children, including penetrative and non-penetrative assault, sexual harassment, and the involvement of children in pornographic content. Furthermore, the Act provides for the establishment of Special Courts to ensure the timely and sensitive adjudication of such cases.²

II. DISTINCTIVE FEATURE OF THE POCSO ACT

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a special law created to protect children below 18 years from sexual abuse and exploitation. It is unique because it is gender-neutral, covers a wide range of sexual offences, and ensures child-friendly procedures during investigation and trial. The Act makes reporting of offences mandatory, provides for speedy trial through Special Courts, and protects the identity and dignity of the child. Its focus on the child's best interest and safety makes it a distinctive and progressive piece of legislation in India.

III. PROVISION FOR SPECIAL COURTS UNDER THE POCSO ACT

One of the distinctive features of the Protection of Children from Sexual Offences (POCSO) Act, 2012, is the creation of Special Courts to ensure the speedy and sensitive trial of offences involving child Survivors. The underlying objective is to safeguard the best interests of children and to provide them with a child-friendly judicial environment, free from the intimidating atmosphere of regular criminal courts.

The Act authorizes the State Government, in consultation with the Chief Justice of the High Court, to designate a Court of Session in each district as a Special Court for the trial of offences under the POCSO Act. Where a Court of Session has already been notified as a Children's Court under the Commission for Protection of Child Rights Act, 2005, or designated for similar purposes under any other law, such court is deemed to function as a Special Court under the POCSO framework.³

A significant departure from the conventional criminal procedure is reflected in Section 33(1), which empowers Special Courts to take cognizance of offences directly, either based on a police report or upon receiving a complaint of facts that disclose the commission of an offence, without requiring the case to be committed to it for trial. This provision is intended to avoid procedural delays and to accelerate the process of justice.

In addition, the Act also mandates the appointment of a Special Public Prosecutor for every Special Court through notification in the Official Gazette by the State Government. Such a prosecutor is deemed to be a public servant and must possess a minimum of seven years' standing as an advocate. The role of the Special Public Prosecutor is pivotal, as he or she is responsible for conducting prosecutions in a manner that is sensitive to the needs of the child while upholding the mandate of the Act⁴.

²Jyoti Belur & Brijesh Bahadur Singh, *Child Sexual Abuse and the Law in India: A Commentary*, 4 Crime Sci. 26 (2015), <https://doi.org/10.1186/s40163-015-0037-2>.

³Section 28 of The Protection of Children from Sexual Offences Act, 2012,

⁴Section 32 of The Protection of Children from Sexual Offences Act, 2012,

Thus, the establishment of Special Courts under the POCSO Act represents a progressive step in child-centric jurisprudence, aiming to deliver justice swiftly, effectively, and in a manner that minimizes secondary victimization of child survivors of sexual abuse.⁵

IV. PROCEDURAL SAFEGUARDS TO BE OBSERVED BY SPECIAL COURTS

The Protection of Children from Sexual Offences (POCSO) Act, 2012 accords significant importance to child-friendly procedures at every stage of the justice process, to create a supportive and less intimidating environment for Survivors of sexual abuse. The Act prioritizes sensitive and child-appropriate methods in legal proceedings to ensure that trials are conducted both fairly and expeditiously. A central aim of these provisions is to minimize psychological harm, as past experiences have shown that insensitive handling often discouraged reporting and hampered effective evidence collection, the law underscores the necessity of safeguarding both the physical security and psychological well-being of the child at all stages of the proceedings.

To facilitate speedy justice and to discourage trauma to a child survivors, the Special Courts are required to adopt a child-sensitive approach while conducting trials. The identity of the child must be protected at all stages of investigation and trial, and proceedings should be held in-camera in the presence of parents or a trusted person chosen by the child.⁶ To reduce trauma, the child should not be repeatedly summoned, subjected to intimidating cross-examinations, or forced to encounter the accused within the court premises. The court must permit regular breaks, ensure questions are relayed through the presiding judge, and record the child's evidence within thirty days of cognizance, with reasons noted for any delay. Wherever necessary, evidence should be recorded using video conferencing, one-way screens, or similar methods so that the child is not directly exposed to the accused. In cases involving children with physical or mental disabilities, assistance from experts, special educators, or persons familiar with the child's communication needs should be arranged. Importantly, the entire trial should, as far as possible, be concluded within one year, safeguarding both the dignity and well-being of the child.⁷

V. GENDER NEUTRALITY:

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a milestone in Indian child protection law, distinguished by its gender-neutral framework in addressing child sexual abuse and exploitation. This feature marks a clear departure from earlier legal provisions, such as those under the Indian Penal Code (IPC) of 1860, which traditionally recognized only men as offenders and women as Survivors in rape cases. In contrast, the POCSO Act acknowledges that children of any gender, including boys, girls, and gender-diverse individuals, can be Survivors, and that offenders may also belong to any gender, thereby expanding the scope of protection beyond the gender binary.

Gender neutrality refers to the removal of sex-based distinctions in the framing and application of laws. Its central aim is to guarantee that all individuals enjoy equal rights and equal protection of the law, irrespective of gender. The idea of incorporating gender neutrality into Indian rape laws was first highlighted in *Sudesh Jhaku v. K.C. Jhaku*,⁸ where the court for the first time recognized that men are also subjected to sexual assault should be afforded the same legal safeguards as their female counterparts, thereby opening the way for debates on gender-neutral laws.⁹

⁵ S. Kethineni & M. Srinivasan, *Special Courts and Protection of Children from Sexual Offences in India*, ___ J. ___ 189 (2020).

⁶ Section 37 of The Protection of Children from Sexual Offences Act, 2012,

⁷ Mohanty, Hitabhilash and Banerjee, Devpriya, An Analysis of Protection of Children from Sexual Offences Act, 2012 (POCSO ACT) (January 17, 2021). Available at SSRN <http://ssrn.com/abstract=3768096> or <http://dx.doi.org/10.2139/ssrn.3768096>

⁸ 1998 Cr.L.J. 2428,

⁹ Parul Gupta, Gender Neutral Rape Laws, 2 Int'l J. Integrated L. Rev. 217 (2021).

The Act defines a child as any individual under the age of eighteen, without distinction based on gender, reaffirming its commitment to a gender-neutral approach. By ensuring equal protection for all minors, the law upholds principles of fairness and inclusivity, moving away from outdated gender assumptions. It also accommodates the realities of children with diverse gender identities, including non-binary and transgender individuals, thus ensuring that legal remedies are accessible to every child without discrimination¹⁰.

Although the legislation is drafted in a “gender-neutral” manner, the prevailing social realities often result in boys being disproportionately criminalized, especially in cases involving consensual relationships or elopement. A study conducted in Delhi in 2013 revealed that nearly 40% of 600 reported sexual assault cases (involving both adults and minors) were actually instances of consensual sexual activity or elopement of young couples. In many such situations, the girl’s family, disapproving of the relationship, filed rape and other criminal charges against the boy, thereby misusing the law. This practice not only leads to false accusations but also causes significant psychological distress for the accused, fostering mistrust and alienation from the justice system.

Although the POCSO Act is designed as gender-neutral legislation, in practice, there remains a noticeable bias toward protecting minor girls rather than minor boys from sexual abuse. This disparity was evident in *Vikramsinh Champaksinh Parmar v. State of Gujarat* (2020), which involved a consensual sexual relationship between a 16-year-old girl and a minor boy. Despite the gender-neutral framework of the Act, the girl was treated as the victim, whereas the boy was categorized as a child in conflict with the law. The Gujarat High Court, while addressing this issue, observed the need for increased legal awareness among “young minor boys” as mandated under Section 43 of the POCSO Act.

Such procedural inconsistencies reflect a broader presumption that sexual offences are primarily committed by males and that females are usually the victims. This gendered approach was further highlighted in an order by Justices N. Anand Venkatesh and Sunder Mohan, who examined cases involving romantic relationships between minors. In many such situations, investigating agencies automatically label the minor girl as the victim and the minor boy as the offender, leading to his placement in a Child Welfare Home by the Child Welfare Committee. The judges critically noted that POCSO, being a gender-neutral law, must be interpreted to uphold the rights and welfare of *all* children involved, irrespective of gender. To address this, the Court directed the Director General of Police (DGP) to submit periodic reports on POCSO cases, ensuring that those involving consensual romantic relationships are distinguished and handled appropriately to protect the best interests of the minors concerned.¹¹

Such criminalization also infringes upon Articles 5 of the UNCRC, which emphasize the child’s right to freedom to make their own decisions. Furthermore, it violates the constitutional guarantees of dignity, privacy, and life under Article 21 of the Indian Constitution. A similar concern was recognized in the South African “Teddy Bear Clinic” case, where laws penalizing consensual sexual activity between adolescents were struck down as unconstitutional.

To address this issue, the introduction of a “close-in-age” exception commonly referred to as “Romeo and Juliet laws” is essential. These provisions prevent adolescents engaged in consensual sexual activity with peers of a similar age from being branded as sexual offenders. Such an exception would recognize consensual sexual conduct between individuals over the age of sixteen who are either of the same age or within a three-year age gap, thereby distinguishing between exploitative acts by adults and consensual relationships among adolescents. Many jurisdictions have already adopted this approach, acknowledging that age-proximate consensual relationships are far

¹⁰ Guru Prasad Singh & Mamta Sharma, *The Gender-Neutral Approach of the Protection of Children from Sexual Offences (POCSO) Act, 2012 in Safeguarding Children’s Rights*, 7 Int’l J. L. Mgmt. & Human. 559 (2024).

¹¹ Sharma, Somansh. *POCSO Act: Revisiting the Age of Consent for Romantic Teenage Relationships*. Research Paper, O.P. Jindal Global University, 2022, Section B, Nov. 10, 2023. Available at SSRN: <https://ssrn.com/abstract=5348969>.

less likely to involve coercion. Incorporating such a provision would bring the law closer to the realities of adolescent development while ensuring protection against genuine exploitation.¹²

VI. OBLIGATION TO REPORT:

One of the key provisions of the POCSO Act is the duty to report sexual offences, as outlined in Section 19. It places a legal obligation on every individual, including the child victim, to inform the Special Juvenile Police Unit (SJPU) or local police if they are aware of, or suspect, that a sexual offence has occurred or is likely to occur. Failure to report such information, despite knowing the offence, constitutes a punishable offence under the Act. The Act does not prescribe any time limit for complaining. This means that survivors of child sexual abuse can file a report at any point in time, regardless of how many years have passed since the incident took place or their current age.¹³

The obligation of mandatory reporting under the POCSO Act poses a serious challenge to the doctor-patient relationship, which fundamentally rests on trust and confidentiality. This requirement comes into direct conflict with the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, and the Mental Healthcare Act, 2017, both of which safeguard the privacy of patients in matters of physical and mental health. The right to privacy, being an intrinsic part of Article 21 of the Constitution, further strengthens this protection.

Moreover, mandatory reporting can negatively affect the therapeutic process by discouraging children from disclosing sensitive information. It also places an additional administrative burden on healthcare providers, as the Act neither specifies a uniform reporting format nor clearly defines the circumstances that necessitate such reporting.¹⁴

Section 19 of the POCSO Act interprets "knowledge" as passive awareness of facts, rather than an active duty to inquire or conduct an independent investigation. The Supreme Court in *Dr. Sr. Tessa Jose v. State of Kerala*¹⁵ clarified that a person is not required to probe further; knowledge must arise from information directly perceived through one's senses. Nevertheless, instances exist where doctors have been prosecuted for failure to report, particularly when they had explicit awareness of abuse, for example, in *State of Maharashtra v. Dr. Maroti*,¹⁶ where minors directly disclosed their experiences of sexual assault to the doctor.

VII. AGE OF CONSENT:

Under the Protection of Children from Sexual Offences (POCSO) Act, all forms of sexual activity involving a person below the age of 18 are automatically classified as criminal offences, irrespective of whether the act was consensual or the age of the person involved. This legal position applies uniformly, even in situations where both individuals involved are minors. As a result, the law does not recognize the capacity of individuals under 18 to give valid consent for sexual activity. In cases of consensual sexual relations between two minors, the law blurs the distinction between the victim and the accused, effectively treating both as potential offenders. The Act does not grant

¹² Singh, Suchitra, Age of Consent under POCSO A Need for Change (September 22, 2022). Available at SSRN <https://ssrn.com/abstract=4470418> or <http://dx.doi.org/10.2139/ssrn.4470418>

¹³ Judicial Academy Jharkhand, *A Decade of Protection of Children from Sexual Offences Act: Re-thinking & Possibilities* (n.d.) (on file with Judicial Academy Jharkhand), <https://www.jajharkhand.in>.

¹⁴ Nandita Batra, Navigating the Conundrum of Mandatory Reporting Under the POCSO Act: Implications for Medical Professionals, 9 Indian J. Med. Ethics 58 (2024), <https://ijme.in/articles/navigating-the-conundrum-of-mandatory-reporting-under-the-pocso-act-implications-for-medical-professionals/>

¹⁵ Criminal Appeal No. 961 of 2018

¹⁶ CrimAppl No. 1874 of 2022

minors any degree of sexual agency or autonomy. When a minor is identified as the ‘perpetrator’ of a sexual offence under POCSO, the law mandates that they be dealt with according to the *Juvenile Justice (Care and Protection of Children) Act, 2000*.¹⁷

The Act was introduced with the intention of safeguarding the rights of children by reinforcing core principles such as equality and non-discrimination, the right to life, survival and development, the right to participation, and the overarching principle of the best interests of the child. However, in practice, the legislation often falls short of these objectives and instead results in the unintended consequence of criminalizing children. The right to be heard is overlooked, as any form of consent given by a person under eighteen years of age is treated as legally invalid. Consequently, the law classifies all sexual activity involving individuals below the age of eighteen as rape, regardless of whether it is consensual. This rigid approach undermines Article 12 of the UNCRC, which guarantees the child’s right to be heard, and fails to align with the child’s best interests or developmental needs, both physical and psychological.

This position was also emphasized in *Vijayalakshmi v. State Rep. by the Inspector of Police*,¹⁸ where the court acknowledged that adolescent relationships play a crucial role in shaping self-identity, emotional growth, and the capacity for intimacy. Developmental theories of adolescence highlight that young people at this stage are naturally inclined to form relationships, which contribute not only to their self-discovery but also to their emotional and social development. Ignoring such realities and criminalizing consensual acts between adolescents disregards the evolving nature of society and contradicts the very purpose of a child rights protection framework. Such an approach denies children bodily autonomy and, instead of protecting them, subjects them to paternalistic state control that regulates rather than empowers, thereby reducing children to mere objects of policy while exposing them to criminal liability.¹⁹

In *Sabari @ Sabarinathan @ Sabarivasan v. The Inspector of Police & Ors.*,²⁰ the Court recognized that feelings of attraction and affection between teenagers should not be treated as criminal acts. Justice V. Parthiban, while delivering the judgment, recommended that the POCSO Act be revisited specifically proposing that the definition of a “child” be revised from 18 years to 16 years, and that consensual sexual activities between individuals above 16 should be excluded from the stringent provisions of the Act dealing with sexual assault. Instead, such cases should fall under more lenient and context-sensitive legal provisions.

The judgment further emphasized the importance of distinguishing between serious offences of sexual abuse and consensual romantic relationships among adolescents. Given that teenagers undergo significant hormonal and emotional changes and are still developing their decision-making capacity, the law should focus on protecting and guiding them rather than criminalizing their actions. Such differentiation would prevent unnecessary social stigma and harassment while maintaining the protective intent of the legislation²¹.

In *Erickson Lyngdoh v. State of Meghalaya*,²² the High Court addressed a case where two teenagers eloped, married, and the girl became pregnant. The Court observed that under Exception 2 to Section 375 of the Indian Penal Code, 1860, sexual relations with a lawful wife who is above 15 years of age do not constitute rape. The judgment did not endorse child marriage or underage relationships; it simply clarified that when young couples elope with mutual consent, the girl is not automatically to be treated as a victim. The Court also emphasized that every case must be examined on its own facts before applying the law.

¹⁷JyotiBelur&Brijesh Bahadur Singh, *Child Sexual Abuse and the Law in India: A Commentary*, 4 Crime Sci. 26 (2015), <https://doi.org/10.1186/s40163-015-0037-2>.

¹⁸CrI. O.P (MD) No. 3775 of 2012 (Mad. H.C.) (India).

¹⁹ Singh, Suchitra, Age of Consent under POCSO A Need for Change (September 22, 2022). Available at SSRN <http://ssrn.com/abstract=4470418> or <http://dx.doi.org/10.2139/ssrn.4470418>

²⁰ Criminal Appeal No.490 of 2018 (Mad. H.C.) (India).

²¹Suchitra Singh, *Age of Consent under POCSO: A Need for Change?* (Sept. 22, 2022), available at SSRN, <https://ssrn.com/abstract=4470418>

²² 2020 SCC OnLineMegh 81,

On the other hand, *the Prohibition of Child Marriage Act, 2006 (PCMA)* aims to eliminate child marriages and protect minors from their adverse effects. In *Court on its Motion (Lajja Devi) v. State & Others*,²³ two minors married under Hindu rites after eloping, prompting complaints from their families. The Delhi High Court held that a marriage in breach of Clause (3) of Section 5 of the Hindu Marriage Act is not automatically void, but may be declared void if the conditions listed in Section 12 of the PCMA are met. Indian courts continue to view marriage as a sacred institution deserving protection, yet this respect does not legitimize child marriage. In exceptional situations such as strong parental opposition, teenage pregnancy, or when the couple is close to the age of majority courts may, after careful evaluation of the facts and evidence, adopt a nuanced stance on the validity of such unions.²⁴

These rulings reveal a three-way legal conflict.

- *IPC* Exception 2 allows marital intercourse if the wife is over 15.
- *The Prohibition of Child Marriage Act* fixes the minimum marriageable age at 18 for females and 21 for males, treating child marriages as voidable or void in specified circumstances.
- *The Protection of Children from Sexual Offences (POCSO) Act, 2012*, however, defines a child as anyone under 18 and criminalizes all sexual activity with a minor, consensual or not, without any exception for marriage.

As a result, a situation may arise where a marriage is considered valid for the limited purpose of Section 375 IPC, voidable under the PCMA, yet simultaneously treated as a criminal offence under POCSO. This overlapping framework creates significant legal uncertainty, forcing courts to balance these seemingly inconsistent provisions on a case-by-case basis.

VIII. PRESUMPTIVE CULPABILITY AND REVERSAL OF BURDEN:

Unlike the general principle in criminal law, where the prosecution must prove the guilt of the accused, the POCSO Act introduces a reverse burden mechanism. The Protection of Children from Sexual Offences (POCSO) Act, 2012, incorporates special rules of evidence to deal with the complexities of child sexual abuse cases. Notably, it provides for a presumption of guilt and shifts the burden of proof onto the accused; measures intended to enhance child safety.

When a person is tried for committing, assisting in, or attempting offences covered under Sections 3, 5, 7, or 9 of this Act, the Special Court will assume that the person is guilty of the offence, unless he or she can prove otherwise.²⁵

It further allows the court to presume that the accused had the required mental intent (culpable mental state) during the commission of the act. It then becomes the responsibility of the accused to disprove these presumptions and establish their innocence. This legal stance is considered appropriate given the sensitive nature of child sexual offences, where the child is often the sole witness and direct evidence may be limited or absent.²⁶

The Bombay High Court ruled that the presumption under Section 29 of the POCSO Act applies only after the prosecution proves foundational facts like the victim's age and the occurrence of the offence. Since witnesses turned hostile and essential facts were not established, the trial court's reliance on presumption and corroborative evidence alone was held incorrect. The conviction was set aside, and the Court issued guidelines for handling cases where Survivors do not support the prosecution.²⁷ Presumptive culpability and reversal

²³ 2012 SCC OnLine Del 3937

²⁴ Bhaskar, Neelakshi and Blogs, Neolex vision, Objectives and Applicability of the POCSO Act, 2012 Explained Through Cases (April 14, 2021). Neolexvision Blog, <https://www.aequivic.in/post/objectives-and-applicability-of-the-pocso-act-2012-explained-through-cases>, Available at SSRN: <https://ssrn.com/abstract=3826187> or <http://dx.doi.org/10.2139/ssrn.3826187>

²⁵ Section 29 of The Protection of Children from Sexual Offences Act, 2012

²⁶ Section 30 of The Protection of Children from Sexual Offences Act, 2012

²⁷ DeelipTatoba vs The State of Maharashtra & Anr. Criminal Appeal No. 990 of 2019

of burden under the POCSO Act are designed to protect children but require careful judicial application to avoid undermining fair trial rights.

IX. CONCLUSION

The Protection of Children from Sexual Offences (POCSO) Act, 2012, stands as a landmark in India's legislative framework for child protection, reflecting a conscious shift towards a rights-based and child-centric approach. Its enactment filled a crucial gap in the Indian Penal Code, which lacked comprehensive provisions to address the varied and complex nature of sexual offences against children. The POCSO Act introduced clarity, inclusiveness, and procedural sensitivity, ensuring that children irrespective of gender receive legal protection from all forms of sexual abuse and exploitation.

A key strength of the Act lies in its institutional innovations, such as the establishment of Special Courts and the appointment of Special Public Prosecutors, which have enhanced both the speed and sensitivity of trials. The procedural safeguards embedded within the Act such as in-camera trials, protection of the child's identity, and use of child-friendly mechanisms represent a progressive step toward trauma-informed justice. These measures reflect a recognition that justice for children extends beyond conviction rates; it includes preserving their dignity and emotional well-being throughout the judicial process.

Equally noteworthy is the Act's gender-neutral character, which broadens the ambit of protection to include boys and gender-diverse children groups often overlooked in earlier laws. However, this same neutrality, coupled with the absence of a "close-in-age" or "consensual adolescent" exception, has inadvertently led to the criminalization of consensual relationships among adolescents. This not only disregards the evolving capacities and developmental realities of young people but also results in misuse of the law in cases of elopement or romantic relationships opposed by families. Such instances demonstrate a gap between the law's intention to protect and its practical outcomes, raising questions about proportionality, autonomy, and the best interests of the child.

Another area of concern is the provision for mandatory reporting under Section 19. While designed to ensure that no instance of abuse goes unreported, it conflicts with the principles of confidentiality in medical and therapeutic contexts. This can deter children from seeking help and place professionals in ethically challenging positions. The absence of clear guidelines on what constitutes "knowledge" of an offence further compounds this problem, leading to inconsistent enforcement and, at times, unwarranted prosecution of healthcare workers.

Similarly, the reverse burden of proof under Sections 29 and 30, though aimed at ensuring accountability, must be applied cautiously to avoid compromising the presumption of innocence a cornerstone of criminal jurisprudence. Courts have rightly emphasized that the prosecution must first establish foundational facts before the presumption of guilt can arise. This judicial balancing act underscores the need to protect children without diluting the accused's right to a fair trial.

In practice, the POCSO Act's effectiveness depends not only on its legislative provisions but also on how these are implemented by police, prosecutors, judges, and support services. Delays in investigation, lack of child-friendly infrastructure, and inadequate sensitization of stakeholders continue to hinder its objectives. Moreover, the interplay between POCSO, the Prohibition of Child Marriage Act, and the Indian Penal Code creates overlapping jurisdictions and interpretative challenges, especially in cases involving adolescent relationships.

From a broader socio-legal perspective, the POCSO Act embodies the nation's commitment to protecting children from sexual harm. Yet, it also reveals the tension between safeguarding children and respecting their autonomy. The future of child protection law in India lies in

refining this balance through policy reform, better training of enforcement agencies, and the possible introduction of a “close-in-age” exception to ensure that protection does not become persecution.

In conclusion, while the POCSO Act, 2012, remains one of the most comprehensive child protection laws in India, it must continue to evolve with changing societal realities. The law’s success ultimately depends not only on stringent punishment for offenders but also on creating a system that empowers children, respects their rights, and fosters trust in the justice process. A sensitive, balanced, and rights-oriented interpretation of the Act can ensure that it truly serves its intended purpose protecting every child from sexual abuse while upholding the principles of justice, dignity, and compassion.

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