



The Barriers to Effective Enforcement of the POCSO Act: An Indian Perspective

¹Vijayant Sinha,
¹Research Scholar,
¹Department of Law
¹YBN University, Ranchi

²Dr.Sanjay Kumar Singh,
²Assistant Professor
²Department of Law,
²YBN University, Ranchi

Abstract

This study explores the barriers to the effective enforcement of the Protection of Children from Sexual Offences (POCSO) Act, 2012, in India. Despite its landmark provisions for child protection, the implementation of the Act faces numerous challenges, including institutional shortcomings, procedural delays, and lack of awareness among key stakeholders. The study utilizes document analysis to examine legal texts, government reports, and academic literature, highlighting key obstacles such as judicial insensitivity, inadequate training for law enforcement, and the lack of victim protection measures. The findings reveal that while the Act has contributed to raising awareness and increasing reported cases, its enforcement remains impeded by systemic inefficiencies and societal factors. The study recommends a multi-faceted approach to enhance the Act's implementation, including specialized training for judicial and law enforcement officers, strengthening victim protection mechanisms, and fostering community-level awareness.

Keywords: POCSO Act, Child Sexual Abuse, Institutional Barriers, Procedural Barriers, Victim Protection, Actionable Strategies, Child Protection Laws.

1. Introduction

Child sexual abuse (CSA) is a grave violation of human rights that has long-lasting physical, psychological, and emotional consequences for survivors. Recognizing the seriousness of this issue, the Government of India enacted the Protection of Children from Sexual Offences (POCSO) Act in 2012 to provide a comprehensive and child-friendly legal framework for addressing and preventing sexual offences against minors (Ministry of Law and Justice, 2012). The Act was revolutionary in that it not only defined a wide range of sexual offences against children but also emphasized child-sensitive procedures during investigation and trial, including the establishment of Special Courts for speedy justice. However, despite its progressive vision, the practical enforcement of the POCSO Act in India has encountered numerous obstacles, thereby undermining its efficacy in safeguarding children.



The background to the enactment of the POCSO Act is rooted in the alarming prevalence of CSA in India. According to the 2007 study by the Ministry of Women and Child Development, more than 53% of children reported experiencing some form of sexual abuse (Ministry of Women and Child Development, 2007). Prior to POCSO, India lacked a specific legal framework dealing exclusively with offences against children, often relying on the Indian Penal Code (IPC) provisions that were inadequate in scope and insensitive to the unique needs of child victims (Bajpai, 2017). The introduction of POCSO was, therefore, a crucial legislative intervention aimed at filling this legal vacuum. It mandated child-friendly procedures at every stage of the judicial process, from recording statements to trial, and obligated the reporting of offences, making it a legal duty.

Despite the strong statutory framework, the enforcement of the POCSO Act faces several barriers, which impede the realization of its objectives. Given this context, it becomes imperative to critically examine the multifaceted barriers hindering the effective enforcement of the POCSO Act in India. This study seeks to explore the institutional, procedural, social, and cultural challenges that obstruct the protection mechanisms envisaged under the Act. By identifying these barriers, the study aims to contribute to the ongoing discourse on strengthening child protection systems in India and ensuring that the rights of children to a safe and secure environment upheld in both letter and spirit.

1.1.The Statement of the Problem

Despite the enactment of the Protection of Children from Sexual Offences (POCSO) Act in 2012, aimed at providing a comprehensive legal framework to protect children from sexual abuse, its effective enforcement in India continues to face significant barriers. Challenges such as inadequate training and sensitization of law enforcement officials, delays in judicial processes, underreporting due to societal stigma, lack of specialized infrastructure like dedicated Special Courts, poor inter-agency coordination, and systemic discrimination against marginalized communities have collectively undermined the intended impact of the Act. As a result, many child survivors are denied timely justice, proper rehabilitation, and protection from secondary victimization. This persistent gap between the legislative intent and ground realities necessitates a critical examination of the multifaceted barriers obstructing the effective enforcement of the POCSO Act, with a view to proposing actionable reforms that ensure the safeguarding of children's rights in India.



1.2.The Need and Significance of the Study

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was envisioned as a landmark step toward creating a safer environment for children in India; however, persistent enforcement barriers have limited its real-world impact. There is an urgent need to identify, understand, and address these barriers to ensure that the Act achieves its full protective potential. This study is significant as it sheds light on the practical challenges encountered during the implementation of the Act, including procedural delays, lack of specialized training, societal stigma, and infrastructural shortcomings. By critically analyzing these issues from an Indian perspective, the study aims to contribute to the development of more effective enforcement strategies, promote systemic reforms, and advocate for a more child-centric approach in the criminal justice process. Ultimately, this research is essential to strengthen child protection mechanisms, uphold the rights of vulnerable children, and foster a justice system that is more responsive and sensitive to their needs.

1.3.The Research Questions

RQ₁: What are the key institutional barriers that affect the enforcement of the POCSO Act in India?

RQ₂: What are the key procedural barriers that affect the enforcement of the POCSO Act in India?

RQ₃: What actionable strategies can be recommended to enhance the effective implementation and enforcement of the POCSO Act across India?

1.4.The Objectives of the Study

O₁: To identify the key institutional barriers affecting the enforcement of the POCSO Act in India.

O₂: To identify the key procedural barriers affecting the enforcement of the POCSO Act in India.

O₃: To recommend actionable strategies to enhance the effective implementation and enforcement of the POCSO Act across India.

2. The Review of Related Literature



Satyam Sinha, B. Y. (2024). The POCSO Act: Judicial Insensitivity and Implementaion Issues. *IUP Law Review*, 14(3). This study endeavours to elucidate the obstacles faced by judges, ranging from limited awareness and entrenched biases, to the absence of specialized training. Sensitizing judges, the cornerstone of this paper's discourse, is indispensable for fostering effective and empathetic decision-making. This study reverberates with a fervent appeal to recognize judges as torchbearers of change, instrumental in dismantling the shrouds of silence and indifference that have long cloaked child sexual offenses. Through a sensitized and empathetic judiciary, we aspire to build a society that unequivocally stands as a bulwark against the insidious menace of child sexual abuse.

Thangavel, V. (2023). The Analysis of Research Review for the Protection of Children from Sexual Offences Act (POCSO). *Social Science Research Network*. The law has significantly contributed to educating the public, sensitizing the criminal judicial system, and making the reporting of CSA acceptable and mandatory, as seen by the fast-rising number of reported cases. Additionally, POCSO 2012 and the Prohibition of Child Weddings Act 2006^{5,6}, which expresses the government of India's desire to outlaw child weddings and protect vulnerable children, should deter underage marriages. However, given the issues mentioned above and, in a setting, where social and cultural norms continue to tolerate, if not actively promote, child marriages, the possibility of resource waste and loss cannot be discounted.

Maity, S., & Chakraborty, P. R. (2023). Implications of the POCSO Act and determinants of child sexual abuse in India: insights at the state level. *Humanities and Social Sciences Communications*, 10(1), 1-13. The empirical analysis of the paper conducted based on secondary data compiled from National Crime Records Bureau. Our empirical results reveal that the POCSO Act has reduced the Growth rate of incidents of sexual offences against children in India from 4.681% to -4.611. Moreover, our empirical results also reveal that by enhancing the quality of life it is possible to restrict the POCSO incidences across Indian states. In addition, favourable sex-ratio, the increased gross enrolment ratio at the elementary level, the improvement in the judiciary and Public Safety Score of the state also enables the state to restrict the POCSO incidences. Based on our empirical result we recommend that future policies could include, for instance, aiming to improve the quality of life as well as the law and order conditions of the state, and increasing the enrolment of the girl children in higher education.



Kadu, S., Shinde, A., & Mhaske, S. N. (2021). Assessment of Knowledge and attitude about POCSO Act amongst Medical Practitioners. *Indian Journal of Forensic Medicine and Pathology*, 14(4), 407-412. Out of total 10 questions average points scored was 6.11/10. Most disappointing observation made is majorly 57 % RMP doesn't know about the punishment if he/she fails to report the case under POCSO Act. The study showed that knowledge & attitude about POCSO Act 2012 amongst medical practitioner in Ahmednagar city was satisfactory. But in addition to strengthening of legislature, more in depth knowledge regarding child sexual abuse among medical professionals will help to eradicate this sensitive childhood social issue.

2.1. The Research Gap of the Study

Despite the significant contributions made by the POCSO Act in addressing child sexual abuse, a critical research gap remains in understanding the multifaceted barriers to its effective enforcement. While studies have highlighted the need for judicial sensitization (Sinha, 2024) and improvements in public awareness (Thangavel, 2023), there is limited empirical research examining how institutional and procedural challenges, such as the lack of specialized training for law enforcement and judiciary, affect the implementation of the Act at the ground level. Additionally, while the role of medical practitioners in reporting child sexual abuse cases has been assessed (Kadu et al., 2021), further investigation is needed into the broader awareness and preparedness of all stakeholders involved in the judicial and law enforcement processes. Furthermore, there is insufficient exploration of how state-level socio-economic and infrastructural conditions influence the successful enforcement of the POCSO Act, especially in rural and marginalized regions (Maity & Chakraborty, 2023). This gap calls for a deeper, more comprehensive analysis of the barriers in the enforcement mechanism and the development of region-specific strategies to address them.

3. The Methodology of the Study

The methodology of this study employs a document analysis approach to examine secondary data sources, including government reports, legal documents, case studies, and academic literature. The analysis focuses on identifying institutional, procedural, and social barriers hindering the effective enforcement of the POCSO Act in India. By reviewing relevant legal texts, judicial proceedings, and policy frameworks, the study aims to assess the gaps and challenges in implementation. This method allows for a comprehensive understanding of the factors contributing to the limited success of the Act in protecting children from sexual abuse.



The findings from this analysis will inform the development of actionable recommendations for improving the enforcement of the POCSO Act.

4. Analysis and Interpretation

Pertaining to Objective 1:

O₁: To identify the key institutional barriers affecting the enforcement of the POCSO Act in India.

One of the primary institutional barriers to the effective enforcement of the POCSO Act is the **lack of specialized training and sensitization** among law enforcement agencies. Police officers, often the first point of contact for victims, are sometimes not adequately trained to handle cases of child sexual abuse with the sensitivity required under the Act. Studies have indicated that insensitive questioning, lack of understanding of child psychology, and procedural lapses during evidence collection can retraumatize victims and weaken prosecution (Kumar, 2020). Without comprehensive training programs, the intent of the POCSO Act to provide a child-friendly justice system remains largely unfulfilled.

Another significant barrier is the **shortage of specialized infrastructure**, such as dedicated Special Courts mandated under the POCSO Act to expedite the trial of sexual offences against children. Many districts either lack Special Courts altogether or have courts that are overburdened with multiple types of cases, diluting the focus and priority intended for POCSO cases (Child Rights and You [CRY], 2021). The backlog of cases and prolonged trials not only delay justice but also increase the emotional and psychological burden on the child survivors and their families.

The **inadequate coordination among key institutional stakeholders**—including the police, judiciary, child welfare committees (CWCs), medical professionals, and NGOs—is another major challenge. Effective enforcement of the POCSO Act requires seamless communication and cooperation among these bodies. However, evidence suggests that fragmented institutional responses often lead to procedural delays, mishandling of evidence, and poor rehabilitation support for victims (National Commission for Protection of Child Rights [NCPCR], 2019). This lack of a coordinated, multidisciplinary approach undermines the holistic support system envisaged by the Act.



Furthermore, **institutional apathy and systemic biases** often manifest in the handling of POCSO cases, especially when the victims belong to marginalized communities such as Scheduled Castes, Scheduled Tribes, or economically weaker sections. Research highlights that social hierarchies and caste-based discrimination sometimes influence the seriousness with which complaints are registered and pursued by law enforcement agencies (Human Rights Watch, 2017). This selective enforcement not only compromises the principle of equality before the law but also discourages vulnerable communities from seeking justice.

Lastly, **limited availability of child-friendly support services** within the institutional framework poses a major hindrance. Although the POCSO Act emphasizes the creation of child-friendly mechanisms such as child psychologists, support persons, and safe spaces for testimony, their actual presence and functionality remain inadequate in many regions (Centre for Child and the Law, National Law School of India University [CCL-NLSIU], 2018). The absence of these services can intimidate children during investigation and trial, reducing their ability to provide clear and consistent testimonies.

Overall, addressing these institutional barriers is crucial for ensuring that the objectives of the POCSO Act are realized in practice, providing children not only protection but also access to a justice system that is empathetic, efficient, and equitable.

Pertaining to Objective 2:

O₂: To identify the key procedural barriers affecting the enforcement of the POCSO Act in India.

A major procedural barrier to the enforcement of the POCSO Act is **delay in the registration of First Information Reports (FIRs)**. Although the Act mandates immediate registration of cases upon receiving information about an offence, in practice, police officials often delay the filing of FIRs due to personal biases, fear of social backlash, or attempts to mediate between parties to avoid formal prosecution (Kumar, 2019). Such delays not only discourage victims and their families but also weaken the prosecution's case by creating gaps in evidence collection.

Another critical issue is the **inconsistent and improper recording of victims' statements**, especially under Section 164 of the Code of Criminal Procedure, which requires a Magistrate



to record the child's testimony. Research indicates that many judicial officers fail to ensure a child-friendly environment during statement recording, leading to inconsistent or incomplete testimonies that adversely impact trial outcomes (Centre for Child and the Law [CCL-NLSIU], 2018). Children often experience intimidation during these proceedings, affecting the quality and consistency of their statements.

Further, **delays in medical examinations** constitute a serious procedural lapse. Under the POCSO Act, timely medical examination of the child is crucial for collecting forensic evidence; however, lapses such as unavailability of female doctors, lack of forensic kits, and insensitivity during examination have been widely reported (Save the Children, 2021). Procedural negligence during medical examinations can result in loss of vital evidence, thus hampering the prosecution's ability to establish guilt beyond reasonable doubt.

Another significant procedural barrier is the **prolonged duration of trials**. Although the Act mandates that trials should be completed within one year from the date of cognizance, most POCSO cases are subjected to prolonged litigation due to judicial backlogs, repeated adjournments, and lack of case prioritization (National Crime Records Bureau [NCRB], 2022). The extended duration of trials places a tremendous psychological burden on child victims and often leads to attrition of witnesses or withdrawal of complaints.

Moreover, **inadequate implementation of victim protection measures during proceedings** presents another challenge. While the POCSO Act provides for in-camera trials, non-disclosure of identity, and appointment of support persons, these safeguards are inconsistently applied across courts in India. In many instances, children are compelled to face direct cross-examination without adequate psychological support, exacerbating their trauma (Sinha, 2020). Failure to properly implement these child-sensitive procedures undermines the very ethos of the POCSO Act.

Additionally, **low conviction rates** further highlight procedural inefficiencies. Several studies show that procedural lapses such as flawed investigation, poor evidence collection, witness intimidation, and lack of prosecutorial rigor contribute significantly to acquittals (Kumar & Sahu, 2020). Without rectifying these procedural gaps, the promise of justice under the POCSO Act remains unattainable for many child victims.



In sum, procedural barriers — from the first point of contact with authorities to the conclusion of trials — severely compromise the effectiveness of the POCSO Act. Addressing these issues through training, systemic reforms, and stricter monitoring mechanisms is essential to ensure child-centric justice delivery.

Pertaining to Objective 3:

O3: To recommend actionable strategies to enhance the effective implementation and enforcement of the POCSO Act across India.

One of the most crucial strategies for improving the enforcement of the POCSO Act is to **enhance specialized training programs for law enforcement and judicial officers**. Police officers and judicial personnel must undergo continuous, comprehensive training in child protection, trauma-informed questioning, and the specifics of handling child sexual abuse cases. Establishing regular workshops and sensitization sessions on child rights and the provisions of the POCSO Act will enable officers to handle cases with the necessary sensitivity and professionalism (National Commission for Protection of Child Rights [NCPCR], 2020). Similarly, judicial officers, including magistrates, should be trained in the procedural and substantive aspects of the Act to ensure efficient case handling and timely trials.

Another critical strategy is the **strengthening of Special Courts** designated under the POCSO Act. The Act mandates the establishment of Special Courts to expedite the trial of sexual offences against children, but many regions still lack these courts or face delays due to overcrowding and judicial backlogs (Singh & Sharma, 2019). To remedy this, state governments should prioritize the establishment and effective functioning of such courts, ensuring that they have adequate staffing and resources. A dedicated court system focused solely on child sexual abuse cases can significantly reduce delays and increase conviction rates, ensuring that justice is delivered swiftly.

Moreover, the **integration of a multidisciplinary approach** to handling POCSO cases is vital. In order to address the complexity of child sexual abuse cases, it is important to bring together various professionals, including police, social workers, psychologists, medical experts, and legal professionals, to collaborate in the investigation and trial process. Establishing multi-agency task forces and child protection units at the district level could streamline the process and ensure that victims receive holistic support (Save the Children, 2021). Such collaboration



would also aid in the efficient handling of cases, improving the quality of investigations and the speed of legal proceedings.

Improving victim protection measures is another key strategy. Although the POCSO Act mandates victim-friendly provisions, such as in-camera trials and confidentiality, their application is inconsistent across states. To address this, courts should be equipped with child-friendly spaces and trained personnel to reduce the trauma experienced by child victims during the trial process (Sinha, 2020). Furthermore, it is essential to establish a network of professional support persons, including child psychologists and social workers, who can accompany victims through the legal process, ensuring that their psychological and emotional needs are met.

Another recommendation is to **increase public awareness and community engagement** regarding the POCSO Act and child sexual abuse. Many communities, particularly in rural areas, remain unaware of the legal provisions and protections available under the Act. Public awareness campaigns through media, educational institutions, and community outreach programs can help change societal attitudes towards child sexual abuse, reduce stigma, and encourage families to report cases to the authorities (Kumar & Sahu, 2020). Local NGOs and community leaders can play a vital role in educating the public about the legal rights of children and the importance of reporting abuse.

Lastly, **technology and data-driven approaches** can be leveraged to improve the enforcement of the POCSO Act. Establishing an integrated database for POCSO cases across the country would allow for better monitoring, tracking, and analysis of cases, helping to identify patterns, bottlenecks, and gaps in the enforcement process (CRY, 2021). Additionally, utilizing technology to provide online reporting mechanisms, particularly in rural or remote areas, could make it easier for survivors to report abuse while maintaining confidentiality.

In enhancing, the enforcement of the POCSO Act requires a multi-pronged approach that focuses on specialized training, infrastructure development, victim protection, public awareness, and technology integration. By implementing these strategies, India can create a more effective and efficient legal framework for protecting children from sexual abuse and ensuring that perpetrators are brought to justice.

5. Conclusion



In conclusion, the effective implementation and enforcement of the POCSO Act in India remain hindered by several institutional and procedural barriers, including delays in registration, inadequate victim protection, judicial inefficiencies, and gaps in specialized training for law enforcement. However, through strategic improvements such as enhancing training programs for police and judicial officers, establishing dedicated Special Courts, improving victim protection mechanisms, increasing public awareness, and leveraging technology for better case tracking, significant progress made. A concerted effort from all stakeholders — including government agencies, legal professionals, civil society, and the community — is essential to create a more child-friendly justice system that ensures timely and fair resolution of child sexual abuse cases, thereby upholding the rights and safety of children across India.

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