

POCSO ACT, 2012: A REAL PROTECTIVE SHIELD?

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**ABSTRACT**

*In the contemporary era, realising the vulnerability of children who are a victim of such odious and repugnant crimes is an indispensable need of the current hour. It became a gigantic challenge for the Indian government to curb such a sensitive issue of child sexual abuse and sexual harassment which was previously covered under the domain of Indian Penal Code. The design of law took a positive step in 2012 when the POCSO Act came into existence with its toughest and stringent rules and high scale punishment provisions.*

*Through this paper, an attempt has been made by the author to highlight the distinguishing features of POCSO Act and draw an answer to an integral question on whether POCSO remains a “REAL” Protective shield for a child to survive without fear and dismay or not.*

**Keywords:** *Child abuse, physical and emotional torture, maltreatment, neglect, molestation and harassment.*

**I. INTRODUCTION**

**“Mocking out a child’s natural sense of trust and love, is itself a crime”**

- Laura Davis

Childhood should always be carefree by playing in the sun and not living a nightmare in the darkness of the soul. With the rise of various offences impacting the child’s enthusiasm and fervour, the existence of child abuse and sexual harassment depicts a shadow of grief and hardships/sorrow with a length of a lifetime.

Historically, the child sexual abuse has been an under-reported offence and a hidden issue in India, which has now reached at an epidemic proportion. It has largely been ignored in public discourse and by the criminal justice system. Until recently, specific sexual offences against children wasn’t recognized and acknowledged within the community and by law, in India. In the absence of specific legislation, a range of offensive behaviours such as child sexual assault (not amounting to rape), harassment, and exploitation for pornography were never legally sanctioned. But in the past few

years various social activists, Non-Governmental Organisations (NGOs) and the Central Government's Ministry of Women and Child Development have actively engaged in helping break 'the conspiracy of silence' and have generated a substantial political and popular momentum to address the issue<sup>1</sup>.

Children who have been sexually abused are not only traumatised as a result of their experience, but are also more vulnerable to further and repeated abuse and at risk of secondary victimisation at the hands of the justice delivery process. A recent study<sup>2</sup> on prevalence of sexual abuse among adolescents in Kerala, reported that 36 per cent of boys and 35 per cent of girls had experienced sexual abuse at some point of time. A similar study conducted by the Government of India among 17,220 children and adolescents to estimate the burden of sexual abuse revealed shocking results and showed that every second child in the country was sexually abused; among them, 52.94 per cent were boys and 47.06 per cent were girls. Highest sexual abuse was reported in Assam (57.27%) followed by Delhi (41%), Andhra Pradesh (33.87%) and Bihar (33.27%). Such an act is quite persistent in both the rural as well as urban areas. As per the National Crime Records Bureau (NCRB) 2014, a total of 8,904 cases under 'Protection of Children from Sexual Offences Act', 2012 were reported in which prosperous states like Uttar Pradesh (3637 cases) and West Bengal (1058 cases) and Tamil Nadu (1,055 cases) have accounted for majority of such cases. If we look at the trend in 2015 and 2018, out of a total 8833 registered POCSO cases under Sections 4 and 6, 4114 cases were of late adolescents aged 16–18 years. Consistently, in other studies also, the highest numbers of registered cases were falling in this age group<sup>3</sup>.

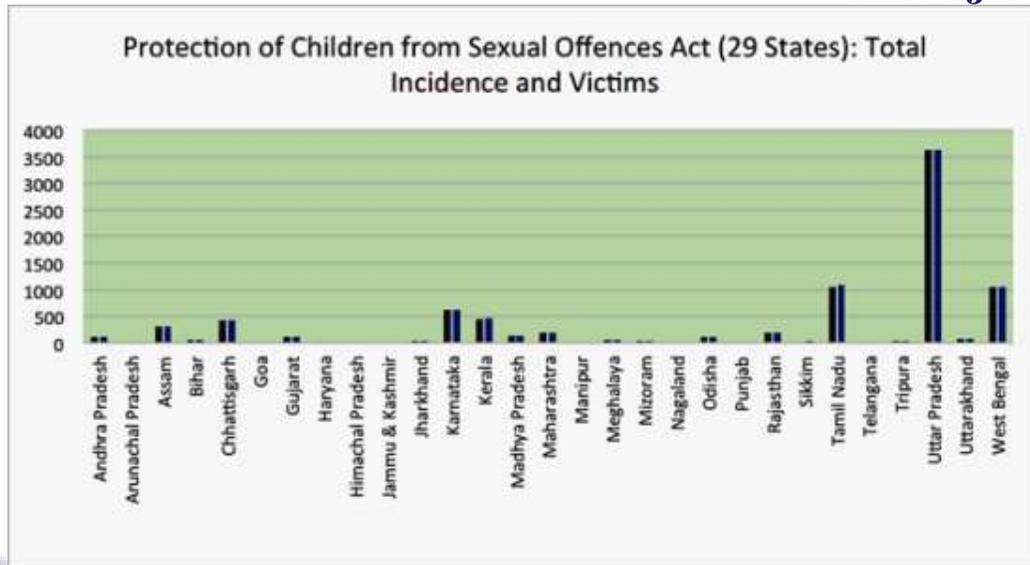
WORDS SPEAK

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<sup>1</sup> Srishti Agnihotri and Minakshi Dua, Reviewing India's Protection of Children from Sexual Offences Act Three Years On, London School of Economics, (December 18, 2015), <http://blogs.lse.ac.uk/southasia/2015/12/18/reviewing-indias-protection-of-children-from-sexual-offences-act>

<sup>2</sup> Ministry of Women and Child Development, Press Information Bureau, Government of India (August 07, 2015) <http://pib.nic.in/newsite/PrintRelease.aspx?relid=124524>

<sup>3</sup> Ministry of Home Affairs (MHA) National Crime Records Bureau (Crime in India 2015 Statistics), (July 29, 2016) [https://ncrb.gov.in/sites/default/files/Statistics/Statistics-2015\\_rev1\\_1.pdf](https://ncrb.gov.in/sites/default/files/Statistics/Statistics-2015_rev1_1.pdf)



**Fig 1. Data source: National Crime Records Bureau Report of 2014.**

## II . NEED OF THE HOUR

It is very critical to say anything about what happens after a child has been sexually abused which holds significance not only for his/her well-being but also for the protection of other children, because if the perpetrator is never identified or allowed to move free, there are high chances of further abuse. Sometimes, the complaints of the children are simply rejected by the family members, police and the medical experts<sup>4</sup>. In most cases, perpetrator is often a family member or a person entrusted with care and custody of child. In such cases, the child would refrain from speaking up because of constant threat and fear of the family members. Also, there have been cases where mothers didn't take any action because of trepidation of being ostracised and discarded by the in-laws. Lack of competency by doctors and sympathetic treatment by police brought rising challenges for the society to evolve and further added to child's trauma. As there wasn't any specific set of statutory guidelines which could dominate the relevance of child molestation and cater to their needs, even the cases at the apex court used to take ages to deliver justice. With the ongoing inability of our criminal justice system to deal with such a highly sensitive issue paved the way for a holistic set of norms and rules which was finally formulated and modulated by the legislature. There was an urge at

<sup>4</sup> Sneha Roy and Indira Priyadarshini Madiki, Child Abuse: Is India well equipped for the challenge, International Journal of Policy Sciences and Law, Volume 1, (Nov 12, 2020) <https://ijpsl.in/wp-content/uploads/2020/12/Child-Abuse-Is-India-Well-Equipped-for-the-Challenge-Sneha-Roy-Indira-Priyadarshini-Madiki.pdf>

the national front to foster the development, welfare and protection of children who should be seen as an inspiring flower of this generation rather than a medium to utilise the lust of few demons.<sup>5</sup> Until 2012, the sexual offences against children recognised by law were covered ‘only’ by three sections of the Indian Penal Code 1860 (IPC), which were the following:

- rape (sexual intercourse without consent—section 376),
- outraging modesty of a woman (section 354)
- unnatural acts defined as per (section 377)<sup>6</sup>.

Consequently, other forms of non-penetrative sexual assaults, harassment and exploitation were not explicitly recognised and therefore excluded.

Finally, in order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children through less ambiguous and more stringent and primitive legal provisions, the Ministry of Women and Child Development (Government of India) championed the introduction of the *Protection of Children from Sexual Offences (POCSO) Act, 2012*. The act came into force with effect from ‘14<sup>th</sup> November 2012’, along with rules framed thereunder<sup>7</sup>.

### **III. STATUTORY PROVISION**

The **POCSO Act, 2012** is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of a child (who is any person underneath 18 years of age) at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial through designated Special Courts and fast track courts.<sup>8</sup>

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<sup>5</sup> A. Kumar and A. Pathak *The Problem of Child Sexual Abuse in India Laws, Legal Lacuna and the Bill PCSOB-2011*, ResearchGate.Net Publication, (April, 2012)  
[https://www.researchgate.net/publication/291313869\\_The\\_problem\\_of\\_child\\_sexual\\_abuse\\_in\\_india\\_laws\\_legal\\_lacuna\\_and\\_the\\_bill\\_-\\_PCSOB-2011](https://www.researchgate.net/publication/291313869_The_problem_of_child_sexual_abuse_in_india_laws_legal_lacuna_and_the_bill_-_PCSOB-2011)

<sup>6</sup> The Indian Penal Code, 1860

<sup>7</sup> Under the POCSO ACT, 2012

<sup>8</sup> Krishnakumar P, Satheesan K, Geeta MG, Sureshkumar K, Prevalence and spectrum of sexual abuse among adolescents in Kerala, South India. *The Indian Journal of Paediatrics*. (Oct 25, 2013) (8):770-4. doi: 10.1007/s12098-013-1260-z. Epub, <https://pubmed.ncbi.nlm.nih.gov/24154965/>

A. **ESSENTIAL FEATURES OF THE ACT**

The following are some of the guidelines and attributes in forms of rules and regulations as being issued by the Hon'ble Supreme Court of India which were incorporated in the Act itself, in order to curb the draconian impact of such offences on the large masses:

- There has to be an effective establishment of the **Child Welfare Committee** at large by the Courts so that any report if gets filed in context to the Child Sexual Abuse, shall be communicated to the Police Authorities **within 24 hours** and has to be resolved by the concerned Authorities. [SEP]
- The police have to **record the statement** of the Minor Child in the civil clothes or in the casual dresses, so that the Minor Child shall not feel threatened while giving out the statement. [SEP]
- The **medical examination** of the child for the assortment of measurable proof should just be led by a **lady expert** in the proximity of a person that the adolescent trusts. [SEP]
- The **Special Courts** have been set up so that they conduct the trial in camera without even revealing the identity of the child indeed **developing a conducive child-friendly environment**.
- It is the commitment of these courts to ensure that the minor isn't presented to the '**blamed**' while recording his/her announcement, as the personality of the minor remains undisclosed. [SEP] He/she can give affirmation via video-conferencing as well.
- The **cases are not delayed** and are disposed of inside a year from its date being represented.
- It also provides for the Special Court to determine the **amount of compensation** to be paid to a child so that this money can then be used for the child's medical treatment and rehabilitation.
- A **mediator, translator, special teacher** or some other ace should be accessible in court if the minor needs any assistance, and the gathering of the minor should be allowed to pay for restorative treatment and recuperation or the effective recovery.

The said act is to be implemented with the active participation of the State Governments. Under Section 39 of the said Act, the State Government is required to frame guidelines for the use of persons including non-governmental organisations, professionals and experts or persons trained in

and having knowledge of psychology, social work, physical health, mental health and child development to assist the child at the trial and pre-trial stage.

<b>Fundamental principles of professionalism while dealing with POCSO cases</b>	
	<i>Right to Life and Survival</i>
	<i>Best interest of the child</i>
	<i>Right to be treated with dignity and compassion</i>
	<i>Right to be protected from discrimination</i>
	<i>Right to special preventive measures</i>
	<i>Right to be informed</i>
	<i>Right to be heard and to express views and concerns</i>
	<i>Right to effective assistance and privacy</i>
	<i>Right to be protected from hardship during justice process</i>
	<i>Right to compensation</i>

## **B. PUNISHMENT PROVISIONS UNDER THE ACT**

In order to curtail immoral and illicit acts which sabotages child's self-esteem and dignity and are at rise in the global arena, the act holistically draws attention towards all the parameters on which an abusive accused can be held liable under law. Following are few of the essential elements of the same<sup>9</sup>:

- **Penetrative sexual assault:** The penetration can either be penile-vaginal, penile-oral, penile urethral or penile-anal, or object penetration. Section 4 of the act provides for punishment not less than 7 years which may extent to life imprisonment and a fine. [SEP]
- **Aggravated penetrative sexual assault committed by a person of trust or authority:** As this being the most grievous out of all, Section 6 of the act lays down the punishment which should not less than 10 years; it may also extend to rigorous life imprisonment, and a fine.
- **Non-penetrative sexual assault committed with a sexual intent:** Non-penetrative sexual assault includes touching the vagina, penis, anus or breast of the child or asking the child to touch such body parts of the perpetrator or any other person or any other act done with sexual intention. In such cases, Section 10 gives punishment for not less than 3 years which may extend to 5 years and fine or both.
- **Sexual harassment:** [SEP] It is caused by indecent and sexually explicit remarks, emails or telephone

<sup>9</sup> Ministry of Women and Child Development, The Protection of Children from Sexual Offence Act, 2012 (June 20, 2012); <https://wcd.nic.in/sites/default/files/POCSO%20Act%2C%202012.pdf>

calls; taunting, jeering, or posing a request for sexual favour.<sup>[1]</sup> The punishment is 3 years and a fine as per Section 12.<sup>[2]</sup>

- **Using a minor for pornographic purposes:**<sup>[3]</sup> It includes producing or distributing any pornographic content via print or electronically. Under Section 14 (1), the punishment is 5 years and a fine and in case of second conviction, it would be 7 years and a fine.
- **Attempt of offence:** Section 18 of the act provides for 1 year punishment and a fine.<sup>10 [4]</sup>

### C. JUDICIAL PRONOUNCEMENTS: A RAY OF HOPE

In the recent times, Judiciary has been very particular and noteworthy of the offences happening against minors. They have showed an element of courage and fortitude in neglecting any room for error while dealing with sexual abuse cases especially 'rape' with children.

In *Shimbu v. State of Haryana (2013)*<sup>11</sup>, the Supreme Court of India held that rape is non-compoundable offence against the society and thus there cannot exist any situation of "compromise" between the minor victim's family and the accused, indeed it is itself impermissible and prohibited under law.

In the recent case of *Ahtesham Khan vs The State of Bihar (2021)*<sup>12</sup> Hon'ble Justice Birendra Kumar of the Patna High Court observed while affirming the conviction of a man found guilty of raping a 14-year-old minor girl, "*Rape is not merely a physical assault, it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female.*"

In *The State Govt NCT of Delhi v Khursheed (2018)*<sup>13</sup> the Delhi High Court convicted the accused under Sections 376 IPC and Section 4 of POCSO Act on the findings that the DNA found on the body and clothes of the prosecutrix matched with that of the accused, which on the previous account was being fragmented and compromised in the Forensic Science Laboratory (FSL) Report. The Court highlighted the essence of strict and trustworthy forensic medial evidences for framing the guilt of the accused under POCSO.

Even the Supreme Court of India, after showing displeasure in *Shankar Kisanrao Khade v State of Maharashtra (2013)*<sup>14</sup> where it took up the issue of non-reporting of POCSO case by the by-standers

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<sup>10</sup> *ibid.*

<sup>11</sup> (2014) 13 SCC 318

<sup>12</sup> 2021 SCC OnLine Pat 738

<sup>13</sup> CRL.A. 510/ (2018)

<sup>14</sup> (2013) 5 SCC 546

and onlookers, held in *Dr. Sr. Tessy Joe v. State of Kerala (2018)*<sup>15</sup> that the Section 19(1) of POCSO Act puts a legal obligation on a person to inform the relevant authorities if he/she has ‘knowledge’ that an offence under POCSO has been committed. Furthermore, the Karnataka High Court in the case of *Nayaz Pasha v State of Karnataka (2019)*<sup>16</sup> while rejecting the bail application observed that “though a second marriage is permissible under Mohammedan law, personal law ‘cannot’ override special laws like that of POCSO Act (2012) or The Child Marriage Restraint Act (1929). Moreover, In *Federation of Obstetrics and Gynaecological Societies of India v Union of India & Ors (2019)*<sup>17</sup> the Apex Court of India observed that:

*“POCSO provisions are a clear indication of the seriousness with which crimes against women and children have been viewed by the Legislature. It is also evident from these provisions that due to the pervasive nature of these crimes, the Legislature has deemed it fit to employ a reversed burden of proof in these cases”.*

With regard to Section 29 of this Act, courts have categorically mentioned its input in various precedents. In *Navin Dhaniram Baraiye v The State of Maharashtra (2018)*<sup>18</sup>, Hon’ble Bombay High Court and recently in *Dharmendra Singh @ Saheb v State (2020)*<sup>19</sup>, Hon’ble Delhi High Court have collectively observed that:

*“A perusal of this section does show that it is for the accused to prove the contrary and in case he fails to do so, the presumption would operate against him leading to his conviction under POCSO Act”. It cannot be disputed that no presumption is absolute and every presumption is rebuttable. It cannot be countenanced that the presumption under Section 29 of POCSO is absolute. It would come into operation ‘only’ when the prosecution is first able to establish facts that would form the foundation for the presumption”.*

It is evident in *Joy v State of Kerala (2019)*<sup>20</sup>, Hon’ble Court held that it won’t be under any compulsion to accept prosecution’s version as a gospel truth in every case. Patent absurdities, inherent infirmities, and improbabilities in the prosecution version may lead to irresistible inference of falsehood.

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<sup>15</sup> (2018) 3 KLT 934 (SC), para 10’

<sup>16</sup> 2019 SCC OnLine Kar 899

<sup>17</sup> 2019 SCC OnLine SC 650

<sup>18</sup> 2018 ALL MR (Cri) 4919; 2018 CriLJ 3393

<sup>19</sup> Bail Application 1559/2020; [https://www.livelaw.in/pdf\\_upload/pdf\\_upload-382371.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-382371.pdf)

<sup>20</sup> 2019 SCC OnLine Ker 783

Moreover, in *Anwari Begum v. Sher Mohammad (2005)*<sup>21</sup>, the Apex Court of India observed that as a general rule the court has to consider following factors while granting bail under POCSO cases:

- (i) The nature of accusation and severity of punishment in case of conviction and the nature of supporting evidence
- (ii) Reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant
- (iii) Prima facie satisfaction of the court in support of the charge

#### **D. MULTI-SECTORAL APPROACH TOWARDS POCSO ACT**

Even after the emergence of POCSO, the ground reality still remains static and desolate. With lack of clear administrative guidelines and transparent process, sensitive matters such as sexual offences are washed aside by an insouciant attitude of concerned officials. Lack of timely assistance, forced to relive traumatic experiences on an uninterrupted perpetual manner, social and psychological breakdowns, lack of welfare mechanisms and medical support are few of such examples which have been a constant manoeuvre to reckon with in capacity of child's healing and developmental growth<sup>22</sup>.

Looking at such hurdles towards achieving equal justice in a given time, there is thus a desperate need for prompt and systematic multi-sectoral intervention that will be conducive to the justice delivery process, minimise the risks of health problems, enhance the recovery of the child and prevent further trauma. This can be achieved through collective action and policies that addresses the needs of the child effectively rendering him/her towards the path of recovery and rehabilitation.

Protective care and concerns towards a child is not an isolated issue. The achievement of such an objective requires a co-ordinated and cumulative strategic response of all the key players, which include the Police, Courts, medical institutions, psychologists as well as institutions that provide social services to them<sup>23</sup>. Needless to say, the identification and understanding of the roles of each of these professionals is crucial to avoid duplication and promote effective integrated convergence.

A multi-sectoral approach, will provide a frame work within which the service providers will work,

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<sup>21</sup> 2005 SCC OnLine SC 1347

<sup>22</sup> UNICEF.Org/INDIA, Protecting India's Children from violence, abuse and exploitation (Aug 3, 2018); <https://www.unicef.org/india/what-we-do/child-protection>

<sup>23</sup> Ministry of Women and Child Development, Government of India, "National Study on Child Abuse: India 2007," (Jan 20<sup>th</sup>,2007); <http://wcd.nic.in/childabuse.pdf>

and provide a mechanism for information-sharing to help the victim.<sup>24</sup> The process of investigation and referral of cases will also improve by a set of combined data base showcasing recent trends of child abuse cases. It is envisaged that such an approach will ensure support for the child and his/her family, including assistance with police and court proceedings, arrangements for emergency shelter for children, arrangements for counselling therapies and training courses, appropriate rehabilitative services including protective custody and foster care, information on access to financial assistance and monitoring of family involvement.

The responsibility of supporting such children should be embraced by the whole community but it is the professionals that work in this field constantly and play a paramount and predominant role in enabling the amelioration process. Such an evolution of a multi-disciplinary approach will go a long way in achieving the objectives of the POCSO Act, 2012.

#### **IV. CONSTANT CHALLENGES, DRAWBACKS AND CONTROVERSIES**

POCSO Act has a multidimensional perspective towards having legal, social, medical and psychological implications which makes it an excellent piece of legislation with a protective mindset. However, there are certain conceptual issues attached to it:

**(a) Consent:** If the child/adolescent refuses to undergo medical examination but the family member or investigating officer is insisting for the same, the POCSO Act is silent and does not give any clear direction. However, it would be prudent to take informed consent from parent when the survivor is a child (below 12 year.) and consent from both parent and the victim, if the survivor is an adolescent (age group from 12 -18 year.). In case of emergency, treatment needs to be initiated without getting into this consent issues or legality to protect the life of the child.

**(b) Medical examination:** Section 27(2) mandates that in case of a female child/adolescent victim, the medical examination should be done by a female doctor. However, the law mandates the available medical officer to provide emergency medical care. On the other hand, the Criminal Law (Amendment) Act (2013) under Section 166A of Indian Penal Code mandates the Government medical officer on duty to examine the rape victim without fail. This conflicting legal position arises

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<sup>24</sup> National Commission for the Protection of Child Rights (Nov 8, 2021); <http://www.ncpcr.gov.in>

when female doctor is not available.

**(c) Treatment cost:** The law has casted legal obligation on the medical fraternity for establishment to provide free medical care to the survivors. If there are no proper facilities or costly procedure is required, the State should take responsibility of reimbursing the cost, otherwise hospital may provide substandard medical treatment procedure or may deprive the survivor from comprehensive treatment.

**(d) Child marriage:** Child marriage and consummation of child marriage are considered illegal under the POCSO Act. In India, even though child marriage is prohibited under secular law, it enjoys sanction under certain Personal Law thus complicating matters massively in front of the judiciary.

**(f) Training:** There is an urgent need to train the medical, teachers, judicial, advocates and law enforcing agencies under POCSO. Research information, monitoring and sensitizing the public are the biggest challenges. Priming all the medical undergraduates and primary health care doctors in providing child friendly interview, structured assessment, collecting evidence, prophylaxis for sexually transmitted diseases and HIV, family counselling and regular follow up is also needed.

**(g) Lack of mental health resources:** The role of mental health professional in interrogating and being part of child abuse trail is very much essential and for achieving that mark: family therapy, individual child counselling in longer run, forensic interviewing and psychological overview of the mental trauma a child suffers are needed to be done which unfortunately are left behind due to lack of resources and timely care and protection.

**(h) Reporting:** Making crime aware at the earliest to concerned authorities is highly difficult and highly personal decision for many family members and survivors. Emotional turmoil, family honour, embarrassment and anger are few such instances which acts like an obstacle and restricts them to report it within time. The fear of re-victimization because of medical examination and poorly informed society members keeps them silent and they undergo torture for long duration. A golden rule to all the medical professionals working with children is to report about the offences. So, professionals need to keep a watch on sexual abuse, explore and assess child thoroughly to do justice for which POCSO was created.

With such prevalent challenges, still in the box to be corrected under POCSO Act, any reasonable degree of suspicion needs to be tackled immediately to stop reaching at such a height which brings displeasure and vexation for victim as well as the society as crime is *in rem* i.e. against the society.<sup>25</sup>

## V. SUGGESTIONS

There is no doubt that the POCSO Act, being the landmark and supreme legislation of India, stands out as a comprehensive measure to safeguard the rights and best interests of the children, with a well-set holistic framework but still there is an urgent need for a reconsideration of absolutist approach of POCSO in regard to sexual interactions. Courts need to be able to strike a balance between the limited but developing capacity of adolescents to consent to sexual interaction and their vulnerability to being groomed, abused and exploited. In 2017 Report, “*Everyone Blames Me*”, initiated by the ‘Human Rights Watch Organisation’, it was found that survivors particularly among marginalised communities still find it difficult to register police complaints and in recent times, such transformative urgency had also increased in the backdrop of a massive criticism under the leading case of *Satish Ragde v State of Maharashtra (2020)*<sup>26</sup> where the accused was being acquitted by the Nagpur bench of Bombay HC who held that “groping without skin-to-skin contact, unzipping pants and holding minors hand doesn’t comprise of sexual assault under POCSO”. The government must vitalise and invest immensely for an effective implementation of ICPS including a trained cadre of professional expertise for child protection. Community at large also need to be made aware of such violent happenings. It is important to integrate curriculum on ‘personal safety education’ starting from Class I, or even Anganwadis, in an age-appropriate manner. Discussions need to be held within resident associations and panchayats, and simple steps can help safeguard children. Children constitute 40% of our population, yet only 4.52% percent of the total union budget is allocated for them showing how insouciant the government is towards child development and growth. Training and sensitization of all the stakeholders and judicial officers along with CCTV maximisation, School security Committee (SCC) are some important variables in providing comprehensive care and justice and fulfilling the essentials of UNCRC. Also, providing ‘Sex

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<sup>25</sup> Ministry of Women and Child Development, GOI, “Report of the Working Group on Child Rights for the 12th Five Year Plan” (Dec 16, 2021) [https://niti.gov.in/planningcommission.gov.in/docs/aboutus/committee/wrkgrp12/wg\\_child\\_rights.pdf](https://niti.gov.in/planningcommission.gov.in/docs/aboutus/committee/wrkgrp12/wg_child_rights.pdf)

<sup>26</sup> 2020 SCC OnLine Bom 5056

Education' to children would make them aware of various protective laws which can create a safe survival for both the genders.

## VI. CONCLUSION

Offences against child is usually committed behind closed doors but it should never be swept under the carpet. **POCSO Act 2012** has undoubtedly made a significant contribution to tackling the problem of Child Sexual Abuse (CSA) in India. It has identified and criminalized a range of unacceptable sexual behaviours that pose a threat to children. The law has is very comprehensive and dynamic as it is a reprehensible criminal act. With the coming of POCSO (Amendment) Bill 2019, the Legislature has given a befitting reply towards child abuse and have tried to overcome the traditional inimical attitudes of silence and shame with appropriate educative measures for a safe and peaceful environment for the coming generation.

