


# Chapter 14


## The Role of POSC Act in Protecting Children in India

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### ABSTRACT

*The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a landmark piece of legislation designed to safeguard children from sexual abuse and exploitation in India. It establishes child-friendly procedures for reporting, recording evidence, and conducting trials to protect the victims from trauma during legal proceedings. This chapter examines the significance of the POCSO Act by analysing its key provisions, including the classification of offenses, stringent punishments, and the mandate for time-bound investigations and trials. It also explores policy recommendations to enhance enforcement and improve victim support systems. Furthermore, it advocates for stricter legal measures, including the introduction of the death penalty for the most heinous offenses, to serve as a strong deterrent against such crimes. By addressing both the strengths and challenges of the Act, this chapter underscores the need for continuous legal reforms and public awareness to ensure a safer environment for children in India.*

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## INTRODUCTION

Child sexual abuse is a critical social and legal issue in India, with an alarming number of cases reported annually (National Crime Records Bureau, 2021). The need to protect children from such heinous crimes has led to the establishment of the Protection of Children from Sexual Offences (POCSO) Act, 2012 (Government of India, 2012). This landmark legislation was enacted to fill the gaps in the existing legal framework and provide a structured approach to addressing sexual offenses against children. The Act establishes specific definitions for various forms of sexual abuse and prescribes stringent penalties for offenders (Sinha, 2019). Furthermore, it ensures a child-friendly legal process that minimizes trauma for victims and maximizes the chances of securing justice (Chakraborty, 2020). The problem of child sexual abuse in India has been historically underreported due to deep-seated social stigma, fear of retaliation, and lack of awareness (NCPCR, 2018). Before the introduction of the POCSO Act, sexual crimes against children were dealt with under the Indian Penal Code (IPC), which lacked specific provisions to address child-specific offenses (Bajpai, 2018). This limitation made it difficult to ensure justice for young victims. The enactment of the POCSO Act was a significant milestone in strengthening child protection laws, as it defined sexual offenses in explicit terms and incorporated measures to safeguard children during legal proceedings (United Nations, 2020).

A crucial aspect of the POCSO Act is its emphasis on mandatory reporting (Government of India, 2012). The Act makes it legally binding for any individual who is aware of an incident of child sexual abuse to report it to the relevant authorities. Failure to report such crimes may result in legal consequences. This provision is essential in breaking the culture of silence surrounding child abuse and encouraging a proactive approach toward child protection. However, despite these strong legal provisions, challenges remain in implementing the Act effectively (Sinha, 2019). Law enforcement agencies often lack the necessary training to handle such cases sensitively, leading to delayed investigations and justice delivery (Chakraborty, 2020). This chapter delves into the objectives, features, and challenges associated with the POCSO Act. It evaluates the impact of the legislation on child protection while proposing reforms to strengthen its enforcement (Bajpai, 2018). A comprehensive analysis of statistical trends, comparative studies with international laws, and recommendations for improved implementation will provide deeper insights into the effectiveness of the POCSO Act (United Nations, 2020). Furthermore, this chapter explores the possibility of introducing harsher penalties, including capital punishment, for the most egregious crimes against children to serve as a deterrent and ensure justice (National Crime Records Bureau, 2021).

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