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## Increasing Offences against Children: A Critical Analysis with Special Reference to the POCSO Act, 2019

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### **Abstract:**

*Crimes against children in India have seen a disturbing upward trend, demanding urgent legal and societal attention. The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to safeguard children from sexual abuse and exploitation. The POCSO Act aims to safeguard the rights of children by offering a strong legal framework against sexual exploitation and abuse, while ensuring justice is delivered in a sensitive and timely manner. This research article critically examines the rise in offences against children, explores the effectiveness of the POCSO Act, and highlights key challenges in implementation, with the aim of recommending reforms and strengthening child protection mechanisms.*

**Keywords:** *Nature and Magnitude of Offences against Children, Factors contributing to the rise of offences against children, The POCSO Act, 2012: An Overview, Implementation Challenges, Landmark Judgments.*

### **1. Introduction:**

Children are among the most vulnerable members of society, requiring special care and protection. Despite this, India has witnessed a significant surge in crimes against children, particularly sexual offences. According to the National Crime Records Bureau (NCRB), crimes against children increased from 32,608 in 2011 to over 1,60,000 in recent years, with a large proportion falling under the POCSO Act. The issue not only reflects legal inadequacies but also societal failures in ensuring a safe environment for children.

### **2. Nature and Magnitude of Offences against Children:**

Offences against children encompass a wide range, including sexual abuse, trafficking, child pornography, child marriage, corporal punishment, and emotional abuse. Among these, sexual offences represent the gravest concern. NCRB data (2022) shows that more than 95% of child sexual

abuse cases are committed by someone known to the victim, reflecting the complex nature of these crimes.

### **Factors contributing to the rise of offences against children:**

#### **a. Breakdown of family structures:**

Conflict, violence, or neglect at home can create emotional voids and vulnerability in children. Lack of awareness among children and parents. Children in such settings may lack emotional support or supervision, making them easier targets for offenders. Alcohol or drug addiction in the family can lead to neglect, poor judgment, and even direct abuse. Overcrowded living spaces also reduce privacy, increasing risk of sexual exposure or abuse. Hence the family background plays a very important role for increasing crime against children.

#### **b. Inadequate sex education:**

Without proper sex education, children often do not understand what constitutes inappropriate behavior. They may not know the correct terms for their body parts or understand the concept of bodily autonomy, making it harder for them to report abuse or even recognize it. In the absence of open discussion, sex becomes a taboo topic, which helps abusers operate in secrecy. Victims might feel too ashamed, scared, or guilty to speak up because they've never been taught that what's happening is wrong. In some cases, especially among adolescents, a lack of sex education may lead to confusion between consent and coercion, or misguided beliefs about sexuality and power.

#### **c. Delay in justice delivery:**

Delay in justice delivery in child abuse cases is a serious issue with far-reaching consequences. These delays undermine the legal system's ability to protect vulnerable victims and can cause long-term harm to children.

#### **d. Digital exploitation through social media and online grooming:**

Predators can easily contact children through social media, gaming platforms, chat apps, etc. Many platforms lack robust age verification, allowing underage users and adults to mix freely. Groomers build trust with a child over time, pretending to be a friend or romantic interest. Gradually, they manipulate the child into sharing personal information, photos, or even meeting offline. This process is often slow and calculated, making it hard for the child to recognize the danger. Hence misuse of technology and social media is also a reason for increasing crime against children.

### **3. The POCSO Act, 2012: An Overview:**

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was introduced to provide a comprehensive framework to protect children (below 18 years) from sexual offences. Key features include:

#### **a. This Act included Gender-neutral provisions**

- b. Mandatory reporting of offences is compulsory in this Act
- c. Special child-friendly procedures for recording evidence
- d. Provision for Special Courts for speedy trial
- e. Protection of the identity of the victim

#### **The Act criminalizes various forms of sexual abuse:**

##### **a. Penetrative Sexual Assault:**

As per Section 4, punishment for penetrative sexual assault is imprisonment for a period not less than 10 years but may extend to life and fine; and in cases of penetrative sexual assault on a child below the age of 16 years, punishment is imprisonment for a period not less than 20 and may extend up to imprisonment for life.

##### **b. Sexual Assault:**

Section 6 of the POCSO Act. As per section 6, punishment for aggravated penetrative sexual assault is rigorous imprisonment for a period not less than 20 years which may extend to life, which means the remainder of that person's natural life and fine or death. 2019 amendment to section 6 has made the punishment for this offence more stringent.

##### **c. Sexual Harassment:**

As per section 12 of the POCSO Act, punishment for sexual harassment of a child is imprisonment for a period which may extend up to 3 years and fine.

##### **d. Use of children for pornographic purposes :**

Section 14 is imprisonment for a period not less than 5 years and fine and in case of second or subsequent conviction, period of imprisonment shall not be less than 7 years and fine. The 2019 Amendment introduced stricter punishments, including the death penalty for aggravated penetrative sexual assault.

#### **4. Implementation Challenges:**

Despite its comprehensive framework, POCSO faces multiple hurdles in effective implementation:

##### **a. Delay in Investigation and Trial**

Although the Act mandates completion of trials within a year, many cases are delayed for 2–3 years or more, undermining justice.

##### **b. Low Conviction Rates:**

The conviction rate under POCSO hovers around 30–35%, with acquittals often resulting from poor investigation, hostile witnesses, or lack of forensic support.

##### **c. Victim Intimidation and Trauma:**

Despite provisions for child-friendly procedures, many victims face re-victimization during legal proceedings due to insensitive handling by police, lawyers, and even medical personnel.

#### d. Lack of Awareness and Training:

Many stakeholders, including law enforcement and judiciary, lack proper training on child psychology and trauma-sensitive approaches.

### 5. Landmark Judgments and Case Studies:

#### a. AlakhAlok Srivastava v. Union of India (2018)

The Supreme Court emphasized the need for setting up exclusive POCSO courts in every district and filling up vacancies in child welfare institutions.

#### b. State v. Manoj Sharma (Delhi HC, 2022)

The court highlighted the importance of psychological counselling for child survivors and reprimanded delays in conducting medical examinations.

#### c. Satish Ragde v. State of Maharashtra (2021) – The “Skin-to-Skin” Verdict

Initially, the Bombay High Court acquitted an accused under POCSO, stating there was no skin-to-skin contact. The Supreme Court later overruled this, asserting that such interpretations defeat the spirit of the Act.

In a recent judgement of the **Delhi High Court in Shantanu vs. The State (2023)**, it was observed that the mere and simple act of touching, cannot amount to 'manipulating' for the purposes of Section 3(c) of the POCSO Act. The act of 'touch' is made a separate offence under Section 7. According to the Delhi High Court, if a mere act of touch would amount to 'manipulation', thereby attracting Section 3 of the POCSO Act, then the whole purpose of incorporating a separate provision under Section 7 would be rendered redundant.

### 6. Recommendations and Way Forward:

To strengthen child protection and the POCSO regime, the following reforms are essential:

- a. **Speedy Trials:** Establishment of more Special POCSO Courts with trained judges.
- b. **Capacity Building:** Mandatory training for police, prosecutors, doctors, and judiciary in handling child sexual abuse cases.
- c. **Awareness Campaigns:** Nationwide sensitization programs in schools and communities on “good touch–bad touch” and child rights.
- d. **Victim Support:** Strengthening of victim support services like counseling, rehabilitation, and compensation schemes.
- e. **Digital Safety Laws:** Amendments to address rising cases of online child sexual exploitation.

### 7. Conclusion:

The rising tide of offences against children, particularly sexual abuse, is a stark reminder of the gaps in our protective mechanisms. While the POCSO Act is a robust legal tool, its potential remains underutilized due to challenges in enforcement, social stigma, and institutional delays. Combating crimes against children requires not only strong laws but also a compassionate, child-

centric justice system and an empowered society. Only then can we ensure a safe, dignified, and abuse-free childhood for every child in India.

#### References:

1. National Crime Records Bureau (NCRB). (2022). Crime in India
2. Section 4 of POCSO Act, 2019.
3. Section 6 of POCSO Act, 2019.
4. Section 7 of POCSO Act, 2019.
5. Section 14 of POCSO Act, 2019.
6. The POCSO (Amendment) Act, 2019.
7. AlakhAlok Srivastava v. Union of India, (2018) 1 SCC 14
8. Satish Ragde v. State of Maharashtra, Criminal Appeal No. 680 of 2021 (SC).
9. 2023:DHC:8045.

