

POCSO ACT 2012

Background and Objective

- Aimed at protecting children (under 18 years) from **sexual assault, harassment, and pornography**.
- Enacted after India ratified the **UN Convention on the Rights of the Child (1992)**.
- Filled a legal gap, as there was **no specific law earlier** addressing child sexual abuse.

Key Features of the POCSO Act

- **Child Defined:** Any person below 18 years of age.
- **Gender-Neutral:** Applies to both boys and girls.
- **Covers Multiple Offences:** Includes penetrative and non-penetrative assault, sexual harassment, and child pornography.
- **Child-Friendly Legal Process:**
 1. Trials held in-camera (not open to public).
 2. Video recordings allowed.
 3. Supportive and non-threatening environment during inquiry.
- **Time-Bound Trial:**
 1. Investigation to be completed in 2 months.
 2. Trial to be completed in 6 months after charge sheet is filed.
- **Special Courts:** Every district must have a **dedicated POCSO court** for faster justice.
- **Presumption of Guilt:** In some cases, the accused must prove their innocence.

Important Provisions

- **Mandatory Reporting (Sections 19–22):**
 - Anyone aware or suspicious of abuse must report it to police.
 - Not reporting is a punishable offence.
- **Victim's Identity Confidential (Section 23):**
 - Media and others cannot reveal the child's name, photo, address, or school.

Challenges in Implementation

- **Lack of Support Persons:** In 96% of cases, no trained individual was available to support the child.

- **Not Enough Special Courts:** Only 408 POCSO courts were set up across 28 states by 2022 — far below the required number.
- **Shortage of Trained Prosecutors:** Many cases face delays due to lack of dedicated legal professionals.
- **Low Awareness and Training:** Police, doctors, and judges often lack proper training to handle child abuse cases sensitively.

Source: <https://www.thehindu.com/news/national/how-has-sc-deviated-from-the-pocso-act-in-a-recent-judgment-explained/article69630643.ece>